

1 AMENDMENT TO HOUSE BILL 3136

2 AMENDMENT NO. _____. Amend House Bill 3136 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 9-121.6, 9-121.15, 9-134, 9-134.3, 9-163,
6 9-179.3, 9-185, 9-186, 9-187, 9-219, and 14-105.7 and adding
7 Sections 9-121.14, 9-121.16, and 9-134.4 as follows:

8 (40 ILCS 5/9-121.6) (from Ch. 108 1/2, par. 9-121.6)
9 Sec. 9-121.6. Alternative annuity for county officers.

10 (a) Any county officer elected by vote of the people may
11 elect to establish alternative credits for an alternative
12 annuity by electing in writing to make additional optional
13 contributions in accordance with this Section and procedures
14 established by the board. Such elected county officer may
15 discontinue making the additional optional contributions by
16 notifying the Fund in writing in accordance with this Section
17 and procedures established by the board.

18 Additional optional contributions for the alternative
19 annuity shall be as follows:

20 (1) For service after the option is elected, an
21 additional contribution of 3% of salary shall be contributed
22 to the Fund on the same basis and under the same conditions

1 as contributions required under Sections 9-170 and 9-176.

2 (2) For service before the option is elected, an
3 additional contribution of 3% of the salary for the
4 applicable period of service, plus interest at the effective
5 rate from the date of service to the date of payment. All
6 payments for past service must be paid in full before credit
7 is given. No additional optional contributions may be made
8 for any period of service for which credit has been
9 previously forfeited by acceptance of a refund, unless the
10 refund is repaid in full with interest at the effective rate
11 from the date of refund to the date of repayment.

12 (b) In lieu of the retirement annuity otherwise payable
13 under this Article, any county officer elected by vote of the
14 people who (1) has elected to participate in the Fund and
15 make additional optional contributions in accordance with
16 this Section, and withdraws from service either (1) before
17 November 30, 2000 having (2)-has attained age 60 with at
18 least 10 years of service credit, or has-attained age 65 with
19 at least 8 years of service credit or (2) on or after
20 November 30, 2000 having attained age 55 with at least 10
21 years of service credit or age 60 with at least 8 years of
22 service credit, may elect to have his retirement annuity
23 computed as follows: 3% of the participant's salary at the
24 time of termination of service for each of the first 8 years
25 of service credit, plus 4% of such salary for each of the
26 next 4 years of service credit, plus 5% of such salary for
27 each year of service credit in excess of 12 years, subject to
28 a maximum of 80% of such salary. To the extent such elected
29 county officer has made additional optional contributions
30 with respect to only a portion of his years of service
31 credit, his retirement annuity will first be determined in
32 accordance with this Section to the extent such additional
33 optional contributions were made, and then in accordance with
34 the remaining Sections of this Article to the extent of years

1 of service credit with respect to which additional optional
2 contributions were not made.

3 (c) In lieu of the disability benefits otherwise payable
4 under this Article, any county officer elected by vote of the
5 people who (1) has elected to participate in the Fund, and
6 (2) has become permanently disabled and as a consequence is
7 unable to perform the duties of his office, and (3) was
8 making optional contributions in accordance with this Section
9 at the time the disability was incurred, may elect to receive
10 a disability annuity calculated in accordance with the
11 formula in subsection (b). For the purposes of this
12 subsection, such elected county officer shall be considered
13 permanently disabled only if: (i) disability occurs while in
14 service as an elected county officer and is of such a nature
15 as to prevent him from reasonably performing the duties of
16 his office at the time; and (ii) the board has received a
17 written certification by at least 2 licensed physicians
18 appointed by it stating that such officer is disabled and
19 that the disability is likely to be permanent.

20 (d) Refunds of additional optional contributions shall
21 be made on the same basis and under the same conditions as
22 provided under Section 9-164, 9-166 and 9-167. Interest shall
23 be credited at the effective rate on the same basis and under
24 the same conditions as for other contributions. Optional
25 contributions shall be accounted for in a separate Elected
26 County Officer Optional Contribution Reserve. Optional
27 contributions under this Section shall be included in the
28 amount of employee contributions used to compute the tax levy
29 under Section 9-169.

30 (e) The effective date of this plan of optional
31 alternative benefits and contributions shall be January 1,
32 1988, or the date upon which approval is received from the
33 U.S. Internal Revenue Service, whichever is later. The plan
34 of optional alternative benefits and contributions shall not

1 be available to any former county officer or employee
2 receiving an annuity from the Fund on the effective date of
3 the plan, unless he re-enters service as an elected county
4 officer and renders at least 3 years of additional service
5 after the date of re-entry.

6 (Source: P.A. 85-964.)

7 (40 ILCS 5/9-121.14 new)

8 Sec. 9-121.14. Benefit processors. An employee with at
9 least 5 years of creditable service under this Article may
10 purchase service credit for annuity purposes for up to 5
11 years of time spent working as a benefits processor for a
12 firm under contract with the Fund, by paying to the Fund
13 before July 1, 2002 an amount equal to 8.5% of the salary
14 received for that work or, if that salary is not
15 determinable, 8.5% of the employee's annual salary rate on
16 the first day of service in the Fund for each year of service
17 credit established under this Section. The employee may not
18 make optional contributions under Section 9-121.6 or 9-179.3
19 for periods of credit established under this Section.

20 (40 ILCS 5/9-121.15)

21 Sec. 9-121.15. Transfer of credit from Article 14 system.
22 A current or former An employee shall be entitled to service
23 credit in the Fund for any creditable service transferred to
24 this Fund from the State Employees' Retirement System under
25 Section 14-105.7 of this Code. Credit under this Fund shall
26 be granted upon receipt by the Fund of the amounts required
27 to be transferred under Section 14-105.7; no additional
28 contribution is necessary.

