

1 AN ACT concerning pensions.

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 and by adding Section 14-152.2 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 (Text of Section before amendment by P.A. 94-696)

8 Sec. 14-110. Alternative retirement annuity.

9 (a) Any member who has withdrawn from service with not less  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11 age 55, and any member who has withdrawn from service with not  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

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

26 (ii) for periods of eligible creditable service as a  
27 covered employee: if retirement occurs on or after January  
28 1, 2001, 2.5% of final average compensation for each year  
29 of creditable service; if retirement occurs before January  
30 1, 2001, 1.67% of final average compensation for each of  
31 the first 10 years of such service, 1.90% for each of the  
32 next 10 years of such service, 2.10% for each year of such

1 service in excess of 20 but not exceeding 30, and 2.30% for  
2 each year in excess of 30.

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

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

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

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

- 1           (17) arson investigator;
- 2           (18) State highway maintenance worker;~~;~~
- 3           (19) automotive mechanic.

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

14           (c) For the purposes of this Section:

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

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

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

32           (4) The term "special agent" means any person who by  
33 reason of employment by the Division of Narcotic Control,  
34 the Bureau of Investigation or, after July 1, 1977, the  
35 Division of Criminal Investigation, the Division of  
36 Internal Investigation, the Division of Operations, or any

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

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

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

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

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

1 218(1)(1) of that Act.

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

28 The changes made to this subdivision (c)(8) by Public  
29 Act 92-14 apply to persons who retire on or after January  
30 1, 2001, notwithstanding Section 1-103.1.

31 (9) "Central Management Services security police  
32 officer" means any person employed by the Department of  
33 Central Management Services who is vested with such law  
34 enforcement duties as render him ineligible for coverage  
35 under the Social Security Act by reason of Sections  
36 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

1           (10) For a member who first became an employee under  
2 this Article before July 1, 2005, the term "security  
3 employee of the Department of Corrections" means any  
4 employee of the Department of Corrections or the former  
5 Department of Personnel, and any member or employee of the  
6 Prisoner Review Board, who has daily contact with inmates  
7 by working within a correctional facility or who is a  
8 parole officer or an employee who has direct contact with  
9 committed persons in the performance of his or her job  
10 duties. For a member who first becomes an employee under  
11 this Article on or after July 1, 2005, the term means an  
12 employee of the Department of Corrections who is any of the  
13 following: (i) officially headquartered at a correctional  
14 facility, (ii) a parole officer, (iii) a member of the  
15 apprehension unit, (iv) a member of the intelligence unit,  
16 (v) a member of the sort team, or (vi) an investigator.

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

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

27           (13) "Investigator for the Office of the Attorney  
28 General" means any person who is employed as such by the  
29 Office of the Attorney General and is vested with such  
30 investigative duties as render him ineligible for coverage  
31 under the Social Security Act by reason of Sections  
32 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
33 the period before January 1, 1989, the term includes all  
34 persons who were employed as investigators by the Office of  
35 the Attorney General, without regard to social security  
36 status.

1           (14) "Controlled substance inspector" means any person  
2 who is employed as such by the Department of Professional  
3 Regulation and is vested with such law enforcement duties  
4 as render him ineligible for coverage under the Social  
5 Security Act by reason of Sections 218(d)(5)(A),  
6 218(d)(8)(D) and 218(1)(1) of that Act. The term  
7 "controlled substance inspector" includes the Program  
8 Executive of Enforcement and the Assistant Program  
9 Executive of Enforcement.

10           (15) The term "investigator for the Office of the  
11 State's Attorneys Appellate Prosecutor" means a person  
12 employed in that capacity on a full time basis under the  
13 authority of Section 7.06 of the State's Attorneys  
14 Appellate Prosecutor's Act.

15           (16) "Commerce Commission police officer" means any  
16 person employed by the Illinois Commerce Commission who is  
17 vested with such law enforcement duties as render him  
18 ineligible for coverage under the Social Security Act by  
19 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
20 218(1)(1) of that Act.

