



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2749

by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Pension Code. Authorizes units of local government to provide alternative retirement plans in lieu of or in addition to the existing plan under the applicable Article. Provides that the alternative retirement plan may include a defined-benefit component, a defined contribution component, or both, and may include disability or survivor benefits and any other benefits that are permitted under federal law. Provides that the alternative retirement plan is not required to provide any minimum level of benefits and need not provide any benefits at all, other than mandatory Social Security coverage if applicable. Provides that service credit received under an alternative retirement plan may not be transferred to any other fund and may not be used under the Retirement Systems Reciprocal Act (Article 20 of the Code). Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. Provides that employers shall not be required to bargain over the changes made by the amendatory Act.

LRB101 09210 RPS 54304 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 Public Labor Relations Act is
5 amended by adding Section 7.6 as follows:

6 (5 ILCS 315/7.6 new)

7 Sec. 7.6. Mandatory collective bargaining regarding
8 alternative retirement plans not required. Notwithstanding any
9 other provision of this Act, employers shall not be subject to
10 mandatory collective bargaining with regard to the adoption or
11 implementation of an alternative retirement plan authorized by
12 this amendatory Act of the 101st General Assembly.

13 Section 10. The Illinois Pension Code is amended by
14 changing Sections 3-150, 4-142, and 10-103 and by adding
15 Sections 3-101.5, 4-101.5, 5-101.5, 6-101.5, 7-101.5, 8-101.5,
16 9-101.5, 10-101.5, 11-101.5, 12-101.5, 13-101.5, 15-101.5,
17 16-101.5, and 17-101.5 as follows:

18 (40 ILCS 5/3-101.5 new)

19 Sec. 3-101.5. Alternative retirement plan; local control
20 of benefits.

21 (a) The corporate authorities of a municipality subject to

1 this Article may, at any time on or after the effective date of
2 this Section, provide by ordinance for an alternative
3 retirement plan, either in addition to or in lieu of the
4 existing plan under this Article, for its eligible new
5 employees. The alternative retirement plan shall apply only to
6 persons who have not participated in the existing plan under
7 this Article.

8 (b) The alternative retirement plan may include a
9 defined-benefit component, a defined-contribution component,
10 or both, and may, but is not required to, include disability or
11 survivor benefits and any other provisions or benefits that are
12 permitted under federal law. The alternative retirement plan is
13 not required to provide any minimum level of benefits and need
14 not provide any benefits at all, other than mandatory Social
15 Security coverage if applicable.

16 (c) Service credit received under an alternative
17 retirement plan may not be transferred to any other pension
18 fund or retirement system.

19 (d) Providing an alternative retirement plan does not
20 release the municipality from the obligation of continuing to
21 participate under this Article with regard to participants in
22 the existing retirement plan. In no event may the municipality
23 in any way diminish or impair the rights or benefits of
24 participants in the existing retirement plan.

25 (e) Persons participating in an alternative retirement
26 plan under this Section shall be deemed to be members of the

1 fund who participate in an alternative retirement plan.
2 Notwithstanding any provision of this Article to the contrary,
3 the alternative retirement plan need not comply with any
4 mandatory provisions of the existing retirement plan.

5 (40 ILCS 5/3-150) (from Ch. 108 1/2, par. 3-150)

6 Sec. 3-150. Applicability of home rule powers. A home rule
7 unit, as defined in Article VII of the 1970 Illinois
8 Constitution or any amendment thereto, shall have no power to
9 change, alter, or amend in any way the provisions of this
10 Article, except as provided in Section 3-101.5. A home rule
11 unit which is a municipality, as defined in Section 3-103,
12 shall not provide for, singly or as a part of any plan or
13 program, by any means whatsoever, any type of retirement or
14 annuity benefit to a police officer other than through
15 establishment of a fund as provided in this Article, except as
16 provided in Section 3-101.5.

17 (Source: P.A. 83-1440.)

