

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 Section 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)  
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not  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10 attained age 55, and any member who has withdrawn from  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

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

27 (ii) for periods of eligible creditable service as  
28 a covered employee: if retirement occurs on or after  
29 January 1, 2001, 2.5% of final average compensation for  
30 each year of creditable service; if retirement occurs  
31 before January 1, 2001, 1.67% of final average

1 compensation for each of the first 10 years of such  
2 service, 1.90% for each of the next 10 years of such  
3 service, 2.10% for each year of such service in excess of  
4 20 but not exceeding 30, and 2.30% for each year in  
5 excess of 30.

6 Such annuity shall be subject to a maximum of 75% of  
7 final average compensation if retirement occurs before  
8 January 1, 2001 or to a maximum of 80% of final average  
9 compensation if retirement occurs on or after January 1,  
10 2001.

11 These rates shall not be applicable to any service  
12 performed by a member as a covered employee which is not  
13 eligible creditable service. Service as a covered employee  
14 which is not eligible creditable service shall be subject to  
15 the rates and provisions of Section 14-108.

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

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

1 Police;

2 (13) investigator for the Office of the Attorney  
3 General;

4 (14) controlled substance inspector;

5 (15) investigator for the Office of the State's  
6 Attorneys Appellate Prosecutor;

7 (16) Commerce Commission police officer;

8 (17) arson investigator;

9 (18) State highway maintenance worker;

10 (19) forensic sciences employee.

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

21 (c) For the purposes of this Section:

22 (1) The term "state policeman" includes any title  
23 or position in the Department of State Police that is  
24 held by an individual employed under the State Police  
25 Act.

26 (2) The term "fire fighter in the fire protection  
27 service of a department" includes all officers in such  
28 fire protection service including fire chiefs and  
29 assistant fire chiefs.

30 (3) The term "air pilot" includes any employee  
31 whose official job description on file in the Department  
32 of Central Management Services, or in the department by  
33 which he is employed if that department is not covered by  
34 the Personnel Code, states that his principal duty is the

1 operation of aircraft, and who possesses a pilot's  
2 license; however, the change in this definition made by  
3 this amendatory Act of 1983 shall not operate to exclude  
4 any noncovered employee who was an "air pilot" for the  
5 purposes of this Section on January 1, 1984.

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

19 (5) The term "investigator for the Secretary of  
20 State" means any person employed by the Office of the  
21 Secretary of State and vested with such investigative  
22 duties as render him ineligible for coverage under the  
23 Social Security Act by reason of Sections 218(d)(5)(A),  
24 218(d)(8)(D) and 218(1)(1) of that Act.

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

1           (6) The term "Conservation Police Officer" means  
2 any person employed by the Division of Law Enforcement of  
3 the Department of Natural Resources and vested with such  
4 law enforcement duties as render him ineligible for  
5 coverage under the Social Security Act by reason of  
6 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of  
7 that Act. The term "Conservation Police Officer"  
8 includes the positions of Chief Conservation Police  
9 Administrator and Assistant Conservation Police  
10 Administrator.

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

17           (8) The term "security employee of the Department  
18 of Human Services" means any person employed by the  
19 Department of Human Services who (i) is employed at the  
20 Chester Mental Health Center and has daily contact with  
21 the residents thereof, (ii) is employed within a security  
22 unit at a facility operated by the Department and has  
23 daily contact with the residents of the security unit,  
24 (iii) is employed at a facility operated by the  
25 Department that includes a security unit and is regularly  
26 scheduled to work at least 50% of his or her working  
27 hours within that security unit, or (iv) is a mental  
28 health police officer. "Mental health police officer"  
29 means any person employed by the Department of Human  
30 Services in a position pertaining to the Department's  
31 mental health and developmental disabilities functions  
32 who is vested with such law enforcement duties as render  
33 the person ineligible for coverage under the Social  
34 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
2 means that portion of a facility that is devoted to the  
3 care, containment, and treatment of persons committed to  
4 the Department of Human Services as sexually violent  
5 persons, persons unfit to stand trial, or persons not  
6 guilty by reason of insanity. With respect to past  
7 employment, references to the Department of Human  
8 Services include its predecessor, the Department of  
9 Mental Health and Developmental Disabilities.