29 (Source: P.A. 90-511, eff. 8-22-97.)

30 (40 ILCS 5/9-121.16 new)

31 Sec. 9-121.16. Contractual service to the Retirement

1 Board. A person who has rendered continuous contractual
 2 services (other than legal services) to the Retirement Board
 3 for a period of at least 5 years may establish creditable
 4 service in the Fund for up to 10 years of those services by
 5 making written application to the Board before July 1, 2002
 6 and paying to the Fund an amount to be determined by the
 7 Board, equal to the employee contributions that would have
 8 been required if those services had been performed as an
 9 employee.

10 For the purposes of calculating the required payment, the
 11 Board may determine the applicable salary equivalent based on
 12 the compensation received by the person for performing those
 13 contractual services. The salary equivalent calculated under
 14 this Section shall not be used for determining final average
 15 salary under Section 9-134 or any other provisions of this
 16 Code.

17 A person may not make optional contributions under
 18 Section 9-121.6 or 9-179.3 for periods of credit established
 19 under this Section.

20 (40 ILCS 5/9-134) (from Ch. 108 1/2, par. 9-134)
 21 Sec. 9-134. Minimum annuity - Additional provisions.
 22 (a) An employee who withdraws after July 1, 1957 at age
 23 60 or more with 20 or more years of service, for whom the
 24 amount of age and service and prior service annuity combined
 25 is less than the amount stated in this Section from the date
 26 of withdrawal, instead of all annuities otherwise provided in
 27 this Article, is entitled to receive an annuity for life of
 28 an amount equal to 1 2/3% for each year of service, of his
 29 highest average annual salary for any 5 consecutive years
 30 within the last 10 years of service immediately preceding the
 31 date of withdrawal; provided that in the case of any employee
 32 who withdraws on or after July 1, 1971, such employee age 60
 33 or over with 20 or more years of service, or who withdraws on

1 or after January 1, 1982 and on or after attainment of age 65
2 with 10 or more years of service, shall instead receive an
3 annuity for life equal to 1.67% for each of the first 10
4 years of service; 1.90% for each of the next 10 years of
5 service; 2.10% for each year of service in excess of 20 but
6 not exceeding 30; and 2.30% for each year of service in
7 excess of 30, based on the highest average annual salary for
8 any 4 consecutive years within the last 10 years of service
9 immediately preceding the date of withdrawal.

10 An employee who withdraws after July 1, 1957, but prior
11 to January 1, 1988, with 20 or more years of service, before
12 age 60 is entitled to annuity, to begin not earlier than age
13 55, if under such age at withdrawal, as computed in the last
14 preceding paragraph, reduced 1/2 of 1% for each full month or
15 fractional part thereof that his attained age when annuity is
16 to begin is less than 60 to the end that the total reduction
17 at age 55 shall be 30%, except that an employee retiring at
18 age 55 or over but less than age 60, having at least 35 years
19 of service, shall not be subject to the reduction in his
20 retirement annuity because of retirement below age 60.

21 An employee who withdraws on or after January 1, 1988,
22 with 20 or more years of service and before age 60, is
23 entitled to annuity as computed above, to begin not earlier
24 than age 50 if under such age at withdrawal, reduced 1/2 of
25 1% for each full month or fractional part thereof that his
26 attained age when annuity is to begin is less than 60, to the
27 end that the total reduction at age 50 shall be 60%, except
28 that an employee retiring at age 50 or over but less than age
29 60, having at least 30 years of service, shall not be subject
30 to the reduction in retirement annuity because of retirement
31 below age 60.

32 An employee who withdraws on or after January 1, 1992 but
33 before January 1, 1993, at age 60 or over with 5 or more
34 years of service, may elect, in lieu of any other employee

1 annuity provided in this Section, to receive an annuity for
2 life equal to 2.20% for each of the first 20 years of
3 service, and 2.40% for each year of service in excess of 20,
4 based on the highest average annual salary for any 4
5 consecutive years within the last 10 years of service
6 immediately preceding the date of withdrawal. An employee
7 who withdraws on or after January 1, 1992, but before January
8 1, 1993, on or after attainment of age 55 but before
9 attainment of age 60 with 5 or more years of service, is
10 entitled to elect such annuity, but the annuity shall be
11 reduced 0.25% for each full month or fractional part thereof
12 that his attained age when the annuity is to begin is less
13 than age 60, to the end that the total reduction at age 55
14 shall be 15%, except that an employee retiring at age 55 or
15 over but less than age 60, having at least 30 years of
16 service, shall not be subject to the reduction in retirement
17 annuity because of retirement below age 60. This annuity
18 benefit formula shall only apply to those employees who are
19 age 55 or over prior to January 1, 1993, and who elect to
20 withdraw at age 55 or over on or after January 1, 1992 but
21 before January 1, 1993.

22 An employee who withdraws on or after July 1, 1996 but
23 before August 1, 1996, at age 55 or over with 8 or more years
24 of service, may elect, in lieu of any other employee annuity
25 provided in this Section, to receive an annuity for life
26 equal to 2.20% for each of the first 20 years of service, and
27 2.40% for each year of service in excess of 20, based on the
28 highest average annual salary for any 4 consecutive years
29 within the last 10 years of service immediately preceding the
30 date of withdrawal, but the annuity shall be reduced by 0.25%
31 for each full month or fractional part thereof that the
32 annuitant's attained age when the annuity is to begin is less
33 than age 60, unless the annuitant has at least 30 years of
34 service.