18 (40 ILCS 5/4-101.5 new)

19 Sec. 4-101.5. Alternative retirement plan; local control
20 of benefits.

21 (a) The corporate authorities of a municipality subject to
22 this Article may, at any time on or after the effective date of
23 this Section, provide by ordinance for an alternative
24 retirement plan, either in addition to or in lieu of the

1 existing plan under this Article, for its eligible new
2 employees. The alternative retirement plan shall apply only to
3 persons who have not participated in the existing plan under
4 this Article.

5 (b) The alternative retirement plan may include a
6 defined-benefit component, a defined-contribution component,
7 or both, and may, but is not required to, include disability or
8 survivor benefits and any other provisions or benefits that are
9 permitted under federal law. The alternative retirement plan is
10 not required to provide any minimum level of benefits and need
11 not provide any benefits at all, other than mandatory Social
12 Security coverage if applicable.

13 (c) Service credit received under an alternative
14 retirement plan may not be transferred to any other pension
15 fund or retirement system.

16 (d) Providing an alternative retirement plan does not
17 release the municipality from the obligation of continuing to
18 participate under this Article with regard to participants in
19 the existing retirement plan. In no event may the municipality
20 in any way diminish or impair the rights or benefits of
21 participants in the existing retirement plan.

22 (e) Persons participating in an alternative retirement
23 plan under this Section shall be deemed to be members of the
24 fund who participate in an alternative retirement plan.
25 Notwithstanding any provision of this Article to the contrary,
26 the alternative retirement plan need not comply with any

1 mandatory provisions of the existing retirement plan.

2 (40 ILCS 5/4-142) (from Ch. 108 1/2, par. 4-142)

3 Sec. 4-142. Applicability of home rule powers. A home rule
4 unit, as defined in Article VII of the 1970 Illinois
5 Constitution or any amendment thereto, shall have no power to
6 change, alter, or amend in any way the provisions of this
7 Article, except as provided in Section 4-101.5. A home rule
8 unit which is a municipality, as defined in Section 4-103,
9 shall not provide for, singly or as a part of any plan or
10 program, by any means whatsoever, any type of retirement or
11 annuity benefit to a firefighter other than through
12 establishment of a fund as provided in this Article as now or
13 hereafter amended, except as provided in Section 4-101.5.

14 (Source: P.A. 83-1440.)

15 (40 ILCS 5/5-101.5 new)

16 Sec. 5-101.5. Alternative retirement plan; local control
17 of benefits.

18 (a) The city council may, at any time on or after the
19 effective date of this Section, provide by ordinance for an
20 alternative retirement plan, either in addition to or in lieu
21 of the existing plan under this Article, for its eligible new
22 employees. The alternative retirement plan shall apply only to
23 persons who have not participated in the existing plan under
24 this Article.

1 (b) The alternative retirement plan may include a
2 defined-benefit component, a defined-contribution component,
3 or both, and may, but is not required to, include disability or
4 survivor benefits and any other provisions or benefits that are
5 permitted under federal law. The alternative retirement plan is
6 not required to provide any minimum level of benefits and need
7 not provide any benefits at all, other than mandatory Social
8 Security coverage if applicable.

9 (c) Service credit received under an alternative
10 retirement plan may not be transferred to any other pension
11 fund or retirement system.

12 (d) Providing an alternative retirement plan does not
13 release the city from the obligation of continuing to
14 participate under this Article with regard to participants in
15 the existing retirement plan. In no event may the city in any
16 way diminish or impair the rights or benefits of participants
17 in the existing retirement plan.

18 (e) Persons participating in an alternative retirement
19 plan under this Section shall be deemed to be members of the
20 Fund who participate in an alternative retirement plan.
21 Notwithstanding any provision of this Article to the contrary,
22 the alternative retirement plan need not comply with any
23 mandatory provisions of the existing retirement plan.

24 (40 ILCS 5/6-101.5 new)

25 Sec. 6-101.5. Alternative retirement plan; local control

1 of benefits.

2 (a) The city council may, at any time on or after the
3 effective date of this Section, provide by ordinance for an
4 alternative retirement plan, either in addition to or in lieu
5 of the existing plan under this Article, for its eligible new
6 employees. The alternative retirement plan shall apply only to
7 persons who have not participated in the existing plan under
8 this Article.

