



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/04/04, by Brandon W. Phelps

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/14-110

from Ch. 108 1/2, par. 14-110

Amends the State Employees Article of the Illinois Pension Code. Provides the alternative (State Police) formula for employees of the Department of Agriculture who are assigned to the Department of Corrections and who have daily contact with inmates by working within a correctional facility. Effective immediately.

LRB093 19573 LRD 45313 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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8 (a) Any member who has withdrawn from service with not less  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10 age 55, and any member who has withdrawn from service with not  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

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

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

1 each year in excess of 30.

2 Such annuity shall be subject to a maximum of 75% of final  
3 average compensation if retirement occurs before January 1,  
4 2001 or to a maximum of 80% of final average compensation if  
5 retirement occurs on or after January 1, 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 creditable  
12 service" means creditable service resulting from service in one  
13 or more of the following positions:

14 (1) State policeman;

15 (2) fire fighter in the fire protection service of a  
16 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 Police;

30 (13) investigator for the Office of the Attorney  
31 General;

32 (14) controlled substance inspector;

33 (15) investigator for the Office of the State's  
34 Attorneys Appellate Prosecutor;

35 (16) Commerce Commission police officer;

36 (17) arson investigator;

1 (18) State highway maintenance worker.

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

12 (c) For the purposes of this Section:

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

16 (2) The term "fire fighter in the fire protection  
17 service of a department" includes all officers in such fire  
18 protection service including fire chiefs and assistant  
19 fire chiefs.

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

30 (4) The term "special agent" means any person who by  
31 reason of employment by the Division of Narcotic Control,  
32 the Bureau of Investigation or, after July 1, 1977, the  
33 Division of Criminal Investigation, the Division of  
34 Internal Investigation, the Division of Operations, or any  
35 other Division or organizational entity in the Department  
36 of State Police is vested by law with duties to maintain

1 public order, investigate violations of the criminal law of  
2 this State, enforce the laws of this State, make arrests  
3 and recover property. The term "special agent" includes any  
4 title or position in the Department of State Police that is  
5 held by an individual employed under the State Police Act.

6 (5) The term "investigator for the Secretary of State"  
7 means any person employed by the Office of the Secretary of  
8 State and vested with such investigative duties as render  
9 him ineligible for coverage under the Social Security Act  
10 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
11 218(1)(1) of that Act.

12 A person who became employed as an investigator for the  
13 Secretary of State between January 1, 1967 and December 31,  
14 1975, and who has served as such until attainment of age  
15 60, either continuously or with a single break in service  
16 of not more than 3 years duration, which break terminated  
17 before January 1, 1976, shall be entitled to have his  
18 retirement annuity calculated in accordance with  
19 subsection (a), notwithstanding that he has less than 20  
20 years of credit for such service.

21 (6) The term "Conservation Police Officer" means any  
22 person employed by the Division of Law Enforcement of the  
23 Department of Natural Resources and vested with such law  
24 enforcement duties as render him ineligible for coverage  
25 under the Social Security Act by reason of Sections  
26 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
27 term "Conservation Police Officer" includes the positions  
28 of Chief Conservation Police Administrator and Assistant  
29 Conservation Police Administrator.

30 (7) The term "investigator for the Department of  
31 Revenue" means any person employed by the Department of  
32 Revenue and vested with such investigative duties as render  
33 him ineligible for coverage under the Social Security Act  
34 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
35 218(1)(1) of that Act.

