

1 AN ACT in relation to 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 3-110.6 and 14-110 as follows:

6 (40 ILCS 5/3-110.6) (from Ch. 108 1/2, par. 3-110.6)
7 Sec. 3-110.6. Transfer to Article 14 System.

8 (a) Any active member of the State Employees' Retirement
9 System who is an investigator for the Office of the State's
10 Attorneys Appellate Prosecutor, ~~or~~ a controlled substance
11 inspector, or a current or former investigator for the
12 Department of Revenue may apply for transfer of his or her
13 creditable service accumulated in any police pension fund
14 under this Article to the State Employees' Retirement System
15 in accordance with Section 14-110. The creditable service
16 shall be transferred only upon payment by the police pension
17 fund to the State Employees' Retirement System of an amount
18 equal to:

19 (1) the amounts accumulated to the credit of the
20 applicant on the books of the fund on the date of
21 transfer; and

22 (2) employer contributions in an amount equal to
23 the amount determined under subparagraph (1); and

24 (3) any interest paid by the applicant in order to
25 reinstate service.

26 Participation in the police pension fund shall terminate on
27 the date of transfer.

28 (b) Any such investigator or inspector may reinstate
29 service which was terminated by receipt of a refund, by
30 paying to the police pension fund the amount of the refund
31 with interest thereon at the rate of 6% per year, compounded

1 annually, from the date of refund to the date of payment.
2 (Source: P.A. 90-32, eff. 6-27-97.)

3 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
4 Sec. 14-110. Alternative retirement annuity.

5 (a) Any member who has withdrawn from service with not
6 less than 20 years of eligible creditable service and has
7 attained age 55, and any member who has withdrawn from
8 service with not less than 25 years of eligible creditable
9 service and has attained age 50, regardless of whether the
10 attainment of either of the specified ages occurs while the
11 member is still in service, shall be entitled to receive at
12 the option of the member, in lieu of the regular or minimum
13 retirement annuity, a retirement annuity computed as
14 follows:

15 (i) for periods of service as a noncovered
16 employee: if retirement occurs on or after January 1,
17 2001, 3% of final average compensation for each year of
18 creditable service; if retirement occurs before January
19 1, 2001, 2 1/4% of final average compensation for each of
20 the first 10 years of creditable service, 2 1/2% for each
21 year above 10 years to and including 20 years of
22 creditable service, and 2 3/4% for each year of
23 creditable service above 20 years; and

24 (ii) for periods of eligible creditable service as
25 a covered employee: if retirement occurs on or after
26 January 1, 2001, 2.5% of final average compensation for
27 each year of creditable service; if retirement occurs
28 before January 1, 2001, 1.67% of final average
29 compensation for each of the first 10 years of such
30 service, 1.90% for each of the next 10 years of such
31 service, 2.10% for each year of such service in excess of
32 20 but not exceeding 30, and 2.30% for each year in
33 excess of 30.

1 Such annuity shall be subject to a maximum of 75% of
2 final average compensation if retirement occurs before
3 January 1, 2001 or to a maximum of 80% of final average
4 compensation if retirement occurs on or after January 1,
5 2001.

6 These rates shall not be applicable to any service
7 performed by a member as a covered employee which is not
8 eligible creditable service. Service as a covered employee
9 which is not eligible creditable service shall be subject to
10 the rates and provisions of Section 14-108.

11 (b) For the purpose of this Section, "eligible
12 creditable service" means creditable service resulting from
13 service in one or more of the following positions:

- 14 (1) State policeman;
- 15 (2) fire fighter in the fire protection service of
16 a department;
- 17 (3) air pilot;
- 18 (4) special agent;
- 19 (5) investigator for the Secretary of State;
- 20 (6) conservation police officer;
- 21 (7) investigator for the Department of Revenue;
- 22 (8) security employee of the Department of Human
23 Services;
- 24 (9) Central Management Services security police
25 officer;
- 26 (10) security employee of the Department of
27 Corrections;
- 28 (11) dangerous drugs investigator;
- 29 (12) investigator for the Department of State
30 Police;
- 31 (13) investigator for the Office of the Attorney
32 General;
- 33 (14) controlled substance inspector;
- 34 (15) investigator for the Office of the State's

1 Attorneys Appellate Prosecutor;

2 (16) Commerce Commission police officer;

3 (17) arson investigator;

4 (18) State highway maintenance worker.