9 (b) The alternative retirement plan may include a
10 defined-benefit component, a defined-contribution component,
11 or both, and may, but is not required to, include disability or
12 survivor benefits and any other provisions or benefits that are
13 permitted under federal law. The alternative retirement plan is
14 not required to provide any minimum level of benefits and need
15 not provide any benefits at all, other than mandatory Social
16 Security coverage if applicable.

17 (c) Service credit received under an alternative
18 retirement plan may not be transferred to any other pension
19 fund or retirement system.

20 (d) Providing an alternative retirement plan does not
21 release the city from the obligation of continuing to
22 participate under this Article with regard to participants in
23 the existing retirement plan. In no event may the city in any
24 way diminish or impair the rights or benefits of participants
25 in the existing retirement plan.

26 (e) Persons participating in an alternative retirement

1 plan under this Section shall be deemed to be members of the
2 Fund who participate in an alternative retirement plan.
3 Notwithstanding any provision of this Article to the contrary,
4 the alternative retirement plan need not comply with any
5 mandatory provisions of the existing retirement plan.

6 (40 ILCS 5/7-101.5 new)

7 Sec. 7-101.5. Alternative retirement plan; local control
8 of benefits.

9 (a) The governing body of a municipality or instrumentality
10 may, at any time on or after the effective date of this
11 Section, provide by ordinance or resolution, whichever is
12 applicable, for an alternative retirement plan, either in
13 addition to or in lieu of the existing plan under this Article,
14 for its eligible new employees. The alternative retirement plan
15 shall apply only to persons who have not participated in the
16 existing plan under this Article.

17 (b) The alternative retirement plan may include a
18 defined-benefit component, a defined-contribution component,
19 or both, and may, but is not required to, include disability or
20 survivor benefits and any other provisions or benefits that are
21 permitted under federal law. The alternative retirement plan is
22 not required to provide any minimum level of benefits and need
23 not provide any benefits at all, other than mandatory Social
24 Security coverage if applicable.

25 (c) Service credit received under an alternative

1 retirement plan may not be transferred to any other pension
2 fund or retirement system and may not be used under the
3 Retirement Systems Reciprocal Act.

4 (d) Providing an alternative retirement plan does not
5 release the municipality or instrumentality from the
6 obligation of continuing to participate under this Article with
7 regard to participants in the existing retirement plan. In no
8 event may the municipality or instrumentality in any way
9 diminish or impair the rights or benefits of participants in
10 the existing retirement plan.

11 (e) Persons participating in an alternative retirement
12 plan under this Section shall be deemed to be members of the
13 Fund who participate in an alternative retirement plan and
14 shall remain subject to the provisions of the Agreement with
15 the State Agency, as provided in Section 7-170, for Social
16 Security purposes to the extent permitted under federal law.
17 Notwithstanding any provision of this Article to the contrary,
18 the alternative retirement plan need not comply with any other
19 mandatory provision of the existing retirement plan.

20 (40 ILCS 5/8-101.5 new)

21 Sec. 8-101.5. Alternative retirement plan; local control
22 of benefits.

23 (a) The city council may, at any time on or after the
24 effective date of this Section, provide by ordinance for an
25 alternative retirement plan, either in addition to or in lieu

1 of the existing plan under this Article, for its eligible new
2 employees. The alternative retirement plan shall apply only to
3 persons who have not participated in the existing plan under
4 this Article.

5 (b) The alternative retirement plan may include a
6 defined-benefit component, a defined-contribution component,
7 or both, and may, but is not required to, include disability or
8 survivor benefits and any other provisions or benefits that are
9 permitted under federal law. The alternative retirement plan is
10 not required to provide any minimum level of benefits and need
11 not provide any benefits at all, other than mandatory Social
12 Security coverage if applicable.

13 (c) Service credit received under an alternative
14 retirement plan may not be transferred to any other pension
15 fund or retirement system and may not be used under the
16 Retirement Systems Reciprocal Act.