36 (8) The term "security employee of the Department of

1 Human Services" means any person employed by the Department  
2 of Human Services who (i) is employed at the Chester Mental  
3 Health Center and has daily contact with the residents  
4 thereof, (ii) is employed within a security unit at a  
5 facility operated by the Department and has daily contact  
6 with the residents of the security unit, (iii) is employed  
7 at a facility operated by the Department that includes a  
8 security unit and is regularly scheduled to work at least  
9 50% of his or her working hours within that security unit,  
10 or (iv) is a mental health police officer. "Mental health  
11 police officer" means any person employed by the Department  
12 of Human Services in a position pertaining to the  
13 Department's mental health and developmental disabilities  
14 functions who is vested with such law enforcement duties as  
15 render the person ineligible for coverage under the Social  
16 Security Act by reason of Sections 218(d)(5)(A),  
17 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
18 means that portion of a facility that is devoted to the  
19 care, containment, and treatment of persons committed to  
20 the Department of Human Services as sexually violent  
21 persons, persons unfit to stand trial, or persons not  
22 guilty by reason of insanity. With respect to past  
23 employment, references to the Department of Human Services  
24 include its predecessor, the Department of Mental Health  
25 and Developmental Disabilities.

26 The changes made to this subdivision (c)(8) by Public  
27 Act 92-14 apply to persons who retire on or after January  
28 1, 2001, notwithstanding Section 1-103.1.

29 (9) "Central Management Services security police  
30 officer" means any person employed by the Department of  
31 Central Management Services who is vested with such law  
32 enforcement duties as render him ineligible for coverage  
33 under the Social Security Act by reason of Sections  
34 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

35 (10) The term "security employee of the Department of  
36 Corrections" means any employee of the Department of

1 Corrections or the former Department of Personnel, and any  
2 member or employee of the Prisoner Review Board, who has  
3 daily contact with inmates by working within a correctional  
4 facility or who is a parole officer or an employee who has  
5 direct contact with committed persons in the performance of  
6 his or her job duties, and any employee of the Department  
7 of Agriculture who is assigned to the Department of  
8 Corrections and who has daily contact with inmates by  
9 working within a correctional facility.

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

13 (12) The term "investigator for the Department of State  
14 Police" means a person employed by the Department of State  
15 Police who is vested under Section 4 of the Narcotic  
16 Control Division Abolition Act with such law enforcement  
17 powers as render him ineligible for coverage under the  
18 Social Security Act by reason of Sections 218(d)(5)(A),  
19 218(d)(8)(D) and 218(1)(1) of that Act.

20 (13) "Investigator for the Office of the Attorney  
21 General" means any person who is employed as such by the  
22 Office of the Attorney General and is vested with such  
23 investigative duties as render him ineligible for coverage  
24 under the Social Security Act by reason of Sections  
25 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
26 the period before January 1, 1989, the term includes all  
27 persons who were employed as investigators by the Office of  
28 the Attorney General, without regard to social security  
29 status.

30 (14) "Controlled substance inspector" means any person  
31 who is employed as such by the Department of Professional  
32 Regulation and is vested with such law enforcement duties  
33 as render him ineligible for coverage under the Social  
34 Security Act by reason of Sections 218(d)(5)(A),  
35 218(d)(8)(D) and 218(1)(1) of that Act. The term  
36 "controlled substance inspector" includes the Program

1 Executive of Enforcement and the Assistant Program  
2 Executive of Enforcement.

3 (15) The term "investigator for the Office of the  
4 State's Attorneys Appellate Prosecutor" means a person  
5 employed in that capacity on a full time basis under the  
6 authority of Section 7.06 of the State's Attorneys  
7 Appellate Prosecutor's Act.

8 (16) "Commerce Commission police officer" means any  
9 person employed by the Illinois Commerce Commission who is  
10 vested with such law enforcement duties as render him  
11 ineligible for coverage under the Social Security Act by  
12 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
13 218(1)(1) of that Act.

14 (17) "Arson investigator" means any person who is  
15 employed as such by the Office of the State Fire Marshal  
16 and is vested with such law enforcement duties as render  
17 the person ineligible for coverage under the Social  
18 Security Act by reason of Sections 218(d)(5)(A),  
19 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
20 employed as an arson investigator on January 1, 1995 and is  
21 no longer in service but not yet receiving a retirement  
22 annuity may convert his or her creditable service for  
23 employment as an arson investigator into eligible  
24 creditable service by paying to the System the difference  
25 between the employee contributions actually paid for that  
26 service and the amounts that would have been contributed if  
27 the applicant were contributing at the rate applicable to  
28 persons with the same social security status earning  
29 eligible creditable service on the date of application.

