



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1966

Introduced 2/17/2021, by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-127

from Ch. 108 1/2, par. 16-127

Amends the Downstate Teacher Article of the Illinois Pension Code. Allows a member to establish optional credit for up to 2 years of service as a teacher or administrator employed by a private school recognized by the Illinois State Board of Education, provided that the teacher (i) was certified under the law governing the certification of teachers at the time the service was rendered, (ii) applies in writing on or before June 30, 2022, (iii) supplies satisfactory evidence of the employment, (iv) completes at least 10 years of contributing service as a teacher, and (v) pays the required contribution. Effective immediately.

LRB102 12136 RPS 17473 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 Pension Code is amended by
5 changing Section 16-127 as follows:

6 (40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)

7 Sec. 16-127. Computation of creditable service.

8 (a) Each member shall receive regular credit for all
9 service as a teacher from the date membership begins, for
10 which satisfactory evidence is supplied and all contributions
11 have been paid.

12 (b) The following periods of service shall earn optional
13 credit and each member shall receive credit for all such
14 service for which satisfactory evidence is supplied and all
15 contributions have been paid as of the date specified:

16 (1) Prior service as a teacher.

17 (2) Service in a capacity essentially similar or
18 equivalent to that of a teacher, in the public common
19 schools in school districts in this State not included
20 within the provisions of this System, or of any other
21 State, territory, dependency or possession of the United
22 States, or in schools operated by or under the auspices of
23 the United States, or under the auspices of any agency or

1 department of any other State, and service during any
2 period of professional speech correction or special
3 education experience for a public agency within this State
4 or any other State, territory, dependency or possession of
5 the United States, and service prior to February 1, 1951
6 as a recreation worker for the Illinois Department of
7 Public Safety, for a period not exceeding the lesser of
8 2/5 of the total creditable service of the member or 10
9 years. The maximum service of 10 years which is allowable
10 under this paragraph shall be reduced by the service
11 credit which is validated by other retirement systems
12 under paragraph (i) of Section 15-113 and paragraph 1 of
13 Section 17-133. Credit granted under this paragraph may
14 not be used in determination of a retirement annuity or
15 disability benefits unless the member has at least 5 years
16 of creditable service earned subsequent to this employment
17 with one or more of the following systems: Teachers'
18 Retirement System of the State of Illinois, State
19 Universities Retirement System, and the Public School
20 Teachers' Pension and Retirement Fund of Chicago. Whenever
21 such service credit exceeds the maximum allowed for all
22 purposes of this Article, the first service rendered in
23 point of time shall be considered. The changes to this
24 subdivision (b)(2) made by Public Act 86-272 shall apply
25 not only to persons who on or after its effective date
26 (August 23, 1989) are in service as a teacher under the

1 System, but also to persons whose status as such a teacher
2 terminated prior to such effective date, whether or not
3 such person is an annuitant on that date.

4 (3) Any periods immediately following teaching
5 service, under this System or under Article 17, (or
6 immediately following service prior to February 1, 1951 as
7 a recreation worker for the Illinois Department of Public
8 Safety) spent in active service with the military forces
9 of the United States; periods spent in educational
10 programs that prepare for return to teaching sponsored by
11 the federal government following such active military
12 service; if a teacher returns to teaching service within
13 one calendar year after discharge or after the completion
14 of the educational program, a further period, not
15 exceeding one calendar year, between time spent in
16 military service or in such educational programs and the
17 return to employment as a teacher under this System; and a
18 period of up to 2 years of active military service not
19 immediately following employment as a teacher.

