



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2242

by Rep. Robert Martwick

SYNOPSIS AS INTRODUCED:

40 ILCS 5/8-110	from Ch. 108 1/2, par. 8-110
40 ILCS 5/8-113	from Ch. 108 1/2, par. 8-113
40 ILCS 5/17-105.1	
40 ILCS 5/17-106	from Ch. 108 1/2, par. 17-106
30 ILCS 805/8.43 new	

Amends the Chicago Municipal and the Chicago Teachers Articles of the Illinois Pension Code. In the Chicago Municipal Article, includes in the definition of "employee" any person employed by a charter school or contract school operating pursuant to an agreement with the Chicago Board of Education who is not a licensed teacher or employed in a position requiring certification or licensure under the School Code, except persons contributing to any other public employee pension system in Illinois for the same employment. Adds charter schools and contract schools to the definition of "employer". In the Chicago Teachers Article, includes in the definition of "teacher" any educational, administrative, professional, or other staff employed in a contract school operating pursuant to an agreement with the Chicago Board of Education who is employed in a position requiring certification or licensure under the School Code. Includes in the definition of "employer", a contract school operating pursuant to an agreement with the Chicago Board of Education. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB101 06668 RPS 51695 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 changing
5 Sections 8-110, 8-113, 17-105.1, and 17-106 as follows:

6 (40 ILCS 5/8-110) (from Ch. 108 1/2, par. 8-110)

7 Sec. 8-110. Employer. "Employer":

8 (1) a city of more than 500,000 inhabitants;

9 (2) the Board of Education of the city, with respect to any
10 of its employees who participate in this Fund;

11 (3) the Chicago Housing Authority, with respect to any of
12 its employees who participate in this Fund subject to the
13 provisions of Section 8-230.9;

14 (4) the Public Building Commission of the city, with
15 respect to any of its employees who participate in this Fund;

16 ~~and~~

17 (5) the Retirement Board;~~;~~

18 (6) a charter school, with respect to any of its employees
19 who participate in this Fund; and

20 (7) a contract school, with respect to any of its employees
21 who participate in this Fund.

22 (Source: P.A. 92-599, eff. 6-28-02.)

1 (40 ILCS 5/8-113) (from Ch. 108 1/2, par. 8-113)

2 Sec. 8-113. Municipal employee, employee, contributor, or
3 participant. "Municipal employee", "employee", "contributor",
4 or "participant":

5 (a) Any employee of an employer employed in the classified
6 civil service thereof other than by temporary appointment or in
7 a position excluded or exempt from the classified service by
8 the Civil Service Act, or in the case of a city operating under
9 a personnel ordinance, any employee of an employer employed in
10 the classified or career service under the provisions of a
11 personnel ordinance, other than in a provisional or exempt
12 position as specified in such ordinance or in rules and
13 regulations formulated thereunder.

14 (b) Any employee in the service of an employer before the
15 Civil Service Act came in effect for the employer.

16 (c) Any person employed by the board.

17 (d) Any person employed after December 31, 1949, but prior
18 to January 1, 1984, in the service of the employer by temporary
19 appointment or in a position exempt from the classified service
20 as set forth in the Civil Service Act, or in a provisional or
21 exempt position as specified in the personnel ordinance, who
22 meets the following qualifications:

23 (1) has rendered service during not less than 12
24 calendar months to an employer as an employee, officer, or
25 official, 4 months of which must have been consecutive full
26 normal working months of service rendered immediately

1 prior to filing application to be included; and

2 (2) files written application with the board, while in
3 the service, to be included hereunder.

4 (e) After December 31, 1949, any alderman or other officer
5 or official of the employer, who files, while in office,
6 written application with the board to be included hereunder.

7 (f) Beginning January 1, 1984, any person employed by an
8 employer other than the Chicago Housing Authority or the Public
9 Building Commission of the city, whether or not such person is
10 serving by temporary appointment or in a position exempt from
11 the classified service as set forth in the Civil Service Act,
12 or in a provisional or exempt position as specified in the
13 personnel ordinance, provided that such person is neither (1)
14 an alderman or other officer or official of the employer, nor
15 (2) participating, on the basis of such employment, in any
16 other pension fund or retirement system established under this
17 Act.

18 (g) After December 31, 1959, any person employed in the law
19 department of the city, or municipal court or Board of Election
20 Commissioners of the city, who was a contributor and
21 participant, on December 31, 1959, in the annuity and benefit
22 fund in operation in the city on said date, by virtue of the
23 Court and Law Department Employees' Annuity Act or the Board of
24 Election Commissioners Employees' Annuity Act.

25 After December 31, 1959, the foregoing definition includes
26 any other person employed or to be employed in the law

1 department, or municipal court (other than as a judge), or
2 Board of Election Commissioners (if his salary is provided by
3 appropriation of the city council of the city and his salary
4 paid by the city) -- subject, however, in the case of such
5 persons not participants on December 31, 1959, to compliance
6 with the same qualifications and restrictions otherwise set
7 forth in this Section and made generally applicable to
8 employees or officers of the city concerning eligibility for
9 participation or membership.