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

32 (i) A person employed on a full-time basis by the  
33 Illinois Department of Transportation in the position  
34 of highway maintainer, highway maintenance lead  
35 worker, highway maintenance lead/lead worker, heavy  
36 construction equipment operator, power shovel



1 operator, or bridge mechanic; and whose principal  
2 responsibility is to perform, on the roadway, the  
3 actual maintenance necessary to keep the highways that  
4 form a part of the State highway system in serviceable  
5 condition for vehicular traffic.

6 (ii) A person employed on a full-time basis by the  
7 Illinois State Toll Highway Authority in the position  
8 of equipment operator/laborer H-4, equipment  
9 operator/laborer H-6, welder H-4, welder H-6,  
10 mechanical/electrical H-4, mechanical/electrical H-6,  
11 water/sewer H-4, water/sewer H-6, sign maker/hanger  
12 H-4, sign maker/hanger H-6, roadway lighting H-4,  
13 roadway lighting H-6, structural H-4, structural H-6,  
14 painter H-4, or painter H-6; and whose principal  
15 responsibility is to perform, on the roadway, the  
16 actual maintenance necessary to keep the Authority's  
17 tollways in serviceable condition for vehicular  
18 traffic.

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

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

26 or

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

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

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

36 (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 eligible  
4           creditable service and age 50, or 20 years of eligible  
5           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 only  
12          for establishing such eligibility, and not for the purpose of  
13          increasing or calculating any benefit.

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

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

35          For purposes of calculating retirement annuities under  
36          this Section, periods of service rendered after December 31,

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

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

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

36 (h) Subject to the limitation in subsection (i), a State

1 policeman or investigator for the Secretary of State may elect  
2 to establish eligible creditable service for up to 12 years of  
3 his service as a policeman under Article 5, by filing a written  
4 election with the Board on or before January 31, 1992, and  
5 paying to the System by January 31, 1994 an amount to be  
6 determined by the Board, equal to (i) the difference between  
7 the amount of employee and employer contributions transferred  
8 to the System under Section 5-236, and the amounts that would  
9 have been contributed had such contributions been made at the  
10 rates applicable to State policemen, plus (ii) interest thereon  
11 at 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, conservation police officer, or investigator for  
15 the Secretary of State may elect to establish eligible  
16 creditable service for up to 10 years of service as a sheriff's  
17 law enforcement employee under Article 7, by filing a written  
18 election with the Board on or before January 31, 1993, and  
19 paying to the System by January 31, 1994 an amount to be  
20 determined by the Board, equal to (i) the difference between  
21 the amount of employee and employer contributions transferred  
22 to the System under Section 7-139.7, and the amounts that would  
23 have been contributed had such contributions been made at the  
24 rates applicable to State policemen, plus (ii) interest thereon  
25 at the effective rate for each year, compounded annually, from  
26 the date of service to the date of payment.

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

30 (j) Subject to the limitation in subsection (i), an  
31 investigator for the Office of the State's Attorneys Appellate  
32 Prosecutor or a controlled substance inspector may elect to  
33 establish eligible creditable service for up to 10 years of his  
34 service as a policeman under Article 3 or a sheriff's law  
35 enforcement employee under Article 7, by filing a written  
36 election with the Board, accompanied by payment of an amount to

1 be determined by the Board, equal to (1) the difference between  
2 the amount of employee and employer contributions transferred  
3 to the System under Section 3-110.6 or 7-139.8, and the amounts  
4 that would have been contributed had such contributions been  
5 made at the rates applicable to State policemen, plus (2)  
6 interest thereon at the effective rate for each year,  
7 compounded annually, from the date of service to the date of  
8 payment.

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

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

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

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

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.