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

13 (9) "Central Management Services security police  
14 officer" means any person employed by the Department of  
15 Central Management Services who is vested with such law  
16 enforcement duties as render him ineligible for coverage  
17 under the Social Security Act by reason of Sections  
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

30 (12) The term "investigator for the Department of  
31 State Police" means a person employed by the Department  
32 of State Police who is vested under Section 4 of the  
33 Narcotic Control Division Abolition Act with such law  
34 enforcement powers as render him ineligible for coverage

1 under the Social Security Act by reason of Sections  
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

3 (13) "Investigator for the Office of the Attorney  
4 General" means any person who is employed as such by the  
5 Office of the Attorney General and is vested with such  
6 investigative duties as render him ineligible for  
7 coverage under the Social Security Act by reason of  
8 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that  
9 Act. For the period before January 1, 1989, the term  
10 includes all persons who were employed as investigators  
11 by the Office of the Attorney General, without regard to  
12 social security status.

13 (14) "Controlled substance inspector" means any  
14 person who is employed as such by the Department of  
15 Professional Regulation and is vested with such law  
16 enforcement duties as render him ineligible for coverage  
17 under the Social Security Act by reason of Sections  
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.  
19 The term "controlled substance inspector" includes the  
20 Program Executive of Enforcement and the Assistant  
21 Program Executive of Enforcement.

22 (15) The term "investigator for the Office of the  
23 State's Attorneys Appellate Prosecutor" means a person  
24 employed in that capacity on a full time basis under the  
25 authority of Section 7.06 of the State's Attorneys  
26 Appellate Prosecutor's Act.

27 (16) "Commerce Commission police officer" means any  
28 person employed by the Illinois Commerce Commission who  
29 is vested with such law enforcement duties as render him  
30 ineligible for coverage under the Social Security Act by  
31 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
32 218(1)(1) of that Act.

33 (17) "Arson investigator" means any person who is  
34 employed as such by the Office of the State Fire Marshal

1 and is vested with such law enforcement duties as render  
 2 the person ineligible for coverage under the Social  
 3 Security Act by reason of Sections 218(d)(5)(A),  
 4 218(d)(8)(D), and 218(1)(1) of that Act. A person who  
 5 was employed as an arson investigator on January 1, 1995  
 6 and is no longer in service but not yet receiving a  
 7 retirement annuity may convert his or her creditable  
 8 service for employment as an arson investigator into  
 9 eligible creditable service by paying to the System the  
 10 difference between the employee contributions actually  
 11 paid for that service and the amounts that would have  
 12 been contributed if the applicant were contributing at  
 13 the rate applicable to persons with the same social  
 14 security status earning eligible creditable service on  
 15 the date of application.

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

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

28 (ii) A person employed on a full-time basis by  
 29 the Illinois State Toll Highway Authority in the  
 30 position of equipment operator/laborer H-4,  
 31 equipment operator/laborer H-6, welder H-4,  
 32 welder H-6, mechanical/electrical H-4,  
 33 mechanical/electrical H-6, water/sewer H-4,  
 34 water/sewer H-6, sign maker/hanger H-4, sign



1 maker/hanger H-6, roadway lighting H-4, roadway  
 2 lighting H-6, structural H-4, structural H-6,  
 3 painter H-4, or painter H-6; and whose principal  
 4 responsibility is to perform, on the roadway, the  
 5 actual maintenance necessary to keep the Authority's  
 6 tollways in serviceable condition for vehicular  
 7 traffic.

8 (19) "Forensic sciences employee" means any person  
 9 employed by the Department of State Police in its  
 10 Forensic Sciences Command as a forensic scientist,  
 11 polygraph examiner, evidence technician, or public  
 12 service administrator or senior public service  
 13 administrator with forensic science experience (and  
 14 includes such a person while employed by a predecessor  
 15 agency in a similar position).