20 The changes to this Section and Section 16-128
21 relating to military service made by P.A. 87-794 shall
22 apply not only to persons who on or after its effective
23 date are in service as a teacher under the System, but also
24 to persons whose status as a teacher terminated prior to
25 that date, whether or not the person is an annuitant on
26 that date. In the case of an annuitant who applies for

1 credit allowable under this Section for a period of
2 military service that did not immediately follow
3 employment, and who has made the required contributions
4 for such credit, the annuity shall be recalculated to
5 include the additional service credit, with the increase
6 taking effect on the date the System received written
7 notification of the annuitant's intent to purchase the
8 credit, if payment of all the required contributions is
9 made within 60 days of such notice, or else on the first
10 annuity payment date following the date of payment of the
11 required contributions. In calculating the automatic
12 annual increase for an annuity that has been recalculated
13 under this Section, the increase attributable to the
14 additional service allowable under P.A. 87-794 shall be
15 included in the calculation of automatic annual increases
16 accruing after the effective date of the recalculation.

17 Credit for military service shall be determined as
18 follows: if entry occurs during the months of July,
19 August, or September and the member was a teacher at the
20 end of the immediately preceding school term, credit shall
21 be granted from July 1 of the year in which he or she
22 entered service; if entry occurs during the school term
23 and the teacher was in teaching service at the beginning
24 of the school term, credit shall be granted from July 1 of
25 such year. In all other cases where credit for military
26 service is allowed, credit shall be granted from the date

1 of entry into the service.

2 The total period of military service for which credit
3 is granted shall not exceed 5 years for any member unless
4 the service: (A) is validated before July 1, 1964, and (B)
5 does not extend beyond July 1, 1963. Credit for military
6 service shall be granted under this Section only if not
7 more than 5 years of the military service for which credit
8 is granted under this Section is used by the member to
9 qualify for a military retirement allotment from any
10 branch of the armed forces of the United States. The
11 changes to this subdivision (b)(3) made by Public Act
12 86-272 shall apply not only to persons who on or after its
13 effective date (August 23, 1989) are in service as a
14 teacher under the System, but also to persons whose status
15 as such a teacher terminated prior to such effective date,
16 whether or not such person is an annuitant on that date.

17 (4) Any periods served as a member of the General
18 Assembly.

19 (5) (i) Any periods for which a teacher, as defined in
20 Section 16-106, is granted a leave of absence, provided he
21 or she returns to teaching service creditable under this
22 System or the State Universities Retirement System
23 following the leave; (ii) periods during which a teacher
24 is involuntarily laid off from teaching, provided he or
25 she returns to teaching following the lay-off; (iii)
26 periods prior to July 1, 1983 during which a teacher

1 ceased covered employment due to pregnancy, provided that
2 the teacher returned to teaching service creditable under
3 this System or the State Universities Retirement System
4 following the pregnancy and submits evidence satisfactory
5 to the Board documenting that the employment ceased due to
6 pregnancy; and (iv) periods prior to July 1, 1983 during
7 which a teacher ceased covered employment for the purpose
8 of adopting an infant under 3 years of age or caring for a
9 newly adopted infant under 3 years of age, provided that
10 the teacher returned to teaching service creditable under
11 this System or the State Universities Retirement System
12 following the adoption and submits evidence satisfactory
13 to the Board documenting that the employment ceased for
14 the purpose of adopting an infant under 3 years of age or
15 caring for a newly adopted infant under 3 years of age.
16 However, total credit under this paragraph (5) may not
17 exceed 3 years.

18 Any qualified member or annuitant may apply for credit
19 under item (iii) or (iv) of this paragraph (5) without
20 regard to whether service was terminated before the
21 effective date of this amendatory Act of 1997. In the case
22 of an annuitant who establishes credit under item (iii) or
23 (iv), the annuity shall be recalculated to include the
24 additional service credit. The increase in annuity shall
25 take effect on the date the System receives written
26 notification of the annuitant's intent to purchase the

1 credit, if the required evidence is submitted and the
2 required contribution paid within 60 days of that
3 notification, otherwise on the first annuity payment date
4 following the System's receipt of the required evidence
5 and contribution. The increase in an annuity recalculated
6 under this provision shall be included in the calculation
7 of automatic annual increases in the annuity accruing
8 after the effective date of the recalculation.