1 The maximum annuity under this paragraph (a) shall not
2 exceed 70% of highest average annual salary for any 5
3 consecutive years within the last 10 years of service in the
4 case of an employee who withdraws prior to July 1, 1971, and
5 75% of the highest average annual salary for any 4
6 consecutive years within the last 10 years of service
7 immediately preceding the date of withdrawal if withdrawal
8 takes place on or after July 1, 1971 and prior to January 1,
9 1988, and 80% of the highest average annual salary for any 4
10 consecutive years within the last 10 years of service
11 immediately preceding the date of withdrawal if withdrawal
12 takes place on or after January 1, 1988. Fifteen hundred
13 dollars shall be considered the minimum amount of annual
14 salary for any year, and the maximum shall be his salary as
15 defined in this Article, except that for the years before
16 1957 and subsequent to 1952 the maximum annual salary to be
17 considered shall be \$6,000, and for any year before the year
18 1953, \$4,800.

19 (b) Any employee who withdraws on or after July 1, 1985
20 but prior to January 1, 1988, at age 60 or over with 10 or
21 more years of service, may elect in lieu of the benefit in
22 paragraph (a) to receive an annuity for life equal to 2.00%
23 for each year of service, based on the highest average annual
24 salary for any 4 consecutive years within the last 10 years
25 of service immediately preceding the date of withdrawal. An
26 employee who withdraws on or after July 1, 1985, but prior to
27 January 1, 1988, with 10 or more years of service, but before
28 age 60, is entitled to elect such annuity, to begin not
29 earlier than age 55, but the annuity shall be reduced 0.5%
30 for each full month or fractional part thereof that his
31 attained age when the annuity is to begin is less than 60, to
32 the end that the total reduction at age 55 shall be 30%;
33 except that an employee retiring at age 55 or over but less
34 than age 60, having at least 30 years of service, shall not

1 be subject to the reduction in retirement annuity because of
2 retirement below age 60.

3 An employee who withdraws on or after January 1, 1988, at
4 age 60 or over with 10 or more years of service, may elect,
5 in lieu of the benefit in paragraph (a), to receive an
6 annuity for life equal to 2.20% for each of the first 20
7 years of service, and 2.4% for each year of service in excess
8 of 20, based on the highest average annual salary for any 4
9 consecutive years within the last 10 years of service
10 immediately preceding the date of withdrawal. An employee who
11 withdraws on or after January 1, 1988, with 10 or more years
12 of service, but before age 60, is entitled to elect such
13 annuity, to begin not earlier than age 50, but the annuity
14 shall be reduced 0.5% for each full month or fractional part
15 thereof that his attained age when the annuity is to begin is
16 less than 60, to the end that the total reduction at age 50
17 shall be 60%, except that an employee retiring at age 50 or
18 over but less than age 60, having at least 30 years of
19 service, shall not be subject to the reduction in retirement
20 annuity because of retirement below age 60.

21 An employee who withdraws on or after December 31, 2000
22 with 10 or more years of service may elect, in lieu of any
23 other retirement annuity provided under this Article, to
24 receive an annuity for life, beginning no earlier than upon
25 attainment of age 50, equal to 2.40% of his or her highest
26 average annual salary for any 4 consecutive years within the
27 last 10 years of service immediately preceding withdrawal,
28 for each year of service. If the employee has less than 30
29 years of service, the annuity shall be reduced by 0.5% for
30 each full month or remaining fraction thereof that the
31 employee's attained age when the annuity is to begin is less
32 than 60.

33 The maximum annuity under this paragraph (b) shall not
34 exceed 75% of the highest average annual salary for any 4

1 consecutive years within the last 10 years of service
2 immediately preceding the date of withdrawal if withdrawal
3 occurs prior to January 1, 1988, or 80% of the highest
4 average annual salary for any 4 consecutive years within the
5 last 10 years of service immediately preceding the date of
6 withdrawal if withdrawal takes place on or after January 1,
7 1988.

8 The provisions of this paragraph (b) do not apply to any
9 former County employee receiving an annuity from the fund,
10 who re-enters service as a County employee, unless he renders
11 at least 3 years of additional service after the date of
12 re-entry.

13 (c) For an employee receiving disability benefit, the
14 salary for annuity purposes under paragraph (a) or (b) of
15 this Section shall, for all periods of disability benefit
16 subsequent to the year 1956, be the amount on which his
17 disability benefit was based.

18 (d) A county employee with 20 or more years of service,
19 whose entire disability benefit credit period expires before
20 attainment of age 50 (age 55 if expiration occurs before
21 January 1, 1988), while still disabled for service is
22 entitled upon withdrawal to the larger of:

23 (1) The minimum annuity provided above, assuming
24 that he is then age 50 (age 55 if expiration occurs
25 before January 1, 1988), and reducing such annuity to its
26 actuarial equivalent at his attained age on such date, or

27 (2) the annuity provided from his age and service
28 and prior service annuity credits.

29 (e) The minimum annuity provisions above do not apply to
30 any former county employee receiving an annuity from the
31 fund, who re-enters service as a county employee, unless he
32 renders at least 3 years of additional service after the date
33 of re-entry.

34 (f) Any employee in service on July 1, 1947, or who

1 enters service thereafter before attaining age 65 and
2 withdraws after age 65 with less than 10 years of service for
3 whom the annuity has been fixed under the foregoing Sections
4 of this Article, shall, instead of the annuity so fixed,
5 receive an annuity as follows:

6 Such amount as he could have received had the accumulated
7 amounts for annuity been improved with interest at the
8 effective rate to the date of withdrawal, or to attainment of
9 age 70, whichever is earlier, and had the county contributed
10 to such earlier date for age and service annuity the amount
11 that it would have contributed had he been under age 65,
12 after the date his annuity was fixed in accordance with this
13 Article, and assuming his annuity were computed from such
14 accumulations as of his age on such earlier date. However
15 those employees who before July 1, 1953, made additional
16 contributions in accordance with this Article, the annuity so
17 computed under this paragraph shall not exceed the annuity
18 which would be payable under the other provisions of this
19 Section if the employee concerned was credited with 20 years
20 of service and would qualify for annuity thereunder.