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

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

3 (i) A person employed on a full-time basis by the  
4 Illinois Department of Transportation in the position  
5 of highway maintainer, highway maintenance lead  
6 worker, highway maintenance lead/lead worker, heavy  
7 construction equipment operator, power shovel  
8 operator, sign hanger, sign hanger foreman, or bridge  
9 mechanic; and whose principal responsibility is to  
10 perform, on the roadway, the actual maintenance  
11 necessary to keep the highways that form a part of the  
12 State highway system in serviceable condition for  
13 vehicular traffic.

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

27 (19) The term "automotive mechanic" means a person who  
28 is employed as such on a full-time basis by the Illinois  
29 State Toll Highway Authority and who is assigned to  
30 retrieve or repair State vehicles on State highways or  
31 tollways.

32 (d) A security employee of the Department of Corrections,  
33 and a security employee of the Department of Human Services who  
34 is not a mental health police officer, shall not be eligible  
35 for the alternative retirement annuity provided by this Section  
36 unless he or she meets the following minimum age and service

1 requirements at the time of retirement:

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

3 or

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

7 (iii) beginning January 1, 1988, 25 years of eligible  
8 creditable service and age 53, or 23 years of eligible  
9 creditable service and age 55; or

10 (iv) beginning January 1, 1989, 25 years of eligible  
11 creditable service and age 52, or 22 years of eligible  
12 creditable service and age 55; or

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

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

19 Persons who have service credit under Article 16 of this  
20 Code for service as a security employee of the Department of  
21 Corrections or the Department of Human Services in a position  
22 requiring certification as a teacher may count such service  
23 toward establishing their eligibility under the service  
24 requirements of this Section; but such service may be used only  
25 for establishing such eligibility, and not for the purpose of  
26 increasing or calculating any benefit.

27 (e) If a member enters military service while working in a  
28 position in which eligible creditable service may be earned,  
29 and returns to State service in the same or another such  
30 position, and fulfills in all other respects the conditions  
31 prescribed in this Article for credit for military service,  
32 such military service shall be credited as eligible creditable  
33 service for the purposes of the retirement annuity prescribed  
34 in this Section.

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

1 1968 and before October 1, 1975 as a covered employee in the  
2 position of special agent, conservation police officer, mental  
3 health police officer, or investigator for the Secretary of  
4 State, shall be deemed to have been service as a noncovered  
5 employee, provided that the employee pays to the System prior  
6 to retirement an amount equal to (1) the difference between the  
7 employee contributions that would have been required for such  
8 service as a noncovered employee, and the amount of employee  
9 contributions actually paid, plus (2) if payment is made after  
10 July 31, 1987, regular interest on the amount specified in item  
11 (1) from the date of service to the date of payment.

12 For purposes of calculating retirement annuities under  
13 this Section, periods of service rendered after December 31,  
14 1968 and before January 1, 1982 as a covered employee in the  
15 position of investigator for the Department of Revenue shall be  
16 deemed to have been service as a noncovered employee, provided  
17 that the employee pays to the System prior to retirement an  
18 amount equal to (1) the difference between the employee  
19 contributions that would have been required for such service as  
20 a noncovered employee, and the amount of employee contributions  
21 actually paid, plus (2) if payment is made after January 1,  
22 1990, regular interest on the amount specified in item (1) from  
23 the date of service to the date of payment.

24 (g) A State policeman may elect, not later than January 1,  
25 1990, to establish eligible creditable service for up to 10  
26 years of his service as a policeman under Article 3, by filing  
27 a written election with the Board, accompanied by payment of an  
28 amount to be determined by the Board, equal to (i) the  
29 difference between the amount of employee and employer  
30 contributions transferred to the System under Section 3-110.5,  
31 and the amounts that would have been contributed had such  
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 Subject to the limitation in subsection (i), a State

1 policeman may elect, not later than July 1, 1993, to establish  
2 eligible creditable service for up to 10 years of his service  
3 as a member of the County Police Department under Article 9, 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 employer  
7 contributions transferred to the System under Section 9-121.10  
8 and the amounts that would have been contributed had those  
9 contributions been made at the rates applicable to State  
10 policemen, plus (ii) interest thereon at the effective rate for  
11 each year, compounded annually, from the date of service to the  
12 date of payment.

