

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 16-150.1 as follows:

6 (40 ILCS 5/16-150.1)

7 Sec. 16-150.1. Return to teaching in subject shortage area.

8 (a) As used in this Section, "eligible employment" means  
9 employment beginning on or after July 1, 2003 and ending no  
10 later than June 30, 2008, in a subject shortage area at a  
11 qualified school, in a position requiring certification under  
12 the law governing the certification of teachers.

13 As used in this Section, "qualified school" means a public  
14 elementary or secondary school that meets all of the following  
15 requirements:

16 (1) At the time of hiring a retired teacher under this  
17 Section, the school is experiencing a shortage of teachers  
18 in the subject shortage area for which the teacher is  
19 hired.

20 (2) The school district to which the school belongs has  
21 complied with the requirements of subsection (e), and the  
22 regional superintendent has certified that compliance to  
23 the System.

24 (3) If the school district to which the school belongs  
25 provides group health benefits for its teachers generally,  
26 substantially similar health benefits are made available  
27 for teachers participating in the program under this  
28 Section, without any limitations based on pre-existing  
29 conditions.

30 (b) An annuitant receiving a retirement annuity under this  
31 Article (other than a disability retirement annuity) may engage  
32 in eligible employment at a qualified school without impairing

1 his or her retirement status or retirement annuity, subject to  
2 the following conditions:

3 (1) the eligible employment does not begin within the  
4 school year during which service was terminated;

5 (2) the annuitant has not received any early retirement  
6 incentive under Section 16-133.3, 16-133.4, or 16-133.5;

7 (3) if the annuitant retired before age 60 and with  
8 less than 34 years of service, the eligible employment does  
9 not begin within the year following the effective date of  
10 the retirement annuity;

11 (4) if the annuitant retired at age 60 or above or with  
12 34 or more years of service, the eligible employment does  
13 not begin within the 90 days following the effective date  
14 of the retirement annuity; and

15 (5) before the eligible employment begins, the  
16 employer notifies the System in writing of the annuitant's  
17 desire to participate in the program established under this  
18 Section.

19 (c) An annuitant engaged in eligible employment in  
20 accordance with subsection (b) shall be deemed a participant in  
21 the program established under this Section for so long as he or  
22 she remains employed in eligible employment.

23 (d) A participant in the program established under this  
24 Section continues to be a retirement annuitant, rather than an  
25 active teacher, for all of the purposes of this Code, but shall  
26 be deemed an active teacher for other purposes, such as  
27 inclusion in a collective bargaining unit, eligibility for  
28 group health benefits, and compliance with the laws governing  
29 the employment, regulation, certification, treatment, and  
30 conduct of teachers.

31 With respect to an annuitant's eligible employment under  
32 this Section, neither employee nor employer contributions  
33 shall be made to the System and no additional service credit  
34 shall be earned. Eligible employment does not affect the  
35 annuitant's final average salary or the amount of the  
36 retirement annuity.

1 (e) Before hiring a teacher under this Section, the school  
2 district to which the school belongs must do the following:

3 (1) If the school district to which the school belongs  
4 has honorably dismissed, within the calendar year  
5 preceding the beginning of the school term for which it  
6 seeks to employ a retired teacher under the program  
7 established in this Section, any teachers who are legally  
8 qualified to hold positions in the subject shortage area  
9 and have not yet begun to receive their retirement  
10 annuities under this Article, the vacant positions must  
11 first be tendered to those teachers.

12 (2) For a period of at least 90 days during the 6  
13 months preceding the beginning of either the fall or spring  
14 term ~~the school term~~ for which it seeks to employ a retired  
15 teacher under the program established in this Section, the  
16 school district must, on an ongoing basis, both (i)  
17 advertise its vacancies in the subject shortage area in a  
18 newspaper of general circulation in the area in which the  
19 school is located and in employment bulletins published by  
20 college and university placement offices located near the  
21 school; and (ii) search for teachers legally qualified to  
22 fill those vacancies through the Illinois Education Job  
23 Bank.

24 The school district must submit documentation of its  
25 compliance with this subsection to the regional  
26 superintendent. Upon receiving satisfactory documentation from  
27 the school district, the regional superintendent shall certify  
28 the district's compliance with this subsection to the System.

29 (f) This Section applies without regard to whether the  
30 annuitant was in service on or after the effective date of this  
31 amendatory Act of the 93rd General Assembly.

32 (Source: P.A. 93-320, eff. 7-23-03.)

33 Section 99. Effective date. This Act takes effect upon  
34 becoming law.