



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1285

Introduced 2/3/2023, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-118

from Ch. 108 1/2, par. 16-118

Amends the Downstate Teacher Article of the Illinois Pension Code. In provisions that limit the number of days and hours an annuitant may accept employment for without impairing retirement status, provides that the limitation does not apply to an annuitant who returns to teaching as a substitute teacher in a school district that has been granted a waiver by the System. Provides that a school district may apply for a waiver by providing to the System sufficient evidence that there is a substitute teacher shortage in the school district and an estimate of the number of paid hours in the school year that the annuitant will work. Effective immediately.

LRB103 25133 RPS 51470 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 Section 16-118 as follows:

6 (40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)

7 Sec. 16-118. Retirement. "Retirement": Entry upon a
8 retirement annuity or receipt of a single-sum retirement
9 benefit granted under this Article after termination of active
10 service as a teacher.

11 (a) An annuitant receiving a retirement annuity other than
12 a disability retirement annuity may accept employment as a
13 teacher from a school board or other employer specified in
14 Section 16-106 without impairing retirement status, if that
15 employment:

16 (1) is not within the school year during which service
17 was terminated; and

18 (2) does not exceed the following:

19 (i) before July 1, 2001, 100 paid days or 500 paid
20 hours in any school year;

21 (ii) during the period beginning July 1, 2001
22 through June 30, 2011, 120 paid days or 600 paid hours
23 in each school year;

1 (iii) during the period beginning July 1, 2011
2 through June 30, 2018, 100 paid days or 500 paid hours
3 in each school year;

4 (iv) beginning July 1, 2018 through June 30, 2023,
5 120 paid days or 600 paid hours in each school year,
6 but not more than 100 paid days in the same classroom;

7 (v) during the period between July 1, 2021 and
8 June 30, 2022, an additional 20 paid days or 100 paid
9 hours shall be added to item (iv) of this paragraph (2)
10 to assist with addressing the substitute teacher
11 shortage that has been exacerbated by the ongoing
12 global pandemic; and

13 (vi) beginning July 1, 2023, 100 paid days or 500
14 paid hours in each school year.

15 Where such permitted employment is partly on a daily and
16 partly on an hourly basis, a day shall be considered as 5
17 hours.

18 (b) Subsection (a) does not apply to an annuitant who
19 returns to teaching under the program established in Section
20 16-150.1, for the duration of his or her participation in that
21 program.

22 (c) Subsection (a) does not apply to an annuitant who
23 returns to teaching as a substitute teacher in a school
24 district that has been granted a waiver from the requirements
25 of subsection (a) by the System. A school district may apply
26 for a waiver under this subsection by providing to the System:

1 (i) sufficient evidence that there is a substitute teacher
2 shortage in the school district; and (ii) an estimate of the
3 number of paid hours in the school year that the annuitant will
4 work.

5 (Source: P.A. 101-645, eff. 6-26-20; 102-537, eff. 8-20-21;
6 102-709, eff. 4-22-22.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.