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

26 Subject to the limitation in subsection (i), a State  
27 policeman, conservation police officer, or investigator for  
28 the Secretary of State may elect to establish eligible  
29 creditable service for up to 10 years of service as a sheriff's  
30 law enforcement employee under Article 7, by filing a written  
31 election with the Board on or before January 31, 1993, and  
32 paying to the System by January 31, 1994 an amount to be  
33 determined by the Board, equal to (i) the difference between  
34 the amount of employee and employer contributions transferred  
35 to the System under Section 7-139.7, and the amounts that would  
36 have been contributed had such contributions been made at the

1 rates applicable to State policemen, plus (ii) interest thereon  
2 at the effective rate for each year, compounded annually, from  
3 the date of service to the date of payment.

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

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

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

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

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

21 (Source: P.A. 94-4, eff. 6-1-05.)

22 (Text of Section after amendment by P.A. 94-696)

23 Sec. 14-110. Alternative retirement annuity.

24 (a) Any member who has withdrawn from service with not less  
25 than 20 years of eligible creditable service and has attained  
26 age 55, and any member who has withdrawn from service with not  
27 less than 25 years of eligible creditable service and has  
28 attained age 50, regardless of whether the attainment of either  
29 of the specified ages occurs while the member is still in  
30 service, shall be entitled to receive at the option of the  
31 member, in lieu of the regular or minimum retirement annuity, a  
32 retirement annuity computed as follows:

33 (i) for periods of service as a noncovered employee: if  
34 retirement occurs on or after January 1, 2001, 3% of final  
35 average compensation for each year of creditable service;

1 if retirement occurs before January 1, 2001, 2 1/4% of  
2 final average compensation for each of the first 10 years  
3 of creditable service, 2 1/2% for each year above 10 years  
4 to and including 20 years of creditable service, and 2 3/4%  
5 for each year of creditable service above 20 years; and

6 (ii) for periods of eligible creditable service as a  
7 covered employee: if retirement occurs on or after January  
8 1, 2001, 2.5% of final average compensation for each year  
9 of creditable service; if retirement occurs before January  
10 1, 2001, 1.67% of final average compensation for each of  
11 the first 10 years of such service, 1.90% for each of the  
12 next 10 years of such service, 2.10% for each year of such  
13 service in excess of 20 but not exceeding 30, and 2.30% for  
14 each year in excess of 30.

15 Such annuity shall be subject to a maximum of 75% of final  
16 average compensation if retirement occurs before January 1,  
17 2001 or to a maximum of 80% of final average compensation if  
18 retirement occurs on or after January 1, 2001.

19 These rates shall not be applicable to any service  
20 performed by a member as a covered employee which is not  
21 eligible creditable service. Service as a covered employee  
22 which is not eligible creditable service shall be subject to  
23 the rates and provisions of Section 14-108.

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

27 (1) State policeman;

28 (2) fire fighter in the fire protection service of a  
29 department;

30 (3) air pilot;

31 (4) special agent;

32 (5) investigator for the Secretary of State;

33 (6) conservation police officer;

34 (7) investigator for the Department of Revenue;

35 (8) security employee of the Department of Human  
36 Services;

- 1 (9) Central Management Services security police
- 2 officer;
- 3 (10) security employee of the Department of
- 4 Corrections or the Department of Juvenile Justice;
- 5 (11) dangerous drugs investigator;
- 6 (12) investigator for the Department of State Police;
- 7 (13) investigator for the Office of the Attorney
- 8 General;
- 9 (14) controlled substance inspector;
- 10 (15) investigator for the Office of the State's
- 11 Attorneys Appellate Prosecutor;
- 12 (16) Commerce Commission police officer;
- 13 (17) arson investigator;
- 14 (18) State highway maintenance worker;~~;~~
- 15 (19) automotive mechanic.

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

26 (c) For the purposes of this Section:

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

30 (2) The term "fire fighter in the fire protection  
31 service of a department" includes all officers in such fire  
32 protection service including fire chiefs and assistant  
33 fire chiefs.