17 (d) Providing an alternative retirement plan does not
18 release the city from the obligation of continuing to
19 participate under this Article with regard to participants in
20 the existing retirement plan. In no event may the city in any
21 way diminish or impair the rights or benefits of participants
22 in the existing retirement plan.

23 (e) Persons participating in an alternative retirement
24 plan under this Section shall be deemed to be members of the
25 Fund who participate in an alternative retirement plan.
26 Notwithstanding any provision of this Article to the contrary,

1 the alternative retirement plan need not comply with any
2 mandatory provisions of the existing retirement plan.

3 (40 ILCS 5/9-101.5 new)

4 Sec. 9-101.5. Alternative retirement plan; local control
5 of benefits.

6 (a) The county board may, at any time on or after the
7 effective date of this Section, provide by ordinance for an
8 alternative retirement plan, either in addition to or in lieu
9 of the existing plan under this Article, for its eligible new
10 employees. The alternative retirement plan shall apply only to
11 persons who have not participated in the existing plan under
12 this Article. An alternative retirement plan established under
13 this Section shall not apply to Article 10.

14 (b) The alternative retirement plan may include a
15 defined-benefit component, a defined-contribution component,
16 or both, and may, but is not required to, include disability or
17 survivor benefits and any other provisions or benefits that are
18 permitted under federal law. The alternative retirement plan is
19 not required to provide any minimum level of benefits and need
20 not provide any benefits at all, other than mandatory Social
21 Security coverage if applicable.

22 (c) Service credit received under an alternative
23 retirement plan may not be transferred to any other pension
24 fund or retirement system and may not be used under the
25 Retirement Systems Reciprocal Act.

1 (d) Providing an alternative retirement plan does not
2 release the county from the obligation of continuing to
3 participate under this Article with regard to participants in
4 the existing retirement plan. In no event may the county in any
5 way diminish or impair the rights or benefits of participants
6 in the existing retirement plan.

7 (e) Persons participating in an alternative retirement
8 plan under this Section shall be deemed to be members of the
9 Fund who participate in an alternative retirement plan.
10 Notwithstanding any provision of this Article to the contrary,
11 the alternative retirement plan need not comply with any
12 mandatory provisions of the existing retirement plan.

13 (40 ILCS 5/10-101.5 new)

14 Sec. 10-101.5. Alternative retirement plan; local control
15 of benefits.

16 (a) The district may, at any time on or after the effective
17 date of this Section, provide by resolution for an alternative
18 retirement plan, either in addition to or in lieu of the
19 existing plan under this Article, for its eligible new
20 employees. The alternative retirement plan shall apply only to
21 persons who have not participated in the existing plan under
22 this Article.

23 (b) The alternative retirement plan may include a
24 defined-benefit component, a defined-contribution component,
25 or both, and may, but is not required to, include disability or

1 survivor benefits and any other provisions or benefits that are
2 permitted under federal law. The alternative retirement plan is
3 not required to provide any minimum level of benefits and need
4 not provide any benefits at all, other than mandatory Social
5 Security coverage if applicable.

6 (c) Service credit received under an alternative
7 retirement plan may not be transferred to any other pension
8 fund or retirement system and may not be used under the
9 Retirement Systems Reciprocal Act.

10 (d) Providing an alternative retirement plan does not
11 release the district from the obligation of continuing to
12 participate under this Article with regard to participants in
13 the existing retirement plan. In no event may the district in
14 any way diminish or impair the rights or benefits of
15 participants in the existing retirement plan.

16 (e) Persons participating in an alternative retirement
17 plan under this Section shall be deemed to be members of the
18 Fund who participate in an alternative retirement plan.
19 Notwithstanding any provision of this Article to the contrary,
20 the alternative retirement plan need not comply with any
21 mandatory provisions of the existing retirement plan.

