



Sen. Mattie Hunter

Filed: 2/1/2022

10200SB4000sam001

LRB102 23374 RPS 35643 a

1 AMENDMENT TO SENATE BILL 4000

2 AMENDMENT NO. _____. Amend Senate Bill 4000 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 17-149 as follows:

6 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

7 Sec. 17-149. Cancellation of pensions.

8 (a) If any person receiving a disability retirement
9 pension from the Fund is re-employed as a teacher by an
10 Employer, the pension shall be cancelled on the date the
11 re-employment begins, or on the first day of a payroll period
12 for which service credit was validated, whichever is earlier.

13 (b) If any person receiving a service retirement pension
14 from the Fund is re-employed as a teacher on a permanent or
15 annual basis by an Employer, the pension shall be cancelled on
16 the date the re-employment begins, or on the first day of a

1 payroll period for which service credit was validated,
2 whichever is earlier. However, subject to the limitations and
3 requirements of subsection (c-5), the pension shall not be
4 cancelled in the case of a service retirement pensioner who is
5 re-employed on a temporary and non-annual basis or on an
6 hourly basis.

7 (c) If the date of re-employment on a permanent or annual
8 basis occurs within 5 school months after the date of previous
9 retirement, exclusive of any vacation period, the member shall
10 be deemed to have been out of service only temporarily and not
11 permanently retired. Such person shall be entitled to pension
12 payments for the time he could have been employed as a teacher
13 and received salary, but shall not be entitled to pension for
14 or during the summer vacation prior to his return to service.

15 When the member again retires on pension, the time of
16 service and the money contributed by him during re-employment
17 shall be added to the time and money previously credited. Such
18 person must acquire 3 consecutive years of additional
19 contributing service before he may retire again on a pension
20 at a rate and under conditions other than those in force or
21 attained at the time of his previous retirement.

22 (c-5) For school years beginning on or after July 1, 2022,
23 the service retirement pension shall not be cancelled in the
24 case of a service retirement pensioner who is re-employed as a
25 teacher or administrator on a temporary and non-annual basis
26 or on an hourly basis, so long as the person (1) does not work

1 as a teacher or administrator for compensation on more than
2 120 days in a school year or (2) in the case of a person who
3 retires with at least 5 years of service as a principal or
4 administrator, does not work as a teacher or administrator for
5 compensation on more than 140 days in a school year. These
6 limitations apply only to school years that begin on or after
7 July 1, 2022. Such re-employment does not require
8 contributions, result in service credit, or constitute active
9 membership in the Fund.

10 For school years beginning on or after July 1, 2019 and
11 before July 1, 2022, the service retirement pension shall not
12 be cancelled in the case of a service retirement pensioner who
13 is re-employed as a teacher on a temporary and non-annual
14 basis or on an hourly basis, so long as the person (1) does not
15 work as a teacher for compensation on more than 120 days in a
16 school year or (2) does not accept gross compensation for the
17 re-employment in a school year in excess of (i) \$30,000 or (ii)
18 in the case of a person who retires with at least 5 years of
19 service as a principal, an amount that is equal to the daily
20 rate normally paid to retired principals multiplied by 100.
21 These limitations apply only to school years that begin on or
22 after July 1, 2019 and before July 1, 2022. Such re-employment
23 does not require contributions, result in service credit, or
24 constitute active membership in the Fund.

25 The service retirement pension shall not be cancelled in
26 the case of a service retirement pensioner who is re-employed

1 as a teacher on a temporary and non-annual basis or on an
2 hourly basis, so long as the person (1) does not work as a
3 teacher for compensation on more than 100 days in a school year
4 or (2) does not accept gross compensation for the
5 re-employment in a school year in excess of (i) \$30,000 or (ii)
6 in the case of a person who retires with at least 5 years of
7 service as a principal, an amount that is equal to the daily
8 rate normally paid to retired principals multiplied by 100.
9 These limitations apply only to school years that begin on or
10 after August 8, 2012 (the effective date of Public Act 97-912)
11 and before July 1, 2019. Such re-employment does not require
12 contributions, result in service credit, or constitute active
13 membership in the Fund.

14 Notwithstanding the 120-day or 140-day limit set forth in
15 ~~item (1) of~~ this subsection (c-5), the service retirement
16 pension shall not be cancelled in the case of a service
17 retirement pensioner who teaches only driver education courses
18 after regular school hours and does not teach any other
19 subject area, so long as the person does not work as a teacher
20 for compensation for more than 900 hours in a school year. For
21 school years beginning before July 1, 2022, the ~~the~~ \$30,000
22 limit set forth in subitem (i) of item (2) of this subsection
23 (c-5) shall apply to a service retirement pensioner who
24 teaches only driver education courses after regular school
25 hours and does not teach any other subject area.

26 To be eligible for such re-employment without cancellation

1 of pension, the pensioner must notify the Fund and the Board of
2 Education of his or her intention to accept re-employment
3 under this subsection (c-5) before beginning that
4 re-employment (or if the re-employment began before the
5 effective date of this amendatory Act, then within 30 days
6 after that effective date).

7 An Employer must certify to the Fund the temporary and
8 non-annual or hourly status and the compensation of each
9 pensioner re-employed under this subsection at least
10 quarterly, and when the pensioner is approaching the earnings
11 limitation under this subsection if an earnings limitation
12 applies.

13 If the pensioner works more than 100 days or accepts
14 excess gross compensation for such re-employment in any school
15 year that begins on or after August 8, 2012 (the effective date
16 of Public Act 97-912), the service retirement pension shall
17 thereupon be cancelled.

18 If the pensioner who only teaches drivers education
19 courses after regular school hours works more than 900 hours
20 or accepts excess gross compensation, if a limitation on the
21 amount of gross compensation applies, for such re-employment
22 in any school year that begins on or after the effective date
23 of this amendatory Act of the 99th General Assembly, the
24 service retirement pension shall thereupon be cancelled.

25 If the pensioner works more than 120 days or accepts
26 excess gross compensation for such re-employment in any school

1 year that begins on or after July 1, 2019, the service
2 retirement pension shall thereupon be cancelled.

3 If the pensioner works more than 120 days or 140 days,
4 whichever is applicable, in any school year that begins on or
5 after July 1, 2022, the service retirement pension shall
6 thereupon be cancelled.

7 The Board of the Fund shall adopt rules for the
8 implementation and administration of this subsection.

9 (d) Notwithstanding Sections 1-103.1 and 17-157, the
10 changes to this Section made by Public Act 90-32 apply without
11 regard to whether termination of service occurred before the
12 effective date of that Act and apply retroactively to August
13 23, 1989.

14 Notwithstanding Sections 1-103.1 and 17-157, the changes
15 to this Section and Section 17-106 made by Public Act 92-599
16 apply without regard to whether termination of service
17 occurred before the effective date of that Act.

18 Notwithstanding Sections 1-103.1 and 17-157, the changes
19 to this Section made by this amendatory Act of the 97th General
20 Assembly apply without regard to whether termination of
21 service occurred before the effective date of this amendatory
22 Act.

23 (Source: P.A. 101-340, eff. 8-9-19.)

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