34 (3) The term "air pilot" includes any employee whose  
35 official job description on file in the Department of  
36 Central Management Services, or in the department by which

1 he is employed if that department is not covered by the  
2 Personnel Code, states that his principal duty is the  
3 operation of aircraft, and who possesses a pilot's license;  
4 however, the change in this definition made by this  
5 amendatory Act of 1983 shall not operate to exclude any  
6 noncovered employee who was an "air pilot" for the purposes  
7 of this Section on January 1, 1984.

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

20 (5) The term "investigator for the Secretary of State"  
21 means any person employed by the Office of the Secretary of  
22 State and vested with such investigative duties as render  
23 him ineligible for coverage under the Social Security Act  
24 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
25 218(1)(1) of that Act.

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

35 (6) The term "Conservation Police Officer" means any  
36 person employed by the Division of Law Enforcement of the

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

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

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

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

4 The changes made to this subdivision (c)(8) by Public  
5 Act 92-14 apply to persons who retire on or after January  
6 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) For a member who first became an employee under  
14 this Article before July 1, 2005, the term "security  
15 employee of the Department of Corrections or the Department  
16 of Juvenile Justice" means any employee of the Department  
17 of Corrections or the Department of Juvenile Justice or the  
18 former Department of Personnel, and any member or employee  
19 of the Prisoner Review Board, who has daily contact with  
20 inmates or youth by working within a correctional facility  
21 or Juvenile facility operated by the Department of Juvenile  
22 Justice or who is a parole officer or an employee who has  
23 direct contact with committed persons in the performance of  
24 his or her job duties. For a member who first becomes an  
25 employee under this Article on or after July 1, 2005, the  
26 term means an employee of the Department of Corrections or  
27 the Department of Juvenile Justice who is any of the  
28 following: (i) officially headquartered at a correctional  
29 facility or Juvenile facility operated by the Department of  
30 Juvenile Justice, (ii) a parole officer, (iii) a member of  
31 the apprehension unit, (iv) a member of the intelligence  
32 unit, (v) a member of the sort team, or (vi) an  
33 investigator.

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

1           (12) The term "investigator for the Department of State  
2 Police" means a person employed by the Department of State  
3 Police who is vested under Section 4 of the Narcotic  
4 Control Division Abolition Act with such law enforcement  
5 powers as render him ineligible for coverage under the  
6 Social Security Act by reason of Sections 218(d)(5)(A),  
7 218(d)(8)(D) and 218(1)(1) of that Act.

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

18           (14) "Controlled substance inspector" means any person  
19 who is employed as such by the Department of Professional  
20 Regulation and is vested with such law enforcement duties  
21 as render him ineligible for coverage under the Social  
22 Security Act by reason of Sections 218(d)(5)(A),  
23 218(d)(8)(D) and 218(1)(1) of that Act. The term  
24 "controlled substance inspector" includes the Program  
25 Executive of Enforcement and the Assistant Program  
26 Executive of Enforcement.

27           (15) The term "investigator for the Office of the  
28 State's Attorneys Appellate Prosecutor" means a person  
29 employed in that capacity on a full time basis under the  
30 authority of Section 7.06 of the State's Attorneys  
31 Appellate Prosecutor's Act.

32           (16) "Commerce Commission police officer" means any  
33 person employed by the Illinois Commerce Commission who is  
34 vested with such law enforcement duties as render him  
35 ineligible for coverage under the Social Security Act by  
36 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and

1 218(1)(1) of that Act.

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

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

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

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

1           ~~H-4, sign maker/hanger H-6, roadway lighting H-4,~~  
2           ~~roadway 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) The term "automotive mechanic" means a person who  
9           is employed as such on a full-time basis by the Illinois  
10           State Toll Highway Authority and who is assigned to  
11           retrieve or repair State vehicles on State highways or  
12           tollways.

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

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

21           or

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

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

28           (iv) beginning January 1, 1989, 25 years of eligible  
29           creditable service and age 52, or 22 years of eligible  
30           creditable service and age 55; or

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

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

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

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

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

31           For purposes of calculating retirement annuities under  
32 this Section, periods of service rendered after December 31,  
33 1968 and before January 1, 1982 as a covered employee in the  
34 position of investigator for the Department of Revenue shall be  
35 deemed to have been service as a noncovered employee, provided  
36 that the employee pays to the System prior to retirement an

1 amount equal to (1) the difference between the employee  
2 contributions that would have been required for such service as  
3 a noncovered employee, and the amount of employee contributions  
4 actually paid, plus (2) if payment is made after January 1,  
5 1990, regular interest on the amount specified in item (1) from  
6 the date of service to the date of payment.