22 (40 ILCS 5/10-103) (from Ch. 108 1/2, par. 10-103)

23 Sec. 10-103. Members, contributions and benefits. Except
24 for alternative retirement plans established under Section
25 10-101.5, the ~~The~~ board shall cause the same deductions to be

1 made from salaries and, subject to Section 10-109, allow the
2 same annuities, refunds and benefits for employees of the
3 district as are made and allowed for employees of the county.
4 (Source: P.A. 95-1036, eff. 2-17-09.)

5 (40 ILCS 5/11-101.5 new)

6 Sec. 11-101.5. Alternative retirement plan; local control
7 of benefits.

8 (a) The city council may, at any time on or after the
9 effective date of this Section, provide by ordinance for an
10 alternative retirement plan, either in addition to or in lieu
11 of the existing plan under this Article, for its eligible new
12 employees. The alternative retirement plan shall apply only to
13 persons who have not participated in the existing plan under
14 this Article.

15 (b) The alternative retirement plan may include a
16 defined-benefit component, a defined-contribution component,
17 or both, and may, but is not required to, include disability or
18 survivor benefits and any other provisions or benefits that are
19 permitted under federal law. The alternative retirement plan is
20 not required to provide any minimum level of benefits and need
21 not provide any benefits at all, other than mandatory Social
22 Security coverage if applicable.

23 (c) Service credit received under an alternative
24 retirement plan may not be transferred to any other pension
25 fund or retirement system and may not be used under the

1 Retirement Systems Reciprocal Act.

2 (d) Providing an alternative retirement plan does not
3 release the city from the obligation of continuing to
4 participate under this Article with regard to participants in
5 the existing retirement plan. In no event may the city in any
6 way diminish or impair the rights or benefits of participants
7 in the existing retirement plan.

8 (e) Persons participating in an alternative retirement
9 plan under this Section shall be deemed to be members of the
10 Fund who participate in an alternative retirement plan.
11 Notwithstanding any provision of this Article to the contrary,
12 the alternative retirement plan need not comply with any
13 mandatory provisions of the existing retirement plan.

14 (40 ILCS 5/12-101.5 new)

15 Sec. 12-101.5. Alternative retirement plan; local control
16 of benefits.

17 (a) The city council may, at any time on or after the
18 effective date of this Section, provide by ordinance for an
19 alternative retirement plan, either in addition to or in lieu
20 of the existing plan under this Article, for its eligible new
21 employees. The alternative retirement plan shall apply only to
22 persons who have not participated in the existing plan under
23 this Article.

24 (b) The alternative retirement plan may include a
25 defined-benefit component, a defined-contribution component,

1 or both, and may, but is not required to, include disability or
2 survivor benefits and any other provisions or benefits that are
3 permitted under federal law. The alternative retirement plan is
4 not required to provide any minimum level of benefits and need
5 not provide any benefits at all, other than mandatory Social
6 Security coverage if applicable.

7 (c) Service credit received under an alternative
8 retirement plan may not be transferred to any other pension
9 fund or retirement system and may not be used under the
10 Retirement Systems Reciprocal Act.

11 (d) Providing an alternative retirement plan does not
12 release the city from the obligation of continuing to
13 participate under this Article with regard to participants in
14 the existing retirement plan. In no event may the city in any
15 way diminish or impair the rights or benefits of participants
16 in the existing retirement plan.

17 (e) Persons participating in an alternative retirement
18 plan under this Section shall be deemed to be members of the
19 Fund who participate in an alternative retirement plan.
20 Notwithstanding any provision of this Article to the contrary,
21 the alternative retirement plan need not comply with any
22 mandatory provisions of the existing retirement plan.

23 (40 ILCS 5/13-101.5 new)

24 Sec. 13-101.5. Alternative retirement plan; local control
25 of benefits.

1 (a) The Metropolitan Water Reclamation District of Greater
2 Chicago may, at any time on or after the effective date of this
3 Section, provide by ordinance for an alternative retirement
4 plan, either in addition to or in lieu of the existing plan
5 under this Article, for its eligible new employees. The
6 alternative retirement plan shall apply only to persons who
7 have not participated in the existing plan under this Article.