5 A person employed in one of the positions specified in
6 this subsection is entitled to eligible creditable service
7 for service credit earned under this Article while undergoing
8 the basic police training course approved by the Illinois Law
9 Enforcement Training Standards Board, if completion of that
10 training is required of persons serving in that position. For
11 the purposes of this Code, service during the required basic
12 police training course shall be deemed performance of the
13 duties of the specified position, even though the person is
14 not a sworn peace officer at the time of the training.

15 (c) For the purposes of this Section:

16 (1) The term "state policeman" includes any title
17 or position in the Department of State Police that is
18 held by an individual employed under the State Police
19 Act.

20 (2) The term "fire fighter in the fire protection
21 service of a department" includes all officers in such
22 fire protection service including fire chiefs and
23 assistant fire chiefs.

24 (3) The term "air pilot" includes any employee
25 whose official job description on file in the Department
26 of Central Management Services, or in the department by
27 which he is employed if that department is not covered by
28 the Personnel Code, states that his principal duty is the
29 operation of aircraft, and who possesses a pilot's
30 license; however, the change in this definition made by
31 this amendatory Act of 1983 shall not operate to exclude
32 any noncovered employee who was an "air pilot" for the
33 purposes of this Section on January 1, 1984.

34 (4) The term "special agent" means any person who

1 by reason of employment by the Division of Narcotic
2 Control, the Bureau of Investigation or, after July 1,
3 1977, the Division of Criminal Investigation, the
4 Division of Internal Investigation, the Division of
5 Operations, or any other Division or organizational
6 entity in the Department of State Police is vested by law
7 with duties to maintain public order, investigate
8 violations of the criminal law of this State, enforce the
9 laws of this State, make arrests and recover property.
10 The term "special agent" includes any title or position
11 in the Department of State Police that is held by an
12 individual employed under the State Police Act.

13 (5) The term "investigator for the Secretary of
14 State" means any person employed by the Office of the
15 Secretary of State and vested with such investigative
16 duties as render him ineligible for coverage under the
17 Social Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

19 A person who became employed as an investigator for
20 the Secretary of State between January 1, 1967 and
21 December 31, 1975, and who has served as such until
22 attainment of age 60, either continuously or with a
23 single break in service of not more than 3 years
24 duration, which break terminated before January 1, 1976,
25 shall be entitled to have his retirement annuity
26 calculated in accordance with subsection (a),
27 notwithstanding that he has less than 20 years of credit
28 for such service.

29 (6) The term "Conservation Police Officer" means
30 any person employed by the Division of Law Enforcement of
31 the Department of Natural Resources and vested with such
32 law enforcement duties as render him ineligible for
33 coverage under the Social Security Act by reason of
34 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of

1 that Act. The term "Conservation Police Officer"
2 includes the positions of Chief Conservation Police
3 Administrator and Assistant Conservation Police
4 Administrator.

5 (7) The term "investigator for the Department of
6 Revenue" means any person employed by the Department of
7 Revenue and vested with such investigative duties as
8 render him ineligible for coverage under the Social
9 Security Act by reason of Sections 218(d)(5)(A),
10 218(d)(8)(D) and 218(1)(1) of that Act.

11 (8) The term "security employee of the Department
12 of Human Services" means any person employed by the
13 Department of Human Services who (i) is employed at the
14 Chester Mental Health Center and has daily contact with
15 the residents thereof, (ii) is employed within a security
16 unit at a facility operated by the Department and has
17 daily contact with the residents of the security unit,
18 (iii) is employed at a facility operated by the
19 Department that includes a security unit and is regularly
20 scheduled to work at least 50% of his or her working
21 hours within that security unit, or (iv) is a mental
22 health police officer. "Mental health police officer"
23 means any person employed by the Department of Human
24 Services in a position pertaining to the Department's
25 mental health and developmental disabilities functions
26 who is vested with such law enforcement duties as render
27 the person ineligible for coverage under the Social
28 Security Act by reason of Sections 218(d)(5)(A),
29 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
30 means that portion of a facility that is devoted to the
31 care, containment, and treatment of persons committed to
32 the Department of Human Services as sexually violent
33 persons, persons unfit to stand trial, or persons not
34 guilty by reason of insanity. With respect to past

1 employment, references to the Department of Human
2 Services include its predecessor, the Department of
3 Mental Health and Developmental Disabilities.

4 The changes made to this subdivision (c)(8) by
5 Public Act 92-14 apply to persons who retire on or after
6 January 1, 2001, notwithstanding Section 1-103.1.