21 (g) Instead of the annuity provided in this or any other
22 Section of this Article, an employee having attained age 65
23 with at least 15 years of service may elect to receive a
24 minimum annual annuity for life equal to 1% of the highest
25 average annual salary for any 4 consecutive years within the
26 last 10 years of service immediately preceding retirement for
27 each year of service, plus the sum of \$25 for each year of
28 service provided that no such minimum annual annuity may be
29 greater than 60% of such highest average annual salary.

30 (h) The annuity is payable in equal monthly
31 installments.

32 (i) If, by operation of law, a function of a
33 governmental unit, as defined by Section 20-107 of this Code,
34 is transferred in whole or in part to the county in which

1 this Article 9 is created as set forth in Section 9-101, and
 2 employees of the governmental unit are transferred as a class
 3 to such county, the earnings credits in the retirement system
 4 covering the governmental unit which have been validated
 5 under Section 20-109 of this Code shall be considered in
 6 determining the highest average annual salary for purposes of
 7 this Section 9-134.

8 (j) The annuity being paid to an employee annuitant on
 9 July 1, 1988, shall be increased on that date by 1% for each
 10 full year that has elapsed from the date the annuity began.

11 (k) Notwithstanding anything to the contrary in this
 12 Article 9, Section 20-131 shall not apply to an employee who
 13 withdraws on or after January 1, 1988, but prior to attaining
 14 age 55. Therefore, no employee shall be entitled to elect to
 15 have the alternative formula previously set forth in Section
 16 20-122 prior to the amendatory Act of 1975 apply to any
 17 annuity, the payment of which commenced after January 1,
 18 1988, but prior to such employee's attainment of age 55.

19 (Source: P.A. 86-272; 87-794.)

20 (40 ILCS 5/9-134.3)

21 Sec. 9-134.3. Early retirement incentives.

22 (a) To be eligible for the benefits provided in this
 23 Section, a person must:

24 (1) be a current contributing member of the Fund
 25 established under this Article who, on May 1, 1997 and
 26 within 30 days prior to the date of retirement, is (i) in
 27 active payroll status in a position of employment under
 28 this Article or (ii) receiving disability benefits under
 29 Section 9-156 or 9-157; or else be eligible under
 30 subsection (g);

31 (2) have not previously retired from the Fund,
 32 except as provided under subsection (g);

33 (3) file with the Board before October 1, 1997 (or

1 the date specified in subsection (g), if applicable), a
2 written application requesting the benefits provided in
3 this Section;

4 (4) elect to retire under this Section on or after
5 September 1, 1997 and on or before February 28, 1998 (or
6 the date established under subsection (d) or (g), if
7 applicable);

8 (5) have attained age 55 on or before the date of
9 retirement and before February 28, 1998; and

10 (6) have at least 10 years of creditable service in
11 the Fund, excluding service in any of the other
12 participating systems under the Retirement Systems
13 Reciprocal Act, by the effective date of the retirement
14 annuity or February 28, 1998, whichever occurs first.

15 (b) An employee who qualifies for the benefits provided
16 under this Section shall be entitled to the following:

17 (1) The employee's retirement annuity, as
18 calculated under the other provisions of this Article,
19 shall be increased at the time of retirement by an amount
20 equal to 1% of the employee's average annual salary for
21 the highest 4 consecutive years within the last 10 years
22 of service, multiplied by the employee's number of years
23 of service credit in this Fund up to a maximum of 10
24 years; except that the total retirement annuity,
25 including any additional benefits elected under Section
26 9-121.6 or 9-179.3, shall not exceed 80% of that highest
27 average annual salary.

28 (2) If the employee's retirement annuity is
29 calculated under Section 9-134, the employee shall not be
30 subject to the reduction in retirement annuity because of
31 retirement below age 60 that is otherwise required under
32 that Section.

33 (c) A person who elects to retire under the provisions
34 of this Section thereby relinquishes his or her right, if

1 any, to have the retirement annuity calculated under the
2 alternative formula formerly set forth in Section 20-122 of
3 the Retirement Systems Reciprocal Act.

4 (d) In the case of an employee whose immediate
5 retirement could jeopardize public safety or create hardship
6 for the employer, the deadline for retirement provided in
7 subdivision (a)(4) of this Section may be extended to a
8 specified date, no later than August 31, 1998, by the
9 employee's department head, with the approval of the
10 President of the County Board. In the case of an employee
11 who is not employed by a department of the County, the
12 employee's "department head", for the purposes of this
13 Section, shall be a person designated by the President of the
14 County Board.

15 (e) Notwithstanding Section 9-161, an annuitant who
16 reenters service under this Article after receiving a
17 retirement annuity based on benefits provided under this
18 Section thereby forfeits the right to continue to receive
19 those benefits and shall have his or her retirement annuity
20 recalculated without the benefits provided in this Section.

21 (f) This Section also applies to the Fund established
22 under Article 10 of this Code.

23 (g) A person who (1) was a participating employee on
24 November 30, 1996, (2) was laid off on or after December 1,
25 1996 and before May 1, 1997 due to the elimination of the
26 employee's job or position, (3) meets the requirements of
27 items (3) through (6) of subsection (a), and (4) has not been
28 reinstated as a Cook County employee since being laid off is
29 eligible for the benefits provided under this Section. For
30 such a person, the application required under subdivision
31 (a)(3) of this Section must be filed within 60 days after the
32 effective date of this amendatory Act of the 92nd General
33 Assembly, and the date of retirement must be within 60 days
34 after the effective date of this amendatory Act.