8 (b) The alternative retirement plan may include a
9 defined-benefit component, a defined-contribution component,
10 or both, and may, but is not required to, include disability or
11 survivor benefits and any other provisions or benefits that are
12 permitted under federal law. The alternative retirement plan is
13 not required to provide any minimum level of benefits and need
14 not provide any benefits at all, other than mandatory Social
15 Security coverage if applicable.

16 (c) Service credit received under an alternative
17 retirement plan may not be transferred to any other pension
18 fund or retirement system and may not be used under the
19 Retirement Systems Reciprocal Act.

20 (d) Providing an alternative retirement plan does not
21 release the Metropolitan Water Reclamation District of Greater
22 Chicago from the obligation of continuing to participate under
23 this Article with regard to participants in the existing
24 retirement plan. In no event may the city in any way diminish
25 or impair the rights or benefits of participants in the
26 existing retirement plan.

1 (e) Persons participating in an alternative retirement
2 plan under this Section shall be deemed to be members of the
3 Fund who participate in an alternative retirement plan.
4 Notwithstanding any provision of this Article to the contrary,
5 the alternative retirement plan need not comply with any
6 mandatory provisions of the existing retirement plan.

7 (40 ILCS 5/15-101.5 new)

8 Sec. 15-101.5. Alternative retirement plan; local control
9 of benefits by community colleges.

10 (a) The board of trustees of a community college district
11 that is an employer under this Article may, at any time on or
12 after the effective date of this Section, provide by resolution
13 for an alternative retirement plan, either in addition to or in
14 lieu of the existing plan under this Article, for its eligible
15 new employees. The alternative retirement plan shall apply only
16 to persons who have not participated in the existing plan under
17 this Article.

18 (b) The alternative retirement plan may include a
19 defined-benefit component, a defined-contribution component,
20 or both, and may, but is not required to, include disability or
21 survivor benefits and any other provisions or benefits that are
22 permitted under federal law. The alternative retirement plan is
23 not required to provide any minimum level of benefits and need
24 not provide any benefits at all, other than mandatory Social
25 Security coverage if applicable.

1 (c) Service credit received under an alternative
2 retirement plan may not be transferred to any other pension
3 fund or retirement system and may not be used under the
4 Retirement Systems Reciprocal Act.

5 (d) Providing an alternative retirement plan does not
6 release the community college district from the obligation of
7 continuing to participate under this Article with regard to
8 participants in the existing retirement plan. The alternative
9 retirement plan provided by the community college district
10 shall be funded with contributions from that community college
11 district and its employees who participate in the alternative
12 retirement plan. In no event may the community college district
13 in any way diminish or impair the rights or benefits of
14 participants in the existing retirement plan.

15 (e) Persons participating in an alternative retirement
16 plan under this Section shall be deemed to be participants in
17 the System who participate in an alternative retirement plan.
18 Notwithstanding any provision of this Article to the contrary,
19 the alternative retirement plan need not comply with any
20 mandatory provisions of the existing retirement plan.

21 (40 ILCS 5/16-101.5 new)

22 Sec. 16-101.5. Alternative retirement plan; local control
23 of benefits by school districts.

24 (a) The governing body of a school district that is an
25 employer under this Article may, at any time on or after the

1 effective date of this Section, provide by resolution for an
2 alternative retirement plan, either in addition to or in lieu
3 of the existing plan under this Article, for its eligible new
4 teachers. The alternative retirement plan shall apply only to
5 persons who have not participated in the existing plan under
6 this Article.

7 (b) The alternative retirement plan may include a
8 defined-benefit component, a defined-contribution component,
9 or both, and may, but is not required to, include disability or
10 survivor benefits and any other provisions or benefits that are
11 permitted under federal law. The alternative retirement plan is
12 not required to provide any minimum level of benefits and need
13 not provide any benefits at all, other than mandatory Social
14 Security coverage if applicable.

15 (c) Service credit received under an alternative
16 retirement plan may not be transferred to any other pension
17 fund or retirement system and may not be used under the
18 Retirement Systems Reciprocal Act.