10 Notwithstanding any other provision in this Section, any
11 person who first becomes employed in the law department of the
12 city on or after the effective date of this amendatory Act of
13 the 100th General Assembly shall be included within the
14 foregoing definition, effective upon the date the person first
15 becomes so employed, regardless of the nature of the
16 appointment the person holds under the provisions of a
17 personnel ordinance.

18 (h) After December 31, 1965, any person employed in the
19 public library of the city -- and any other person -- who was a
20 contributor and participant, on December 31, 1965, in the
21 pension fund in operation in the city on said date, by virtue
22 of the Public Library Employees' Pension Act.

23 (i) After December 31, 1968, any person employed in the
24 house of correction of the city, who was a contributor and
25 participant, on December 31, 1968, in the pension fund in
26 operation in the city on said date, by virtue of the House of

1 Correction Employees' Pension Act.

2 (j) Any person employed full-time on or after the effective
3 date of this amendatory Act of the 92nd General Assembly by the
4 Chicago Housing Authority who has elected to participate in
5 this Fund as provided in subsection (a) of Section 8-230.9.

6 (k) Any person employed full-time by the Public Building
7 Commission of the city who has elected to participate in this
8 Fund as provided in subsection (d) of Section 8-230.7.

9 (l) Any person employed by a charter school or contract
10 school operating pursuant to an agreement with the Chicago
11 Board of Education who is not a licensed teacher or employed in
12 a position requiring certification or licensure under the
13 School Code, excluding persons contributing to any other public
14 employee pension system in Illinois for the same employment.

15 (Source: P.A. 100-23, eff. 7-6-17.)

16 (40 ILCS 5/17-105.1)

17 Sec. 17-105.1. Employer. "Employer": The Board of
18 Education, ~~and~~ a charter school as defined under the provisions
19 of Section 27A-5 of the School Code, and a contract school
20 operating pursuant to an agreement with the Board of Education.

21 (Source: P.A. 90-566, eff. 1-2-98.)

22 (40 ILCS 5/17-106) (from Ch. 108 1/2, par. 17-106)

23 Sec. 17-106. Contributor, member or teacher.
24 "Contributor", "member" or "teacher": All members of the

1 teaching force of the city, including principals, assistant
2 principals, the general superintendent of schools, deputy
3 superintendents of schools, associate superintendents of
4 schools, assistant and district superintendents of schools,
5 members of the Board of Examiners, all other persons whose
6 employment requires a teaching certificate issued under the
7 laws governing the certification of teachers, any educational,
8 administrative, professional, or other staff employed in a
9 contract school operating pursuant to an agreement with the
10 Board of Education who is employed in a position requiring
11 certification or licensure under the School Code, any
12 educational, administrative, professional, or other staff
13 employed in a charter school operating in compliance with the
14 Charter Schools Law who is certified under the law governing
15 the certification of teachers, and employees of the Board, but
16 excluding persons contributing concurrently to any other
17 public employee pension system in Illinois for the same
18 employment or receiving retirement pensions under another
19 Article of this Code for that same employment, persons employed
20 on an hourly basis (provided that an Employer may not
21 reclassify a non-hourly employee as an hourly employee for the
22 purpose of evading or avoiding its obligations under this
23 Article), and persons receiving pensions from the Fund who are
24 employed temporarily by an Employer and not on an annual basis.

25 All teachers or staff regardless of their position shall
26 presumptively be participants in the Fund, unless the Employer

1 establishes to the satisfaction of the Board that an individual
2 certified teacher or staff member is not working as a teacher
3 or administrator directly or indirectly with the Charter
4 School. Any certified teacher or staff employed by a corporate
5 or non-profit entity engaged in the administration of a charter
6 school shall presumptively be a participant in the Fund, unless
7 the organization establishes to the satisfaction of the Board
8 that an individual certified teacher or staff member is not
9 working as a teacher or administrator directly or indirectly
10 with the Charter School.

11 In the case of a person who has been making contributions
12 and otherwise participating in this Fund prior to the effective
13 date of this amendatory Act of the 91st General Assembly, and
14 whose right to participate in the Fund is established or
15 confirmed by this amendatory Act, such prior participation in
16 the Fund, including all contributions previously made and
17 service credits previously earned by the person, are hereby
18 validated.

19 The changes made to this Section and Section 17-149 by this
20 amendatory Act of the 92nd General Assembly apply without
21 regard to whether the person was in service on or after the
22 effective date of this amendatory Act, notwithstanding
23 Sections 1-103.1 and 17-157.

24 (Source: P.A. 98-427, eff. 8-16-13.)

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.43 as follows:

2 (30 ILCS 805/8.43 new)

3 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 101st General Assembly.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.