9 Optional credit may be purchased under this subsection
10 (b) (5) for periods during which a teacher has been granted
11 a leave of absence pursuant to Section 24-13 of the School
12 Code. A teacher whose service under this Article
13 terminated prior to the effective date of P.A. 86-1488
14 shall be eligible to purchase such optional credit. If a
15 teacher who purchases this optional credit is already
16 receiving a retirement annuity under this Article, the
17 annuity shall be recalculated as if the annuitant had
18 applied for the leave of absence credit at the time of
19 retirement. The difference between the entitled annuity
20 and the actual annuity shall be credited to the purchase
21 of the optional credit. The remainder of the purchase cost
22 of the optional credit shall be paid on or before April 1,
23 1992.

24 The change in this paragraph made by Public Act 86-273
25 shall be applicable to teachers who retire after June 1,
26 1989, as well as to teachers who are in service on that

1 date.

2 (6) Any days of unused and uncompensated accumulated
3 sick leave earned by a teacher. The service credit granted
4 under this paragraph shall be the ratio of the number of
5 unused and uncompensated accumulated sick leave days to
6 170 days, subject to a maximum of 2 years of service
7 credit. Prior to the member's retirement, each former
8 employer shall certify to the System the number of unused
9 and uncompensated accumulated sick leave days credited to
10 the member at the time of termination of service. The
11 period of unused sick leave shall not be considered in
12 determining the effective date of retirement. A member is
13 not required to make contributions in order to obtain
14 service credit for unused sick leave.

15 Credit for sick leave shall, at retirement, be granted
16 by the System for any retiring regional or assistant
17 regional superintendent of schools at the rate of 6 days
18 per year of creditable service or portion thereof
19 established while serving as such superintendent or
20 assistant superintendent.

21 (7) Periods prior to February 1, 1987 served as an
22 employee of the Illinois Mathematics and Science Academy
23 for which credit has not been terminated under Section
24 15-113.9 of this Code.

25 (8) Service as a substitute teacher for work performed
26 prior to July 1, 1990.

1 (9) Service as a part-time teacher for work performed
2 prior to July 1, 1990.

3 (10) Up to 2 years of employment with Southern
4 Illinois University - Carbondale from September 1, 1959 to
5 August 31, 1961, or with Governors State University from
6 September 1, 1972 to August 31, 1974, for which the
7 teacher has no credit under Article 15. To receive credit
8 under this item (10), a teacher must apply in writing to
9 the Board and pay the required contributions before May 1,
10 1993 and have at least 12 years of service credit under
11 this Article.

12 (b-1) A member may establish optional credit for up to 2
13 years of service as a teacher or administrator employed by a
14 private school recognized by the Illinois State Board of
15 Education, provided that the teacher (i) was certified under
16 the law governing the certification of teachers at the time
17 the service was rendered, (ii) applies in writing on or before
18 June 30, 2022 ~~on or after August 1, 2009 and on or before~~
19 ~~August 1, 2012~~, (iii) supplies satisfactory evidence of the
20 employment, (iv) completes at least 10 years of contributing
21 service as a teacher as defined in Section 16-106, and (v) pays
22 the contribution required in subsection (d-5) of Section
23 16-128. The member may apply for credit under this subsection
24 and pay the required contribution before completing the 10
25 years of contributing service required under item (iv), but
26 the credit may not be used until the item (iv) contributing

1 service requirement has been met.

2 (c) The service credits specified in this Section shall be
3 granted only if: (1) such service credits are not used for
4 credit in any other statutory tax-supported public employee
5 retirement system other than the federal Social Security
6 program; and (2) the member makes the required contributions
7 as specified in Section 16-128. Except as provided in
8 subsection (b-1) of this Section, the service credit shall be
9 effective as of the date the required contributions are
10 completed.

11 Any service credits granted under this Section shall
12 terminate upon cessation of membership for any cause.

13 Credit may not be granted under this Section covering any
14 period for which an age retirement or disability retirement
15 allowance has been paid.

16 Credit may not be granted under this Section for service
17 as an employee of an entity that provides substitute teaching
18 services under Section 2-3.173 of the School Code and is not a
19 school district.

20 (Source: P.A. 100-813, eff. 8-13-18.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.