19 (d) Providing an alternative retirement plan does not
20 release the school district from the obligation of continuing
21 to participate under this Article with regard to participants
22 in the existing retirement plan. The alternative retirement
23 plan provided by the school district shall be funded with
24 contributions from that school district and its employees who
25 participate in the alternative retirement plan. In no event may
26 the school district in any way diminish or impair the rights or

1 benefits of participants in the existing retirement plan.

2 (e) Persons participating in an alternative retirement
3 plan under this Section shall be deemed to be participants in
4 the System who participate in an alternative retirement plan.
5 Notwithstanding any provision of this Article to the contrary,
6 the alternative retirement plan need not comply with any
7 mandatory provisions of the existing retirement plan.

8 (40 ILCS 5/17-101.5 new)

9 Sec. 17-101.5. Alternative retirement plan; local control
10 of benefits.

11 (a) The city council may, at any time on or after the
12 effective date of this Section, provide by resolution for an
13 alternative retirement plan, either in addition to or in lieu
14 of the existing plan under this Article, for eligible new
15 teachers. The alternative retirement plan shall apply only to
16 persons who have not participated in the existing plan under
17 this Article.

18 (b) The alternative retirement plan may include a
19 defined-benefit component, a defined-contribution component,
20 or both, and may, but is not required to, include disability or
21 survivor benefits and any other provisions or benefits that are
22 permitted under federal law. The alternative retirement plan is
23 not required to provide any minimum level of benefits and need
24 not provide any benefits at all, other than mandatory Social
25 Security coverage if applicable.

1 (c) Service credit received under an alternative
2 retirement plan may not be transferred to any other pension
3 fund or retirement system and may not be used under the
4 Retirement Systems Reciprocal Act.

5 (d) Providing an alternative retirement plan does not
6 release the city or the Board of Education from the obligation
7 of continuing to participate under this Article with regard to
8 participants in the existing retirement plan. The alternative
9 retirement plan provided by the city shall be funded with
10 contributions from the city or the Board of Education, and the
11 teachers who participate in the alternative retirement plan. In
12 no event may the city or the Board of Education in any way
13 diminish or impair the rights or benefits of participants in
14 the existing retirement plan.

15 (e) Persons participating in an alternative retirement
16 plan under this Section shall be deemed to be members of the
17 Fund who participate in an alternative retirement plan.
18 Notwithstanding any provision of this Article to the contrary,
19 the alternative retirement plan need not comply with any
20 mandatory provisions of the existing retirement plan.

21 Section 15. The Illinois Educational Labor Relations Act is
22 amended by adding Section 10.6 as follows:

23 (115 ILCS 5/10.6 new)

24 Sec. 10.6. Mandatory collective bargaining regarding

1 alternative retirement plans not required. Notwithstanding any
2 other provision of this Act, employers shall not be subject to
3 mandatory collective bargaining with regard to the adoption or
4 implementation of an alternative retirement plan authorized by
5 this amendatory Act of the 101st General Assembly.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 315/7.6 new

4 40 ILCS 5/3-101.5 new

5 40 ILCS 5/3-150 from Ch. 108 1/2, par. 3-150

6 40 ILCS 5/4-101.5 new

7 40 ILCS 5/4-142 from Ch. 108 1/2, par. 4-142

8 40 ILCS 5/5-101.5 new

9 40 ILCS 5/6-101.5 new

10 40 ILCS 5/7-101.5 new

11 40 ILCS 5/8-101.5 new

12 40 ILCS 5/9-101.5 new

13 40 ILCS 5/10-101.5 new

14 40 ILCS 5/10-103 from Ch. 108 1/2, par. 10-103

15 40 ILCS 5/11-101.5 new

16 40 ILCS 5/12-101.5 new

17 40 ILCS 5/13-101.5 new

18 40 ILCS 5/15-101.5 new

19 40 ILCS 5/16-101.5 new

20 40 ILCS 5/17-101.5 new

21 115 ILCS 5/10.6 new