



# ISSUE BRIEF

---

## House Bill 3054:

### Return to Work Liability Sharing

#### IMRF Position:

SUPPORT

#### Sponsor:

Representative Andrade

## Proposed Change in the Law

Allow up to 100% of the return to work liability to be assessed against the employer, depending on the Board's finding of relative liability for the violation between the employer and the annuitant. It also makes explicit that the liability sharing applies to ERI forfeitures due to return to work. Currently, the employer can be assessed only up to 50% of the return to work liability.

## Reasons for Position

Currently, employers can only be liable for up to one-half of the return to work liability for violations. The IMRF Article of the Illinois Pension Code gives the employer the exclusive ability and responsibility to determine if an employee is eligible for IMRF participation and enrolling them as required. IMRF also suggests as a best practice that all members be evaluated for potential return to work issues upon hire. Employers would only be liable for *any* amount if their failure to enroll the member was considered negligent.

This proposal would allow IMRF to weigh the evidence and determine any contributing factors in the reasons why the violation occurred, such as notice of status as an IMRF annuitant, notice to IMRF of the annuitant's employment at the IMRF employer, etc. When making these determinations, both the employer and the annuitant are notified of the hearing and given the opportunity to provide additional information, as available.

The annuitant remains exclusively responsible for any member contributions (plus interest) that should have been paid for the period they were working in a qualifying position. Such liability sharing is rare; only one employer has been assessed any liability since the Fund received the ability to assess up to one-half of the liability to an employer. This option is only intended for when the employer's actions are especially egregious and outweigh any responsibility the annuitant may also have had, which is obviously extremely rare.

---

### IMRF 2019 Board of Trustees

Alex Wallace, Jr. – President  
David Miller – Vice President  
Sharon U. Thompson - Secretary

Natalie Copper  
Gwen Henry  
Tom Kuehne

Sue Stanish  
Trudy Williams

### For More Information

Bonnie Shadid  
IMRF Legislative Liaison  
630/368-5354  
bonnieshadid-legal@imrf.org