16 (d) A security employee of the Department of  
 17 Corrections, and a security employee of the Department of  
 18 Human Services who is not a mental health police officer,  
 19 shall not be eligible for the alternative retirement annuity  
 20 provided by this Section unless he or she meets the following  
 21 minimum age and service requirements at the time of  
 22 retirement:

23 (i) 25 years of eligible creditable service and age  
 24 55; or

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

28 (iii) beginning January 1, 1988, 25 years of  
 29 eligible creditable service and age 53, or 23 years of  
 30 eligible creditable service and age 55; or

31 (iv) beginning January 1, 1989, 25 years of  
 32 eligible creditable service and age 52, or 22 years of  
 33 eligible creditable service and age 55; or

34 (v) beginning January 1, 1990, 25 years of eligible

1           creditable service and age 51, or 21 years of eligible  
2           creditable service and age 55; or

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

6           Persons who have service credit under Article 16 of this  
7           Code for service as a security employee of the Department of  
8           Corrections or the Department of Human Services in a position  
9           requiring certification as a teacher may count such service  
10          toward establishing their eligibility under the service  
11          requirements of this Section; but such service may be used  
12          only for establishing such eligibility, and not for the  
13          purpose of increasing or calculating any benefit.

14          (e) If a member enters military service while working in  
15          a position in which eligible creditable service may be  
16          earned, and returns to State service in the same or another  
17          such position, and fulfills in all other respects the  
18          conditions prescribed in this Article for credit for military  
19          service, such military service shall be credited as eligible  
20          creditable service for the purposes of the retirement annuity  
21          prescribed in this Section.

22          (f) For purposes of calculating retirement annuities  
23          under this Section, periods of service rendered after  
24          December 31, 1968 and before October 1, 1975 as a covered  
25          employee in the position of special agent, conservation  
26          police officer, mental health police officer, or investigator  
27          for the Secretary of State, shall be deemed to have been  
28          service as a noncovered employee, provided that the employee  
29          pays to the System prior to retirement an amount equal to (1)  
30          the difference between the employee contributions that would  
31          have been required for such service as a noncovered employee,  
32          and the amount of employee contributions actually paid, plus  
33          (2) if payment is made after July 31, 1987, regular interest  
34          on the amount specified in item (1) from the date of service

1 to the date of payment.

2 For purposes of calculating retirement annuities under  
3 this Section, periods of service rendered after December 31,  
4 1968 and before January 1, 1982 as a covered employee in the  
5 position of investigator for the Department of Revenue shall  
6 be deemed to have been service as a noncovered employee,  
7 provided that the employee pays to the System prior to  
8 retirement an amount equal to (1) the difference between the  
9 employee contributions that would have been required for such  
10 service as a noncovered employee, and the amount of employee  
11 contributions actually paid, plus (2) if payment is made  
12 after January 1, 1990, regular interest on the amount  
13 specified in item (1) from the date of service to the date of  
14 payment.

15 (g) A State policeman may elect, not later than January  
16 1, 1990, to establish eligible creditable service for up to  
17 10 years of his service as a policeman under Article 3, by  
18 filing a written election with the Board, accompanied by  
19 payment of an amount to be determined by the Board, equal to  
20 (i) the difference between the amount of employee and  
21 employer contributions transferred to the System under  
22 Section 3-110.5, and the amounts that would have been  
23 contributed had such contributions been made at the rates  
24 applicable to State policemen, plus (ii) interest thereon at  
25 the effective rate for each year, compounded annually, from  
26 the date of service to the date of payment.

27 Subject to the limitation in subsection (i), a State  
28 policeman may elect, not later than July 1, 1993, to  
29 establish eligible creditable service for up to 10 years of  
30 his service as a member of the County Police Department under  
31 Article 9, by filing a written election with the Board,  
32 accompanied by payment of an amount to be determined by the  
33 Board, equal to (i) the difference between the amount of  
34 employee and employer contributions transferred to the System

1 under Section 9-121.10 and the amounts that would have been  
2 contributed had those contributions been made at the rates  
3 applicable to State policemen, plus (ii) interest thereon at  
4 the effective rate for each year, compounded annually, from  
5 the date of service to the date of payment.