1 In the case of a person eligible under this subsection
 2 (g) who began to receive a retirement annuity before the
 3 effective date of this amendatory Act, the annuity shall be
 4 recalculated to include the increase under this Section, and
 5 that increase shall take effect on the first annuity payment
 6 date following the date of application.

7 (Source: P.A. 90-32, eff. 6-27-97.)

8 (40 ILCS 5/9-134.4 new)

9 Sec. 9-134.4. Early retirement incentives.

10 (a) To be eligible for the benefits provided in this
 11 Section, a person must:

12 (1) be a current contributing member of the Fund
 13 established under this Article who, on January 1, 2001
 14 and within 30 days prior to the date of retirement, is
 15 (i) in active payroll status in a position of employment
 16 under this Article or (ii) receiving disability benefits
 17 under Section 9-156 or 9-157;

18 (2) have not previously retired from the Fund;

19 (3) file with the Board before June 1, 2002 a
 20 written application requesting the benefits provided in
 21 this Section;

22 (4) elect to retire under this Section on or after
 23 June 1, 2002 and on or before November 30, 2002 (or the
 24 date established under subsection (d), if applicable);

25 (5) have attained age 50 on or before the date of
 26 retirement and before November 30, 2002; and

27 (6) have at least 20 years of creditable service in
 28 the Fund, excluding service in any of the other
 29 participating systems under the Retirement Systems
 30 Reciprocal Act, by the effective date of the retirement
 31 annuity or November 30, 2002, whichever occurs first.

32 (b) An employee who qualifies for the benefits provided
 33 under this Section shall be entitled to the following:

1 (1) The employee's retirement annuity, as
2 calculated under the other provisions of this Article,
3 shall be increased at the time of retirement by an amount
4 equal to 1% of the employee's average annual salary for
5 the highest 4 consecutive years within the last 10 years
6 of service, multiplied by the employee's number of years
7 of service credit in this Fund up to a maximum of 10
8 years; except that the total retirement annuity,
9 including any additional benefits elected under Section
10 9-121.6 or 9-179.3, shall not exceed 80% of that highest
11 average annual salary.

12 (2) If the employee's retirement annuity is
13 calculated under Section 9-134, the employee shall not be
14 subject to the reduction in retirement annuity because of
15 retirement below age 60 that is otherwise required under
16 that Section.

17 (c) A person who elects to retire under the provisions
18 of this Section thereby relinquishes his or her right, if
19 any, to have the retirement annuity calculated under the
20 alternative formula formerly set forth in Section 20-122 of
21 the Retirement Systems Reciprocal Act.

22 (d) In the case of an employee whose immediate
23 retirement could jeopardize public safety or create hardship
24 for the employer, the deadline for retirement provided in
25 subdivision (a)(4) of this Section may be extended to a
26 specified date, no later than May 31, 2003, by the employee's
27 department head, with the approval of the President of the
28 County Board. In the case of an employee who is not employed
29 by a department of the County, the employee's "department
30 head", for the purposes of this Section, shall be a person
31 designated by the President of the County Board.

32 (e) Notwithstanding Section 9-161, an annuitant who
33 reenters service under this Article after receiving a
34 retirement annuity based on benefits provided under this

1 Section thereby forfeits the right to continue to receive
2 those benefits and shall have his or her retirement annuity
3 recalculated without the benefits provided in this Section.

4 (f) This Section also applies to the Fund established
5 under Article 10 of this Code.

6 (40 ILCS 5/9-163) (from Ch. 108 1/2, par. 9-163)

7 Sec. 9-163. Restoration of rights. An employee who has
8 withdrawn as a refund the amounts credited for annuity
9 purposes, and who re-enters service and serves for periods
10 comprising at least 2 years after the date of the last refund
11 paid to him, may have his annuity rights restored by making
12 application to the board in writing for the privilege of
13 reinstating such rights and by compliance with the following
14 provisions:

15 (a) The employee shall repay in full to the fund
16 while in service all refunds received, together with
17 interest at the effective rate from the application date
18 of such refund or refunds to the date of repayment.

19 (b) If payment is not made in a single sum, the
20 repayment may be made in installments by deductions from
21 salary or otherwise in such amounts as the employee may
22 elect to pay, with interest at the effective rate
23 accruing on unpaid balances.

24 (c) If the employee withdraws from service or dies
25 in service before full repayment is made, or during the
26 required return to service, the amounts repaid, including
27 interest repaid but without further interest, shall be
28 refunded in accordance with the refund provisions of this
29 Article.

30 For an employee who applies to the Fund to reinstate
31 credit and repay a refund between January 1, 1993 and March
32 1, 1993, the 2 year minimum period of subsequent service
33 required under item (a) shall be instead a period of 6

1 months.

2 A person who establishes service credit under Section
3 9-121.16 may, at the same time, reinstate credit in this Fund
4 and repay a refund without a return to service,
5 notwithstanding the other provisions of this Section.

6 (Source: P.A. 87-1265.)

7 (40 ILCS 5/9-179.3) (from Ch. 108 1/2, par. 9-179.3)
8 Sec. 9-179.3. Optional plan of additional benefits and
9 contributions.

10 (a) While this plan is in effect, an employee may
11 establish additional optional credit for additional optional
12 benefits by electing in writing at any time to make
13 additional optional contributions. The employee may
14 discontinue making the additional optional contributions at
15 any time by notifying the fund in writing.

16 (b) Additional optional contributions for the additional
17 optional benefits shall be as follows:

18 (1) For service after the option is elected, an
19 additional contribution of 3% of salary shall be
20 contributed to the fund on the same basis and under the
21 same conditions as contributions required under Sections
22 9-170 and 9-176.