7 (9) "Central Management Services security police
8 officer" means any person employed by the Department of
9 Central Management Services who is vested with such law
10 enforcement duties as render him ineligible for coverage
11 under the Social Security Act by reason of Sections
12 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

13 (10) The term "security employee of the Department
14 of Corrections" means any employee of the Department of
15 Corrections or the former Department of Personnel, and
16 any member or employee of the Prisoner Review Board, who
17 has daily contact with inmates by working within a
18 correctional facility or who is a parole officer or an
19 employee who has direct contact with committed persons in
20 the performance of his or her job duties.

21 (11) The term "dangerous drugs investigator" means
22 any person who is employed as such by the Department of
23 Human Services.

24 (12) The term "investigator for the Department of
25 State Police" means a person employed by the Department
26 of State Police who is vested under Section 4 of the
27 Narcotic Control Division Abolition Act with such law
28 enforcement powers as render him ineligible for coverage
29 under the Social Security Act by reason of Sections
30 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

31 (13) "Investigator for the Office of the Attorney
32 General" means any person who is employed as such by the
33 Office of the Attorney General and is vested with such
34 investigative duties as render him ineligible for

1 coverage under the Social Security Act by reason of
2 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
3 Act. For the period before January 1, 1989, the term
4 includes all persons who were employed as investigators
5 by the Office of the Attorney General, without regard to
6 social security status.

7 (14) "Controlled substance inspector" means any
8 person who is employed as such by the Department of
9 Professional Regulation and is vested with such law
10 enforcement duties as render him ineligible for coverage
11 under the Social Security Act by reason of Sections
12 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
13 The term "controlled substance inspector" includes the
14 Program Executive of Enforcement and the Assistant
15 Program Executive of Enforcement.

16 (15) The term "investigator for the Office of the
17 State's Attorneys Appellate Prosecutor" means a person
18 employed in that capacity on a full time basis under the
19 authority of Section 7.06 of the State's Attorneys
20 Appellate Prosecutor's Act.

21 (16) "Commerce Commission police officer" means any
22 person employed by the Illinois Commerce Commission who
23 is vested with such law enforcement duties as render him
24 ineligible for coverage under the Social Security Act by
25 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
26 218(1)(1) of that Act.

27 (17) "Arson investigator" means any person who is
28 employed as such by the Office of the State Fire Marshal
29 and is vested with such law enforcement duties as render
30 the person ineligible for coverage under the Social
31 Security Act by reason of Sections 218(d)(5)(A),
32 218(d)(8)(D), and 218(1)(1) of that Act. A person who
33 was employed as an arson investigator on January 1, 1995
34 and is no longer in service but not yet receiving a

1 retirement annuity may convert his or her creditable
2 service for employment as an arson investigator into
3 eligible creditable service by paying to the System the
4 difference between the employee contributions actually
5 paid for that service and the amounts that would have
6 been contributed if the applicant were contributing at
7 the rate applicable to persons with the same social
8 security status earning eligible creditable service on
9 the date of application.

10 (18) The term "State highway maintenance worker"
11 means a person who is either of the following:

12 (i) A person employed on a full-time basis by
13 the Illinois Department of Transportation in the
14 position of highway maintainer, highway maintenance
15 lead worker, highway maintenance lead/lead worker,
16 heavy construction equipment operator, power shovel
17 operator, or bridge mechanic; and whose principal
18 responsibility is to perform, on the roadway, the
19 actual maintenance necessary to keep the highways
20 that form a part of the State highway system in
21 serviceable condition for vehicular traffic.

22 (ii) A person employed on a full-time basis by
23 the Illinois State Toll Highway Authority in the
24 position of equipment operator/laborer H-4,
25 equipment operator/laborer H-6, welder H-4,
26 welder H-6, mechanical/electrical H-4,
27 mechanical/electrical H-6, water/sewer H-4,
28 water/sewer H-6, sign maker/hanger H-4, sign
29 maker/hanger H-6, roadway lighting H-4, roadway
30 lighting H-6, structural H-4, structural H-6,
31 painter H-4, or painter H-6; and whose principal
32 responsibility is to perform, on the roadway, the
33 actual maintenance necessary to keep the Authority's
34 tollways in serviceable condition for vehicular

1 traffic.