6 (h) Subject to the limitation in subsection (i), a State  
7 policeman or investigator for the Secretary of State may  
8 elect to establish eligible creditable service for up to 12  
9 years of his service as a policeman under Article 5, by  
10 filing a written election with the Board on or before January  
11 31, 1992, and paying to the System by January 31, 1994 an  
12 amount to be determined by the Board, equal to (i) the  
13 difference between the amount of employee and employer  
14 contributions transferred to the System under Section 5-236,  
15 and the amounts that would have been contributed had such  
16 contributions been made at the rates applicable to State  
17 policemen, plus (ii) interest thereon at the effective rate  
18 for each year, compounded annually, from the date of service  
19 to the date of payment.

20 Subject to the limitation in subsection (i), a State  
21 policeman, conservation police officer, or investigator for  
22 the Secretary of State may elect to establish eligible  
23 creditable service for up to 10 years of service as a  
24 sheriff's law enforcement employee under Article 7, by filing  
25 a written election with the Board on or before January 31,  
26 1993, and paying to the System by January 31, 1994 an amount  
27 to be determined by the Board, equal to (i) the difference  
28 between the amount of employee and employer contributions  
29 transferred to the System under Section 7-139.7, and the  
30 amounts that would have been contributed had such  
31 contributions been made at the rates applicable to State  
32 policemen, plus (ii) interest thereon at the effective rate  
33 for each year, compounded annually, from the date of service  
34 to the date of payment.

1 (i) The total amount of eligible creditable service  
2 established by any person under subsections (g), (h), (j),  
3 (k), and (l) of this Section shall not exceed 12 years.

4 (j) Subject to the limitation in subsection (i), an  
5 investigator for the Office of the State's Attorneys  
6 Appellate Prosecutor or a controlled substance inspector may  
7 elect to establish eligible creditable service for up to 10  
8 years of his service as a policeman under Article 3 or a  
9 sheriff's law enforcement employee under Article 7, by filing  
10 a written election with the Board, accompanied by payment of  
11 an amount to be determined by the Board, equal to (1) the  
12 difference between the amount of employee and employer  
13 contributions transferred to the System under Section 3-110.6  
14 or 7-139.8, and the amounts that would have been contributed  
15 had such contributions been made at the rates applicable to  
16 State policemen, plus (2) interest thereon at the effective  
17 rate for each year, compounded annually, from the date of  
18 service to the date of payment.

19 (k) Subject to the limitation in subsection (i) of this  
20 Section, an alternative formula employee may elect to  
21 establish eligible creditable service for periods spent as a  
22 full-time law enforcement officer or full-time corrections  
23 officer employed by the federal government or by a state or  
24 local government located outside of Illinois, for which  
25 credit is not held in any other public employee pension fund  
26 or retirement system. To obtain this credit, the applicant  
27 must file a written application with the Board by March 31,  
28 1998, accompanied by evidence of eligibility acceptable to  
29 the Board and payment of an amount to be determined by the  
30 Board, equal to (1) employee contributions for the credit  
31 being established, based upon the applicant's salary on the  
32 first day as an alternative formula employee after the  
33 employment for which credit is being established and the  
34 rates then applicable to alternative formula employees, plus

1 (2) an amount determined by the Board to be the employer's  
2 normal cost of the benefits accrued for the credit being  
3 established, plus (3) regular interest on the amounts in  
4 items (1) and (2) from the first day as an alternative  
5 formula employee after the employment for which credit is  
6 being established to the date of payment.

7 (1) Subject to the limitation in subsection (i), a  
8 security employee of the Department of Corrections may elect,  
9 not later than July 1, 1998, to establish eligible creditable  
10 service for up to 10 years of his or her service as a  
11 policeman under Article 3, by filing a written election with  
12 the Board, accompanied by payment of an amount to be  
13 determined by the Board, equal to (i) the difference between  
14 the amount of employee and employer contributions transferred  
15 to the System under Section 3-110.5, and the amounts that  
16 would have been contributed had such contributions been made  
17 at the rates applicable to security employees of the  
18 Department of Corrections, plus (ii) interest thereon at the  
19 effective rate for each year, compounded annually, from the  
20 date of service to the date of payment.

21 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;  
22 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff.  
23 7-11-02.)

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