23 (2) For service before the option is elected, an
24 additional contribution of 3% of the salary for the
25 applicable period of service, plus interest at the
26 effective rate from the date of service to the date of
27 payment. All payments for past service must be paid in
28 full before credit is given. No additional optional
29 contributions may be made for any period of service for
30 which credit has been previously forfeited by acceptance
31 of a refund, unless the refund is repaid in full with
32 interest at the effective rate from the date of refund to
33 the date of repayment.

1 (c) Additional optional benefits shall accrue for all
2 periods of eligible service for which additional
3 contributions are paid in full. The additional benefit shall
4 consist of an additional 1% for each year of service for
5 which optional contributions have been paid, based on the
6 highest average annual salary for any 4 consecutive years
7 within the last 10 years of service immediately preceding the
8 date of withdrawal, to be added to the employee retirement
9 annuity benefits as otherwise computed under this Article.
10 The calculation of these additional benefits shall be subject
11 to the same terms and conditions as are used in the
12 calculation of retirement annuity under Section 9-134. The
13 additional benefit shall be included in the calculation of
14 the automatic annual increase in annuity, and in the
15 calculation of widow's annuity, where applicable. However no
16 additional benefits will be granted which produce a total
17 annuity greater than the applicable maximum established for
18 that type of annuity in this Article, and additional benefits
19 shall not apply to any benefit computed under Section
20 9-128.1.

21 (d) Refunds of additional optional contributions shall
22 be made on the same basis and under the same conditions as
23 provided under Sections 9-164, 9-166 and 9-167. Interest
24 shall be credited at the effective rate on the same basis and
25 under the same conditions as for other contributions.

26 (e) Optional contributions shall be accounted for in a
27 separate Optional Contribution Reserve.

28 (f) The tax levy, computed under Section 9-169, shall be
29 based on employee contributions including the amount of
30 optional additional employee contributions.

31 (g) Service eligible under this Section may include only
32 service as an employee of the County as defined in Section
33 9-108, and subject to Sections 9-219 and 9-220. No service
34 granted under Section 9-121.1, 9-121.4 or 9-179.2 shall be

1 eligible for optional service credit. No optional service
 2 credit may be established for any military service, or for
 3 any service under any other Article of this Code. Optional
 4 service credit may be established for any period of
 5 disability paid from this fund, if the employee makes
 6 additional optional contributions for such periods of
 7 disability.

8 (h) This plan of optional benefits and contributions
 9 shall not apply to any former county employee receiving an
 10 annuity from the fund, who re-enters service as a County
 11 employee, unless he renders at least 3 years of additional
 12 service after the date of re-entry.

13 (i) The effective date of the optional plan of
 14 additional benefits and contributions shall be July 1, 1985,
 15 or the date upon which approval is received from the Internal
 16 Revenue Service, whichever is later.

17 (j) This plan of additional benefits and contributions
 18 shall expire July 1, 2005 ~~2002~~. No additional contributions
 19 may be made after that date, and no additional benefits will
 20 accrue after that date.

21 (Source: P.A. 90-32, eff. 6-27-97; 90-460, eff. 8-17-97.)

22 (40 ILCS 5/9-185) (from Ch. 108 1/2, par. 9-185)
 23 Sec. 9-185. Board created.

24 (a) A board of 9 ~~7~~ members shall constitute the board of
 25 trustees authorized to carry out the provisions of this
 26 Article. The board of trustees shall be known as "The
 27 Retirement Board of the County Employees' Annuity and Benefit
 28 Fund of County". The board shall consist of 2 members
 29 appointed and 7 ~~5~~ members elected as hereinafter prescribed.

30 (b) The appointed members shall be appointed as follows:
 31 One member shall be appointed by the comptroller of such
 32 county, who may be the comptroller or some person chosen by
 33 him from among employees of the county, who are versed in the

1 affairs of the comptroller's office; and one member shall be
2 appointed by the treasurer of such county, who may be the
3 treasurer or some person chosen by him from among employees
4 of the County who are versed in the affairs of the
5 treasurer's office.

6 The member appointed by the comptroller shall hold office
7 for a term ending on December 1st of the first year following
8 the year of appointment. The member appointed by the county
9 treasurer shall hold office for a term ending on December 1st
10 of the second year following the year of appointment.

11 Thereafter, each appointed member shall be appointed by
12 the officer that appointed his predecessor for a term of 2
13 years.

14 (c) Three county employee members of the board shall be
15 elected as follows: within 30 days from and after the date
16 upon which this Article comes into effect in the county, the
17 clerk of the county shall arrange for and hold an election.
18 One employee shall be elected for a term ending on the first
19 day in the month of December of the first year next following
20 the effective date; one for a term ending on December 1st of
21 the following year; and one for a term ending December 1st of
22 the second following year.

23 (d) Beginning December 1, 1988, and every 3 years
24 thereafter, an annuitant member of the board shall be elected
25 as follows: the board shall arrange for and hold an election
26 in which only those participants who are currently receiving
27 retirement or disability benefits under this Article shall be
28 eligible to vote and be elected. Each such member shall be
29 elected to a term ending on the first day in the month of
30 December of the third following year.

31 (d-1) Beginning December 1, 2001, and every 3 years
32 thereafter, an annuitant member of the board shall be elected
33 as follows: the board shall arrange for and hold an election
34 in which only those participants who are currently receiving

1 retirement or disability benefits under this Article shall be
2 eligible to vote and be elected. Each such member shall be
3 elected to a term ending on the first day in the month of
4 December of the third following year. Until December 1,
5 2001, the position created under this subsection (d-1) may be
6 filled by the board as in the case of a vacancy.

