

# SB2149



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2149

Introduced 2/26/2021, by Sen. Craig Wilcox

#### 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. Provides that the 5-year limitation on the amount of service credit that may be granted for certain military service does not apply to up to 30 days per calendar year of annual training or to time spent in involuntary service, drill or battle assembly, or other mandatory training. Effective immediately.

LRB102 13967 RPS 19319 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

A BILL FOR

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 However, the 5-year limitation under this paragraph does  
18 not apply to up to 30 days per calendar year of annual  
19 training or to time spent in involuntary service, drill or  
20 battle assembly, or other mandatory training.

21 (4) Any periods served as a member of the General  
22 Assembly.

23 (5) (i) Any periods for which a teacher, as defined in  
24 Section 16-106, is granted a leave of absence, provided he  
25 or she returns to teaching service creditable under this  
26 System or the State Universities Retirement System

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

22 Any qualified member or annuitant may apply for credit  
23 under item (iii) or (iv) of this paragraph (5) without  
24 regard to whether service was terminated before the  
25 effective date of this amendatory Act of 1997. In the case  
26 of an annuitant who establishes credit under item (iii) or

1 (iv), the annuity shall be recalculated to include the  
2 additional service credit. The increase in annuity shall  
3 take effect on the date the System receives written  
4 notification of the annuitant's intent to purchase the  
5 credit, if the required evidence is submitted and the  
6 required contribution paid within 60 days of that  
7 notification, otherwise on the first annuity payment date  
8 following the System's receipt of the required evidence  
9 and contribution. The increase in an annuity recalculated  
10 under this provision shall be included in the calculation  
11 of automatic annual increases in the annuity accruing  
12 after the effective date of the recalculation.

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



1 1992.

2 The change in this paragraph made by Public Act 86-273  
3 shall be applicable to teachers who retire after June 1,  
4 1989, as well as to teachers who are in service on that  
5 date.

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

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

25 (7) Periods prior to February 1, 1987 served as an  
26 employee of the Illinois Mathematics and Science Academy

1 for which credit has not been terminated under Section  
2 15-113.9 of this Code.

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

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

7 (10) Up to 2 years of employment with Southern  
8 Illinois University - Carbondale from September 1, 1959 to  
9 August 31, 1961, or with Governors State University from  
10 September 1, 1972 to August 31, 1974, for which the  
11 teacher has no credit under Article 15. To receive credit  
12 under this item (10), a teacher must apply in writing to  
13 the Board and pay the required contributions before May 1,  
14 1993 and have at least 12 years of service credit under  
15 this Article.

16 (b-1) A member may establish optional credit for up to 2  
17 years of service as a teacher or administrator employed by a  
18 private school recognized by the Illinois State Board of  
19 Education, provided that the teacher (i) was certified under  
20 the law governing the certification of teachers at the time  
21 the service was rendered, (ii) applies in writing on or after  
22 August 1, 2009 and on or before August 1, 2012, (iii) supplies  
23 satisfactory evidence of the employment, (iv) completes at  
24 least 10 years of contributing service as a teacher as defined  
25 in Section 16-106, and (v) pays the contribution required in  
26 subsection (d-5) of Section 16-128. The member may apply for

1 credit under this subsection and pay the required contribution  
2 before completing the 10 years of contributing service  
3 required under item (iv), but the credit may not be used until  
4 the item (iv) contributing service requirement has been met.

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

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

16 Credit may not be granted under this Section covering any  
17 period for which an age retirement or disability retirement  
18 allowance has been paid.

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

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.