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

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

32 (h) Subject to the limitation in subsection (i), a State  
33 policeman or investigator for the Secretary of State may elect  
34 to establish eligible creditable service for up to 12 years of  
35 his service as a policeman under Article 5, by filing a written  
36 election with the Board on or before January 31, 1992, and

1 paying to the System by January 31, 1994 an amount to be  
2 determined by the Board, equal to (i) the difference between  
3 the amount of employee and employer contributions transferred  
4 to the System under Section 5-236, and the amounts that would  
5 have been contributed had such contributions been made at the  
6 rates applicable to State policemen, plus (ii) interest thereon  
7 at the effective rate for each year, compounded annually, from  
8 the date of service to the date of payment.

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

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

26 (j) Subject to the limitation in subsection (i), an  
27 investigator for the Office of the State's Attorneys Appellate  
28 Prosecutor or a controlled substance inspector may elect to  
29 establish eligible creditable service for up to 10 years of his  
30 service as a policeman under Article 3 or a sheriff's law  
31 enforcement employee under Article 7, by filing a written  
32 election with the Board, accompanied by payment of an amount to  
33 be determined by the Board, equal to (1) the difference between  
34 the amount of employee and employer contributions transferred  
35 to the System under Section 3-110.6 or 7-139.8, and the amounts  
36 that would have been contributed had such contributions been

1 made at the rates applicable to State policemen, plus (2)  
2 interest thereon at the effective rate for each year,  
3 compounded annually, from the date of service to the date of  
4 payment.

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

26 (l) Subject to the limitation in subsection (i), a security  
27 employee of the Department of Corrections may elect, not later  
28 than July 1, 1998, to establish eligible creditable service for  
29 up to 10 years of his or her service as a policeman under  
30 Article 3, by filing a written election with the Board,  
31 accompanied by payment of an amount to be determined by the  
32 Board, equal to (i) the difference between the amount of  
33 employee and employer contributions transferred to the System  
34 under Section 3-110.5, and the amounts that would have been  
35 contributed had such contributions been made at the rates  
36 applicable to security employees of the Department of

1 Corrections, plus (ii) interest thereon at the effective rate  
2 for each year, compounded annually, from the date of service to  
3 the date of payment.

4 (m) The amendatory changes to this Section made by this  
5 amendatory Act of the 94th General Assembly apply only to: (1)  
6 security employees of the Department of Juvenile Justice  
7 employed by the Department of Corrections before the effective  
8 date of this amendatory Act of the 94th General Assembly and  
9 transferred to the Department of Juvenile Justice by this  
10 amendatory Act of the 94th General Assembly; and (2) persons  
11 employed by the Department of Juvenile Justice on or after the  
12 effective date of this amendatory Act of the 94th General  
13 Assembly who are required by subsection (b) of Section 3-2.5-15  
14 of the Unified Code of Corrections to have a bachelor's or  
15 advanced degree from an accredited college or university with a  
16 specialization in criminal justice, education, psychology,  
17 social work, or a closely related social science or, in the  
18 case of persons who provide vocational training, who are  
19 required to have adequate knowledge in the skill for which they  
20 are providing the vocational training.

21 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

22 (40 ILCS 5/14-152.2 new)

23 Sec. 14-152.2. New benefit increases. The General Assembly  
24 finds and declares that the amendment to Section 14-110 made by  
25 this amendatory Act of the 94th General Assembly that provides  
26 the alternative formula to automotive mechanics employed by the  
27 Illinois State Toll Highway Authority who are assigned to  
28 retrieve or repair State vehicles on State highways or tollways  
29 and certain sign hangers employed by the Department of  
30 Transportation constitutes a new benefit increase within the  
31 meaning of Section 14-152.1. This new benefit increase will  
32 expire 5 years after the effective date of this amendatory Act.  
33 Funding for this new benefit increase will be provided by  
34 additional employee contributions under Section 14-133.

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.