7 (e) Beginning December 1, 1988, if a Forest Preserve
8 District Employees' Annuity and Benefit Fund shall be in
9 force in such county and the board of this fund is charged
10 with administering the affairs of such annuity and benefit
11 fund for employees of such forest preserve district, a forest
12 preserve district member of the board shall be elected as of
13 December 1, 1988, and every 3 years thereafter as follows:
14 the board shall arrange for and hold an election in which
15 only those employees of such forest preserve district who are
16 contributors to the annuity and benefit fund for employees of
17 such forest preserve district shall be eligible to vote and
18 be elected. Each such member shall be elected to a term
19 ending on the first day in the month of December of the third
20 following year.

21 (f) Beginning December 1, 2001, and every 3 years
22 thereafter, if a Forest Preserve District Employees' Annuity
23 and Benefit Fund is in force in the county and the board of
24 this Fund is charged with administering the affairs of that
25 annuity and benefit fund for employees of the forest preserve
26 district, a forest preserve district annuitant member of the
27 board shall be elected as follows: the board shall arrange
28 for and hold an election in which only those participants who
29 are currently receiving retirement benefits under Article 10
30 shall be eligible to vote and be elected. Each such member
31 shall be elected to a term ending on the first day in the
32 month of December of the third following year. Until
33 December 1, 2001, the position created under this subsection
34 (f) may be filled by the board as in the case of a vacancy.

1 (Source: P.A. 85-964; 86-1488.)

2 (40 ILCS 5/9-186) (from Ch. 108 1/2, par. 9-186)

3 Sec. 9-186. Board elections. In each year, the board
4 shall conduct a regular election, under rules adopted by it,
5 at least 30 days prior to the expiration of the term of each
6 elected employee or annuitant member.

7 To be eligible to be a county employee member, a person
8 must be an employee of the county and must have at least 5
9 years of service credit in that capacity by December 1 of the
10 year of election. To be eligible to be a forest preserve
11 district member, a person must be an employee of the forest
12 preserve district and must have at least 5 years of service
13 credit in that capacity by December 1 of the year of
14 election.

15 Only those persons who are employees of the county shall
16 be eligible to vote for the 3 county employee members, only
17 those persons who are employees of the forest preserve
18 district shall be eligible to vote for the forest preserve
19 district member, and only those persons who are currently
20 receiving retirement or disability benefits under this
21 Article shall be eligible to vote for the annuitant members
22 elected under subsections (d) and (d-1) of Section 9-185, and
23 only those persons who are currently receiving retirement
24 benefits under Article 10 shall be eligible to vote for the
25 forest preserve district annuitant member elected under
26 subsection (f) of Section 9-185. The ballot shall be of
27 secret character.

28 Except as otherwise provided in Section 9-187, each
29 member of the board shall hold office until his successor is
30 chosen and has qualified.

31 Any person elected or appointed a member of the board
32 shall qualify for the office by taking an oath of office to
33 be administered by the county clerk or a person designated by

1 him. A copy thereof shall be kept in the office of the
2 county clerk. Any appointment or notice of election shall be
3 in writing and the written instrument shall be filed with the
4 oath.

5 (Source: P.A. 85-964; 86-1488.)

6 (40 ILCS 5/9-187) (from Ch. 108 1/2, par. 9-187)
7 Sec. 9-187. Board vacancy.

8 (a) A vacancy in the membership of the board shall be
9 filled as follows:

10 If the vacancy is that of an appointive member, the
11 official who appointed him shall appoint a person to serve
12 for the unexpired term.

13 If the vacancy is that of a county employee member, the
14 remaining members of the board shall appoint a successor from
15 among the employees of the county, who shall serve during the
16 remainder of the unexpired term.

17 If the vacancy is that of a forest preserve district
18 member, the remaining members of the board shall appoint a
19 successor from among the employees of the forest preserve
20 district, who shall serve during the remainder of the
21 unexpired term.

22 If the vacancy is that of an annuitant member other than
23 a forest preserve district annuitant member, the remaining
24 members of the board shall appoint a successor from among
25 those persons who are currently receiving retirement or
26 disability benefits under this Article.

27 If the vacancy is that of a forest preserve district
28 annuitant member, the remaining members of the board shall
29 appoint a successor from among those persons who are
30 currently receiving retirement benefits under Article 10.

31 (b) Any county or forest preserve district member who
32 withdraws from service shall automatically cease to be a
33 member of the board. Any annuitant member other than a

1 forest preserve district annuitant member whose retirement or
 2 disability benefits cease under this Article, and any forest
 3 preserve district annuitant member whose retirement benefits
 4 cease under Article 10, shall also automatically cease to be
 5 a member of the Board.

6 (Source: P.A. 85-964; 86-1488.)

7 (40 ILCS 5/9-219) (from Ch. 108 1/2, par. 9-219)
 8 Sec. 9-219. Computation of service.

9 (1) In computing the term of service of an employee
 10 prior to the effective date, the entire period beginning on
 11 the date he was first appointed and ending on the day before
 12 the effective date, except any intervening period during
 13 which he was separated by withdrawal from service, shall be
 14 counted for all purposes of this Article.

15 (2) In computing the term of service of any employee on
 16 or after the effective date, the following periods of time
 17 shall be counted as periods of service for age and service,
 18 widow's and child's annuity purposes:

19 (a) The time during which he performed the duties
 20 of his position.

21 (b) Vacations, leaves of absence with whole or part
 22 pay, and leaves of absence without pay not longer than 90
 23 days.