2 (d) A security employee of the Department of
3 Corrections, and a security employee of the Department of
4 Human Services who is not a mental health police officer,
5 shall not be eligible for the alternative retirement annuity
6 provided by this Section unless he or she meets the following
7 minimum age and service requirements at the time of
8 retirement:

9 (i) 25 years of eligible creditable service and age
10 55; or

11 (ii) beginning January 1, 1987, 25 years of
12 eligible creditable service and age 54, or 24 years of
13 eligible creditable service and age 55; or

14 (iii) beginning January 1, 1988, 25 years of
15 eligible creditable service and age 53, or 23 years of
16 eligible creditable service and age 55; or

17 (iv) beginning January 1, 1989, 25 years of
18 eligible creditable service and age 52, or 22 years of
19 eligible creditable service and age 55; or

20 (v) beginning January 1, 1990, 25 years of eligible
21 creditable service and age 51, or 21 years of eligible
22 creditable service and age 55; or

23 (vi) beginning January 1, 1991, 25 years of
24 eligible creditable service and age 50, or 20 years of
25 eligible creditable service and age 55.

26 Persons who have service credit under Article 16 of this
27 Code for service as a security employee of the Department of
28 Corrections or the Department of Human Services in a position
29 requiring certification as a teacher may count such service
30 toward establishing their eligibility under the service
31 requirements of this Section; but such service may be used
32 only for establishing such eligibility, and not for the
33 purpose of increasing or calculating any benefit.

34 (e) If a member enters military service while working in

1 a position in which eligible creditable service may be
2 earned, and returns to State service in the same or another
3 such position, and fulfills in all other respects the
4 conditions prescribed in this Article for credit for military
5 service, such military service shall be credited as eligible
6 creditable service for the purposes of the retirement annuity
7 prescribed in this Section.

8 (f) For purposes of calculating retirement annuities
9 under this Section, periods of service rendered after
10 December 31, 1968 and before October 1, 1975 as a covered
11 employee in the position of special agent, conservation
12 police officer, mental health police officer, or investigator
13 for the Secretary of State, shall be deemed to have been
14 service as a noncovered employee, provided that the employee
15 pays to the System prior to retirement an amount equal to (1)
16 the difference between the employee contributions that would
17 have been required for such service as a noncovered employee,
18 and the amount of employee contributions actually paid, plus
19 (2) if payment is made after July 31, 1987, regular interest
20 on the amount specified in item (1) from the date of service
21 to the date of payment.

22 For purposes of calculating retirement annuities under
23 this Section, periods of service rendered after December 31,
24 1968 and before January 1, 1982 as a covered employee in the
25 position of investigator for the Department of Revenue shall
26 be deemed to have been service as a noncovered employee,
27 provided that the employee pays to the System prior to
28 retirement an amount equal to (1) the difference between the
29 employee contributions that would have been required for such
30 service as a noncovered employee, and the amount of employee
31 contributions actually paid, plus (2) if payment is made
32 after January 1, 1990, regular interest on the amount
33 specified in item (1) from the date of service to the date of
34 payment.

1 (g) A State policeman may elect, not later than January
2 1, 1990, to establish eligible creditable service for up to
3 10 years of his service as a policeman under Article 3, by
4 filing a written election with the Board, accompanied by
5 payment of an amount to be determined by the Board, equal to
6 (i) the difference between the amount of employee and
7 employer contributions transferred to the System under
8 Section 3-110.5, and the amounts that would have been
9 contributed had such contributions been made at the rates
10 applicable to State policemen, plus (ii) interest thereon at
11 the effective rate for each year, compounded annually, from
12 the date of service to the date of payment.

13 Subject to the limitation in subsection (i), a State
14 policeman may elect, not later than July 1, 1993, to
15 establish eligible creditable service for up to 10 years of
16 his service as a member of the County Police Department under
17 Article 9, by filing a written election with the Board,
18 accompanied by payment of an amount to be determined by the
19 Board, equal to (i) the difference between the amount of
20 employee and employer contributions transferred to the System
21 under Section 9-121.10 and the amounts that would have been
22 contributed had those contributions been made at the rates
23 applicable to State policemen, plus (ii) interest thereon at
24 the effective rate for each year, compounded annually, from
25 the date of service to the date of payment.

26 (h) Subject to the limitation in subsection (i), a State
27 policeman or investigator for the Secretary of State may
28 elect to establish eligible creditable service for up to 12
29 years of his service as a policeman under Article 5, by
30 filing a written election with the Board on or before January
31 31, 1992, and paying to the System by January 31, 1994 an
32 amount to be determined by the Board, equal to (i) the
33 difference between the amount of employee and employer
34 contributions transferred to the System under Section 5-236,

1 and the amounts that would have been contributed had such
2 contributions been made at the rates applicable to State
3 policemen, plus (ii) interest thereon at the effective rate
4 for each year, compounded annually, from the date of service
5 to the date of payment.

