



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1235

Introduced 2/2/2023, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

40 ILCS 5/15-134.1
40 ILCS 5/15-198

from Ch. 108 1/2, par. 15-134.1

Amends the State Universities Article of the Illinois Pension Code. Provides that for the purposes of computing service for academic years for any participant, one month of service means a calendar month during which the participant qualifies as an employee for any fraction of the month (instead of at least 15 or more days). Provides that the change applies to all service periods of a member who is a participant on or after January 1, 2024, except for certain service periods subject to purchases of service credit, repayment of a refund or distribution, or transfers of service if payment for such purchase, repayment, or transfer commenced prior to January 1, 2024. Provides that a provision concerning calculating a retirement annuity for a participant who has been employed at 1/2 time or less for 3 or more years shall not apply to a member who is a participant on or after January 1, 2024. Provides that any benefit increase that results from the amendatory Act is excluded from the definition of "new benefit increase". Makes conforming changes. Effective immediately.

LRB103 25499 RPS 51848 b

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 Sections 15-134.1 and 15-198 as follows:

6 (40 ILCS 5/15-134.1) (from Ch. 108 1/2, par. 15-134.1)

7 Sec. 15-134.1. Service calculation and adjustment.

8 (a) For the purposes of computing service for academic
9 years for any participant, ~~In computing service,~~ the following
10 schedule shall govern: one month of service means a calendar
11 month during which a participant (i) qualifies as an employee
12 under Section 15-107 for at least 15 or more days, and (ii)
13 receives any earnings as an employee; 8 or more months of
14 service during an academic year shall constitute a year of
15 service; 6 or more but less than 8 months of service during an
16 academic year shall constitute 3/4 of a year of service; 3 or
17 more but less than 6 months of service during an academic year
18 shall constitute 1/2 of a year of service; and one or more but
19 less than 3 months of service during an academic year shall
20 constitute 1/4 of a year of service. No more than one year of
21 service may be granted per academic year, regardless of the
22 number of hours or percentage of time worked. This subsection
23 (a) does not apply to service periods to which subsection

1 (a-5) applies.

2 (a-5) For the purposes of computing service for academic
3 years for any participant, the following schedule shall
4 govern: one month of service means a calendar month during
5 which a participant (i) qualifies as an employee under Section
6 15-107 for any fraction of the month, and (ii) receives any
7 earnings as an employee; 8 or more months of service during an
8 academic year shall constitute a year of service; 6 or more but
9 less than 8 months of service during an academic year shall
10 constitute 3/4 of a year of service; 3 or more but less than 6
11 months of service during an academic year shall constitute 1/2
12 of a year of service; and one or more but less than 3 months of
13 service during an academic year shall constitute 1/4 of a year
14 of service. No more than one year of service may be granted per
15 academic year, regardless of the number of hours or percentage
16 of time worked.

17 This subsection (a-5) applies to all service periods of a
18 member who is a participant on or after January 1, 2024; except
19 that such changes shall not apply to service periods that were
20 subject to: (1) a purchase under subsection (i) of Section
21 15-107, subsection (c) of Section 15-113.1, or Section
22 15-113.2, 15-113.3, 15-113.5, 15-113.6, 15-113.7, or
23 15-113.11; (2) a repayment of a refund under subsection (b) of
24 Section 15-154 or a distribution under subsection (j) of
25 Section 15-158.2; or (3) a transfer under Section 15-113.10,
26 15-134.2, or 15-134.4 if payment for such purchase, repayment,

1 or transfer commenced prior to January 1, 2024.

2 (b) In calculating a retirement annuity, if a participant
3 has been employed at 1/2 time or less for 3 or more years after
4 September 1, 1959, service shall be granted for such
5 employment in excess of 3 years, in the proportion that the
6 percentage of time employed for each such year of employment
7 bears to the average annual percentage of time employed during
8 the period on which the final rate of earnings is based. This
9 adjustment shall not be made, however, in determining the
10 eligibility for a retirement annuity, disability benefits,
11 additional death benefits, or survivors' insurance. The
12 percentage of time employed shall be as reported by the
13 employer. This subsection (b) shall not apply to a member who
14 is a participant on or after January 1, 2024.

15 (Source: P.A. 87-8.)

16 (40 ILCS 5/15-198)

17 Sec. 15-198. Application and expiration of new benefit
18 increases.

19 (a) As used in this Section, "new benefit increase" means
20 an increase in the amount of any benefit provided under this
21 Article, or an expansion of the conditions of eligibility for
22 any benefit under this Article, that results from an amendment
23 to this Code that takes effect after June 1, 2005 (the
24 effective date of Public Act 94-4). "New benefit increase",
25 however, does not include any benefit increase resulting from

1 the changes made to Article 1 or this Article by Public Act
2 100-23, Public Act 100-587, Public Act 100-769, Public Act
3 101-10, Public Act 101-610, Public Act 102-16, or this
4 amendatory Act of the 103rd General Assembly ~~or this~~
5 ~~amendatory Act of the 102nd General Assembly.~~

6 (b) Notwithstanding any other provision of this Code or
7 any subsequent amendment to this Code, every new benefit
8 increase is subject to this Section and shall be deemed to be
9 granted only in conformance with and contingent upon
10 compliance with the provisions of this Section.

11 (c) The Public Act enacting a new benefit increase must
12 identify and provide for payment to the System of additional
13 funding at least sufficient to fund the resulting annual
14 increase in cost to the System as it accrues.

15 Every new benefit increase is contingent upon the General
16 Assembly providing the additional funding required under this
17 subsection. The Commission on Government Forecasting and
18 Accountability shall analyze whether adequate additional
19 funding has been provided for the new benefit increase and
20 shall report its analysis to the Public Pension Division of
21 the Department of Insurance. A new benefit increase created by
22 a Public Act that does not include the additional funding
23 required under this subsection is null and void. If the Public
24 Pension Division determines that the additional funding
25 provided for a new benefit increase under this subsection is
26 or has become inadequate, it may so certify to the Governor and

1 the State Comptroller and, in the absence of corrective action
2 by the General Assembly, the new benefit increase shall expire
3 at the end of the fiscal year in which the certification is
4 made.

5 (d) Every new benefit increase shall expire 5 years after
6 its effective date or on such earlier date as may be specified
7 in the language enacting the new benefit increase or provided
8 under subsection (c). This does not prevent the General
9 Assembly from extending or re-creating a new benefit increase
10 by law.

11 (e) Except as otherwise provided in the language creating
12 the new benefit increase, a new benefit increase that expires
13 under this Section continues to apply to persons who applied
14 and qualified for the affected benefit while the new benefit
15 increase was in effect and to the affected beneficiaries and
16 alternate payees of such persons, but does not apply to any
17 other person, including, without limitation, a person who
18 continues in service after the expiration date and did not
19 apply and qualify for the affected benefit while the new
20 benefit increase was in effect.

21 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
22 101-610, eff. 1-1-20; 102-16, eff. 6-17-21.)

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