



Rep. Patrick Windhorst

Filed: 3/22/2021

10200HB2569ham001

LRB102 14427 RPS 24201 a

1 AMENDMENT TO HOUSE BILL 2569

2 AMENDMENT NO. _____. Amend House Bill 2569 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 16-150.1 as follows:

6 (40 ILCS 5/16-150.1)

7 Sec. 16-150.1. Return to teaching in subject shortage
8 area.

9 (a) As used in this Section, "eligible employment" means
10 employment beginning on or after July 1, 2003 and ending no
11 later than June 30, 2024 ~~2021~~, in a subject shortage area at a
12 qualified school, in a position requiring certification under
13 the law governing the certification of teachers.

14 As used in this Section, "qualified school" means a public
15 elementary or secondary school that meets all of the following
16 requirements:

1 (1) At the time of hiring a retired teacher under this
2 Section, the school is experiencing a shortage of teachers
3 in the subject shortage area for which the teacher is
4 hired.

5 (2) The school district to which the school belongs
6 has complied with the requirements of subsection (e), and
7 the regional superintendent has certified that compliance
8 to the System.

9 (3) If the school district to which the school belongs
10 provides group health benefits for its teachers generally,
11 substantially similar health benefits are made available
12 for teachers participating in the program under this
13 Section, without any limitations based on pre-existing
14 conditions.

15 (b) An annuitant receiving a retirement annuity under this
16 Article (other than a disability retirement annuity) may
17 engage in eligible employment at a qualified school without
18 impairing his or her retirement status or retirement annuity,
19 subject to the following conditions:

20 (1) the eligible employment does not begin within the
21 school year during which service was terminated;

22 (2) the annuitant has not received any early
23 retirement incentive under Section 16-133.3, 16-133.4, or
24 16-133.5;

25 (3) if the annuitant retired before age 60 and with
26 less than 34 years of service, the eligible employment

1 does not begin within the year following the effective
2 date of the retirement annuity;

3 (4) if the annuitant retired at age 60 or above or with
4 34 or more years of service, the eligible employment does
5 not begin within the 90 days following the effective date
6 of the retirement annuity; and

7 (5) before the eligible employment begins, the
8 employer notifies the System in writing of the annuitant's
9 desire to participate in the program established under
10 this Section.

11 (c) An annuitant engaged in eligible employment in
12 accordance with subsection (b) shall be deemed a participant
13 in the program established under this Section for so long as he
14 or she remains employed in eligible employment.

15 (d) A participant in the program established under this
16 Section continues to be a retirement annuitant, rather than an
17 active teacher, for all of the purposes of this Code, but shall
18 be deemed an active teacher for other purposes, such as
19 inclusion in a collective bargaining unit, eligibility for
20 group health benefits, and compliance with the laws governing
21 the employment, regulation, certification, treatment, and
22 conduct of teachers.

23 With respect to an annuitant's eligible employment under
24 this Section, neither employee nor employer contributions
25 shall be made to the System and no additional service credit
26 shall be earned. Eligible employment does not affect the

1 annuitant's final average salary or the amount of the
2 retirement annuity.

3 (e) Before hiring a teacher under this Section, the school
4 district to which the school belongs must do the following:

5 (1) If the school district to which the school belongs
6 has honorably dismissed, within the calendar year
7 preceding the beginning of the school term for which it
8 seeks to employ a retired teacher under the program
9 established in this Section, any teachers who are legally
10 qualified to hold positions in the subject shortage area
11 and have not yet begun to receive their retirement
12 annuities under this Article, the vacant positions must
13 first be tendered to those teachers.

14 (2) For a period of at least 90 days during the 6
15 months preceding the beginning of either the fall or
16 spring term for which it seeks to employ a retired teacher
17 under the program established in this Section, the school
18 district must, on an ongoing basis, ~~both~~ (i) advertise its
19 vacancies in the subject shortage area ~~in a newspaper of~~
20 ~~general circulation in the area in which the school is~~
21 ~~located and~~ in employment bulletins published by college
22 and university placement offices located near the school;
23 ~~and~~ (ii) search for teachers legally qualified to fill
24 those vacancies through the Illinois Education Job Bank;
25 and (iii) post all vacancies on the school district's
26 website and list the vacancy in an online job portal or

1 database.

2 A school district replacing a teacher who is unable to
3 continue employment with the school district because of
4 documented illness, injury, or disability that occurred after
5 being hired by a school district under this Section shall be
6 exempt from the provisions of paragraph (2) for 90 school
7 days. However, the school district must on an ongoing basis
8 comply with items (i), (ii), and (iii) of paragraph (2).

9 The school district must submit documentation of its
10 compliance with this subsection to the regional
11 superintendent. Upon receiving satisfactory documentation from
12 the school district, the regional superintendent shall certify
13 the district's compliance with this subsection to the System.

14 (f) This Section applies without regard to whether the
15 annuitant was in service on or after the effective date of this
16 amendatory Act of the 93rd General Assembly.

17 (Source: P.A. 100-743, eff. 8-10-18; 101-49, eff. 7-12-19.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."