24 (c) For an employee who is a member of a county
 25 police department or a correctional officer with the
 26 county department of corrections, approved leaves of
 27 absence without pay during which the employee serves as a
 28 full-time officer or employee head of an employee
 29 association, the membership of which consists of other
 30 participants in the Fund police-officers, provided that
 31 the employee contributes to the Fund (1) the amount that
 32 he would have contributed had he remained an active
 33 employee member--of--the--county-police-department in the

1 position he occupied at the time the leave of absence was
2 granted, (2) an amount calculated by the Board
3 representing employer contributions, and (3) regular
4 interest thereon from the date of service to the date of
5 payment. However, if the employee's application to
6 establish credit under this subsection is received by the
7 Fund on or after January 1, 2002 and before July 1, 2002,
8 the amount representing employer contributions specified
9 in item (2) shall be waived.

10 For a former member of a county police department
11 who has received a refund under Section 9-164, periods
12 during which the employee serves as head of an employee
13 association, the membership of which consists of other
14 police officers, provided that the employee contributes
15 to the Fund (1) the amount that he would have contributed
16 had he remained an active member of the county police
17 department in the position he occupied at the time he
18 left service, (2) an amount calculated by the Board
19 representing employer contributions, and (3) regular
20 interest thereon from the date of service to the date of
21 payment. However, if the former member of the county
22 police department retires on or after January 1, 1993 but
23 no later than March 1, 1993, the amount representing
24 employer contributions specified in item (2) shall be
25 waived.

26 (d) Any period of disability for which he received
27 disability benefit or whole or part pay.

28 (e) Accumulated vacation or other time for which an
29 employee who retires on or after November 1, 1990
30 receives a lump sum payment at the time of retirement,
31 provided that contributions were made to the fund at the
32 time such lump sum payment was received. The service
33 granted for the lump sum payment shall not change the
34 employee's date of withdrawal for computing the effective

1 date of the annuity.

2 (f) An employee may receive service credit for
3 annuity purposes for accumulated sick leave as of the
4 date of the employee's withdrawal from service, not to
5 exceed a total of 180 days, provided that the amount of
6 such accumulated sick leave is certified by the County
7 Comptroller to the Board and the employee pays an amount
8 equal to 8.5% (9% for members of the County Police
9 Department who are eligible to receive an annuity under
10 Section 9-128.1) of the amount that would have been paid
11 had such accumulated sick leave been paid at the
12 employee's final rate of salary. Such payment shall be
13 made within 30 days after the date of withdrawal and
14 prior to receipt of the first annuity check. The service
15 credit granted for such accumulated sick leave shall not
16 change the employee's date of withdrawal for the purpose
17 of computing the effective date of the annuity.

18 (3) In computing the term of service of an employee on
19 or after the effective date for ordinary disability benefit
20 purposes, the following periods of time shall be counted as
21 periods of service:

22 (a) Unless otherwise specified in Section 9-157,
23 the time during which he performed the duties of his
24 position.

25 (b) Paid vacations and leaves of absence with whole
26 or part pay.

27 (c) Any period for which he received duty
28 disability benefit.

29 (d) Any period of disability for which he received
30 whole or part pay.

31 (4) For an employee who on January 1, 1958, was
32 transferred by Act of the 70th General Assembly from his
33 position in a department of welfare of any city located in
34 the county in which this Article is in force and effect to a

1 similar position in a department of such county, service
2 shall also be credited for ordinary disability benefit and
3 child's annuity for such period of department of welfare
4 service during which period he was a contributor to a
5 statutory annuity and benefit fund in such city and for which
6 purposes service credit would otherwise not be credited by
7 virtue of such involuntary transfer.

8 (5) An employee described in subsection (e) of Section
9 9-108 shall receive credit for child's annuity and ordinary
10 disability benefit for the period of time for which he was
11 credited with service in the fund from which he was
12 involuntarily separated through class or group transfer;
13 provided, that no such credit shall be allowed to the extent
14 that it results in a duplication of credits or benefits, and
15 neither shall such credit be allowed to the extent that it
16 was or may be forfeited by the application for and acceptance
17 of a refund from the fund from which the employee was
18 transferred.

19 (6) Overtime or extra service shall not be included in
20 computing service. Not more than 1 year of service shall be
21 allowed for service rendered during any calendar year.

22 (Source: P.A. 86-1488; 87-794; 87-1265.)

23 (40 ILCS 5/14-105.7)

24 Sec. 14-105.7. Transfer to Article 9 fund.

25 (a) Until July 1, 2002 1998, any active or inactive
26 member of the System who has established creditable service
27 under paragraph (i) of Section 14-104 (relating to
28 contractual service to the General Assembly) and is an active
29 or former contributor to the pension fund established under
30 Article 9 of this Code may apply to the Board for transfer of
31 all of his or her creditable service accumulated under this
32 System to the Article 9 fund. The creditable service shall
33 be transferred forthwith. Payment by this System to the

1 Article 9 fund shall be made at the same time and shall
2 consist of:

3 (1) the amounts accumulated to the credit of the
4 applicant for that service, including regular interest,
5 on the books of the System on the date of transfer; plus

6 (2) employer contributions in an amount equal to
7 the amount determined under item (1).

8 Participation in this System as to the credits transferred
9 under this Section terminates on the date of transfer.

10 (b) Any person transferring credit under this Section
11 may reinstate credits and creditable service terminated upon
12 receipt of a refund, by paying to the System, before July 1,
13 2002 1998, the amount of the refund plus regular interest
14 from the date of refund to the date of payment.

15 (c) The changes to this Section and Section 9-121.15
16 made by this amendatory Act of the 92nd General Assembly
17 apply without regard to whether the person is in active
18 service, under this System or the Article 9 Fund, on or after
19 the effective date of this amendatory Act.

20 (Source: P.A. 90-511, eff. 8-22-97.)

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.25 as follows:

23 (30 ILCS 805/8.25 new)

24 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
25 and 8 of this Act, no reimbursement by the State is required
26 for the implementation of any mandate created by this
27 amendatory Act of the 92nd General Assembly.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."