



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2434

Introduced 2/10/2023, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-108.3

40 ILCS 5/9-161

from Ch. 108 1/2, par. 9-161

Amends the Cook County Article of the Illinois Pension Code. Excludes certain temporary election work from the definition of "in service". Provides that if an employee annuitant re-enters service as an election worker and provides services for a scheduled federal, State, or local election for a period of 60 days or less during a calendar year, that employee annuitant's annuity shall not be suspended and such employee annuitant shall not be considered to be in service and is not entitled to benefits for employees in service. Provides that if an employee annuitant re-enters service for a period longer than 60 days during a calendar year, the annuity shall be suspended or cancelled retroactive to the initial date of re-entry.

LRB103 06033 RPS 51063 b

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by  
5 changing Sections 9-108.3 and 9-161 as follows:

6 (40 ILCS 5/9-108.3)

7 Sec. 9-108.3. In service. "In service": Any period during  
8 which contributions are being made to the Fund on behalf of an  
9 employee except for temporary election work as described in  
10 subsection (c) of Section 9-161.

11 (Source: P.A. 99-578, eff. 7-15-16.)

12 (40 ILCS 5/9-161) (from Ch. 108 1/2, par. 9-161)

13 Sec. 9-161. Re-entry into service. (a) When an employee  
14 who has withdrawn from service after the effective date  
15 re-enters service before age 65, any annuity previously  
16 granted and any annuity fixed for his wife shall be cancelled.  
17 The employee shall be credited for annuity purposes with the  
18 actuarial value of annuities equal to those cancelled as of  
19 their ages on the date of re-entry; provided, the maximum age  
20 of the wife for this purpose shall be as provided in Section  
21 9-151 of this Article. The sums so credited shall provide for  
22 annuities to be fixed and granted in the future. Contributions

1 by the employee and the county for the purposes of this Article  
2 shall be made and when the proper time arrives, as provided in  
3 this Article, new annuities based upon the total sums  
4 accumulated to his credit for annuity purposes and the entire  
5 term of his service shall be fixed for the employee and his  
6 wife.

7 If the employee's wife has died before he re-entered  
8 service, no part of any credits for widow's or widow's prior  
9 service annuity at the time annuity for his wife was fixed  
10 shall be credited upon re-entry into service, and no such sums  
11 shall thereafter be used to provide such annuity.

12 (b) When an employee re-enters service after age 65,  
13 payments on account of any annuity previously granted shall be  
14 suspended during the time thereafter that he is in service,  
15 and when he again withdraws annuity payments shall be resumed.  
16 If the employee dies in service, his widow shall receive the  
17 annuity previously fixed for her.

18 (c) If an employee annuitant re-enters service as an  
19 election worker and provides services for a scheduled federal,  
20 State, or local election for a period of 60 days or less during  
21 a calendar year, that employee annuitant's annuity shall not  
22 be suspended and such employee annuitant shall not be  
23 considered to be in service within the meaning of Section  
24 9-108.3 and is not entitled to benefits for employees in  
25 service. If an employee annuitant re-enters service for a  
26 period longer than 60 days during a calendar year, the annuity

1 shall be suspended or cancelled retroactive to the initial  
2 date of re-entry.

3 (Source: P.A. 81-1536.)