



SPECIAL MEMORANDUM #334

Date: August 30, 2016
To: Authorized Agents of Affected Employers
Subject: New Legislation Signed Into Law

Executive Summary

On August 26, 2016, Gov. Bruce Rauner signed Public Act 99-900 into law. It alters IMRF participation requirements for all elected or appointed County Board members in Illinois.

The new law—formerly Senate Bill 2701 (sponsored by Sen. Pamela Althoff and Rep. Jack Franks)—was immediately effective and alters the Illinois Pension Code in the following ways:

- Any person first elected or appointed as a County Board member after Friday, August 26, 2016, is not eligible to participate in IMRF with respect to that position.
- Any current County Board members who participate in IMRF must file on a monthly basis a detailed record of time spent on official County Board business. *Failure to file a record will result in immediate loss of IMRF participation.
- Following each election for County Board members, the County Board must pass a resolution affirming that the position of County Board member requires at least 600 or 1,000 hours of work (as appropriate for that County) in a 12-month period. Failure to file such a resolution will bar all County Board members from participating in IMRF.

Annually, participating County Board members need to satisfy the applicable hourly standard (600 or 1,000). Failure to do so will result in termination of participation.

The IMRF Board of Trustees met on Friday and approved certain administrative rules necessary to properly implement this legislation.

IMRF Participation for County Board Members

A member of a County Board may participate in IMRF under the following conditions:

- a) The County Board member was first elected or appointed to the County Board before August 26, 2016 (the effective date of P.A. 99-900); and
- b) The County Board has on file with IMRF a current resolution approved by IMRF finding that the Board members are expected to work at least 600 or 1,000 hours (as appropriate) or more in a year, as specified at section 7-137.2(a) of the Illinois Pension Code; and
- c) While a member of the County Board, the County Board member has elected, in a written notice filed with IMRF, to participate in IMRF; and
- d) The County Board member files the time sheets in a form acceptable to IMRF and as provided by section 7-137.2(b).

Documentation of Time Worked on County Business

The time sheets required by section 7-137.2(b) must:

- a) Contain a detailed record of the time the County Board member spent on official government business during each month of the year specifically setting forth the date, length of time, and type of official government business performed; and
- b) Be filed with the County's fiscal officer (or designee) monthly, by the 10th day of the month following the reporting month. The form may be in either electronic or paper format and will be considered late if filed after the 20th day of the month following the reporting month. A time sheet must be filed each month, even if the County Board member is reporting no hours worked in that month; and
- c) Evidence the County Board member worked at least the number of hours required for IMRF participation with the County (either 600 or 1000 hours) on an annual basis. The reporting year will begin as of the later of the effective date of P.A. 99-900 or the month the County Board member took office.

Definition of Official Government Business

Official government business is defined as:

- a) Attendance at County Board and committee meetings;
- b) Preparation for County Board and committee meetings;
- c) Meetings and communication with County staff;
- d) Meetings and communication with constituents;
- e) Meetings and communication with other elected officials;
- f) Attendance at official County functions;
- g) Attendance at meetings of other local governmental Boards related to County business;
- h) Attendance at meetings of civic and commercial organizations related to County business;

- i) Other activities related to County business, including office hours at the County administration building.

Official government business does not include:

- a) Activities related to campaigning for public office;
- b) Activities defined as “prohibited political activity” at section 1-5 of the State Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.);
- c) Time spent “on-call” or informally available to constituents.

Travel time:

Travel for which reimbursement would be paid to County employees under the County’s personnel policies may be included as official government business.

County Board Resolution

In order for a County Board member to be eligible to participate in IMRF, the County Board must pass a resolution finding that the position of County Board member will require at least 600 or 1,000 hours (as appropriate for that County) of work in a twelve month period. This resolution must be adopted and filed with IMRF within 90 days after each election in which a member or members of the County Board are elected or reelected.

Termination of IMRF Participation

An IMRF-participating County Board member who fails to file the time sheets required by this resolution and section 7-137.2, or who files the time sheets late as defined herein for more than 2 consecutive months will become ineligible and IMRF participation will be terminated. Termination of IMRF participation for failure to file or late filing will be irrevocable. If the County Board fails to adopt the required IMRF participation resolution within 90 days after an election, the entire Board will become ineligible, and IMRF participation will end for those Board members in IMRF, as of the last day of the last month in which the resolution could have been adopted. Termination of participation for failure to adopt the required resolution will be irrevocable.

IMRF Participation Opt-Out

An individual County Board member may opt-out of current IMRF participation in lieu of filing the time sheets required by section 7-137.2. The opt-out must be in writing, signed by the official and will be irrevocable after it is received by IMRF. Individual opt-outs will not impact the IMRF participation of other members of the County Board.

Contact IMRF with questions

If you have questions, please contact IMRF using the Employer Access Secure Messaging Center, or call an IMRF Member Services Representative using the ***exclusive, employer-only 800 number: 1-800-728-7971.***

Sincerely,

A handwritten signature in black ink, appearing to read "Louis W. Kosiba". The signature is fluid and cursive, with a large initial "L" and "K".

Louis W. Kosiba
Executive Director