

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 17-134 as follows:

6 (40 ILCS 5/17-134) (from Ch. 108 1/2, par. 17-134)

7 Sec. 17-134. Contributions for leaves of absence;
8 military service; computing service. In computing service
9 for pension purposes the following periods of service shall
10 stand in lieu of a like number of years of teaching service
11 upon payment therefor in the manner hereinafter provided: (a)
12 time spent on a leave of absence granted by the employer; (b)
13 service with teacher or labor organizations based upon
14 special leaves of absence therefor granted by an Employer;
15 (c) a maximum of 5 years spent in the military service of the
16 United States, of which up to 2 years may have been served
17 outside the pension period; (d) unused sick days at
18 termination of service to a maximum of 315 244 days; (e) time
19 lost due to layoff and curtailment of the school term from
20 June 6 through June 21, 1976; and (f) time spent after June
21 30, 1982 as a member of the Board of Education, if required
22 to resign from an administrative or teaching position in
23 order to qualify as a member of the Board of Education.

24 (1) For time spent on or after September 6, 1948 on
25 sabbatical leaves of absence or sick leaves, for which
26 salaries are paid, an Employer shall make payroll
27 deductions at the applicable rates in effect during such
28 periods.

29 (2) For time spent on a leave of absence granted by
30 the employer for which no salaries are paid, teachers
31 desiring credit therefor shall pay the required

1 contributions at the rates in effect during such periods
2 as though they were in teaching service. If an Employer
3 pays salary for vacations which occur during a teacher's
4 sick leave or maternity or paternity leave without
5 salary, vacation pay for which the teacher would have
6 qualified while in active service shall be considered
7 part of the teacher's total salary for pension purposes.
8 No more than 36 months of leave credit may be allowed any
9 person during the entire term of service. Sabbatical
10 leave credit shall be limited to the time the person on
11 leave without salary under an Employer's rules is allowed
12 to engage in an activity for which he receives salary or
13 compensation.

14 (3) For time spent prior to September 6, 1948, on
15 sabbatical leaves of absence or sick leaves for which
16 salaries were paid, teachers desiring service credit
17 therefor shall pay the required contributions at the
18 maximum applicable rates in effect during such periods.

19 (4) For service with teacher or labor organizations
20 authorized by special leaves of absence, for which no
21 payroll deductions are made by an Employer, teachers
22 desiring service credit therefor shall contribute to the
23 Fund upon the basis of the actual salary received from
24 such organizations at the percentage rates in effect
25 during such periods for certified positions with such
26 Employer. To the extent the actual salary exceeds the
27 regular salary, which shall be defined as the salary
28 rate, as calculated by the Board, in effect for the
29 teacher's regular position in teaching service on
30 September 1, 1983 or on the effective date of the leave
31 with the organization, whichever is later, the
32 organization shall pay to the Fund the employer's normal
33 cost as set by the Board on the increment.

34 (5) For time spent in the military service,

1 teachers entitled to and desiring credit therefor shall
2 contribute the amount required for each year of service
3 or fraction thereof at the rates in force (a) at the date
4 of appointment, or (b) on return to teaching service as a
5 regularly certified teacher, as the case may be; provided
6 such rates shall not be less than \$450 per year of
7 service. These conditions shall apply unless an Employer
8 elects to and does pay into the Fund the amount which
9 would have been due from such person had he been employed
10 as a teacher during such time. In the case of credit for
11 military service not during the pension period, the
12 teacher must also pay to the Fund an amount determined by
13 the Board to be equal to the employer's normal cost of
14 the benefits accrued from such service, plus interest
15 thereon at 5% per year, compounded annually, from the
16 date of appointment to the date of payment.

17 The changes to this Section made by Public Act
18 87-795 shall apply not only to persons who on or after
19 its effective date are in service under the Fund, but
20 also to persons whose status as a teacher terminated
21 prior to that date, whether or not the person is an
22 annuitant on that date. In the case of an annuitant who
23 applies for credit allowable under this Section for a
24 period of military service that did not immediately
25 follow employment, and who has made the required
26 contributions for such credit, the annuity shall be
27 recalculated to include the additional service credit,
28 with the increase taking effect on the date the Fund
29 received written notification of the annuitant's intent
30 to purchase the credit, if payment of all the required
31 contributions is made within 60 days of such notice, or
32 else on the first annuity payment date following the date
33 of payment of the required contributions. In calculating
34 the automatic annual increase for an annuity that has

1 been recalculated under this Section, the increase
2 attributable to the additional service allowable under
3 this amendatory Act of 1991 shall be included in the
4 calculation of automatic annual increases accruing after
5 the effective date of the recalculation.

6 The total credit for military service shall not
7 exceed 5 years, except that any teacher who on July 1,
8 1963, had validated credit for more than 5 years of
9 military service shall be entitled to the total amount of
10 such credit.

11 (6) A maximum of 315 ~~244~~ unused sick days credited
12 to his account by an Employer on the date of termination
13 of employment. Members, upon verification of unused sick
14 days, may add this service time to total creditable
15 service.

16 (7) In all cases where time spent on leave is
17 creditable and no payroll deductions therefor are made by
18 an Employer, persons desiring service credit shall make
19 the required contributions directly to the Fund.

20 (8) For time lost without pay due to layoff and
21 curtailment of the school term from June 6 through June
22 21, 1976, as provided in item (e) of the first paragraph
23 of this Section, persons who were contributors on the
24 days immediately preceding such layoff shall receive
25 credit upon paying to the Fund a contribution based on
26 the rates of compensation and employee contributions in
27 effect at the time of such layoff, together with an
28 additional amount equal to 12.2% of the compensation
29 computed for such period of layoff, plus interest on the
30 entire amount at 5% per annum from January 1, 1978 to the
31 date of payment. If such contribution is paid, salary
32 for pension purposes for any year in which such a layoff
33 occurred shall include the compensation recognized for
34 purposes of computing that contribution.

1 (9) For time spent after June 30, 1982, as a
2 nonsalaried member of the Board of Education, if required
3 to resign from an administrative or teaching position in
4 order to qualify as a member of the Board of Education,
5 an administrator or teacher desiring credit therefor
6 shall pay the required contributions at the rates and
7 salaries in effect during such periods as though the
8 member were in service.

9 Effective September 1, 1974, the interest charged for
10 validation of service described in paragraphs (2) through (5)
11 of this Section shall be compounded annually at a rate of 5%
12 commencing one year after the termination of the leave or
13 return to service.

14 (Source: P.A. 92-599, eff. 6-28-02.)

15 Section 90. The State Mandates Act is amended by adding
16 Section 8.27 as follows:

17 (30 ILCS 805/8.27 new)

18 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
19 and 8 of this Act, no reimbursement by the State is required
20 for the implementation of any mandate created by this
21 amendatory Act of the 93rd General Assembly.

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