6 Subject to the limitation in subsection (i), a State
7 policeman, conservation police officer, or investigator for
8 the Secretary of State may elect to establish eligible
9 creditable service for up to 10 years of service as a
10 sheriff's law enforcement employee under Article 7, by filing
11 a written election with the Board on or before January 31,
12 1993, and paying to the System by January 31, 1994 an amount
13 to be determined by the Board, equal to (i) the difference
14 between the amount of employee and employer contributions
15 transferred to the System under Section 7-139.7, and the
16 amounts that would have been contributed had such
17 contributions been made at the rates applicable to State
18 policemen, plus (ii) interest thereon at the effective rate
19 for each year, compounded annually, from the date of service
20 to the date of payment.

21 (i) The total amount of eligible creditable service
22 established by any person under subsections (g), (h), (j),
23 (k), and (l), and (m) of this Section shall not exceed 12
24 years.

25 (j) Subject to the limitation in subsection (i), an
26 investigator for the Office of the State's Attorneys
27 Appellate Prosecutor or a controlled substance inspector may
28 elect to establish eligible creditable service for up to 10
29 years of his service as a policeman under Article 3 or a
30 sheriff's law enforcement employee under Article 7, by filing
31 a written election with the Board, accompanied by payment of
32 an amount to be determined by the Board, equal to (1) the
33 difference between the amount of employee and employer
34 contributions transferred to the System under Section 3-110.6

1 or 7-139.8, and the amounts that would have been contributed
2 had such contributions been made at the rates applicable to
3 State policemen, plus (2) interest thereon at the effective
4 rate for each year, compounded annually, from the date of
5 service to the date of payment.

6 (k) Subject to the limitation in subsection (i) of this
7 Section, an alternative formula employee may elect to
8 establish eligible creditable service for periods spent as a
9 full-time law enforcement officer or full-time corrections
10 officer employed by the federal government or by a state or
11 local government located outside of Illinois, for which
12 credit is not held in any other public employee pension fund
13 or retirement system. To obtain this credit, the applicant
14 must file a written application with the Board by March 31,
15 1998, accompanied by evidence of eligibility acceptable to
16 the Board and payment of an amount to be determined by the
17 Board, equal to (1) employee contributions for the credit
18 being established, based upon the applicant's salary on the
19 first day as an alternative formula employee after the
20 employment for which credit is being established and the
21 rates then applicable to alternative formula employees, plus
22 (2) an amount determined by the Board to be the employer's
23 normal cost of the benefits accrued for the credit being
24 established, plus (3) regular interest on the amounts in
25 items (1) and (2) from the first day as an alternative
26 formula employee after the employment for which credit is
27 being established to the date of payment.

28 (l) Subject to the limitation in subsection (i), a
29 security employee of the Department of Corrections may elect,
30 not later than July 1, 1998, to establish eligible creditable
31 service for up to 10 years of his or her service as a
32 policeman under Article 3, by filing a written election with
33 the Board, accompanied by payment of an amount to be
34 determined by the Board, equal to (i) the difference between

1 the amount of employee and employer contributions transferred
2 to the System under Section 3-110.5, and the amounts that
3 would have been contributed had such contributions been made
4 at the rates applicable to security employees of the
5 Department of Corrections, plus (ii) interest thereon at the
6 effective rate for each year, compounded annually, from the
7 date of service to the date of payment.

8 (m) Subject to the limitation in subsection (i), an
9 active contributor to the System who is a current or former
10 investigator for the Department of Revenue may elect to
11 establish eligible creditable service for up to 12 years of
12 service as a police officer under Article 3 by filing a
13 written election with the Board before January 1, 2004,
14 accompanied by payment of an amount to be determined by the
15 Board, equal to (1) the difference between the amount of
16 employee and employer contributions transferred to the System
17 under Section 3-110.6 and the amounts that would have been
18 contributed for that service had those contributions been
19 made at the rates then applicable to Department of Revenue
20 investigators, plus (2) interest thereon at the effective
21 rate for each year, compounded annually, from the date of
22 service to the date of payment.

23 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;
24 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff.
25 7-11-02.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.