



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3582

Introduced 2/24/2005, by Rep. Raymond Poe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-110

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

Amends the State Employee Article of the Illinois Pension Code. Provides the alternative (State police) retirement formula for certain automotive mechanics, Bureau of Warehouses employees, meat and poultry inspectors who are assigned to work at correctional facilities, and vehicle inspectors. Effective immediately.

LRB094 09282 AMC 39520 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 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8 (a) Any member who has withdrawn from service with not less  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10 age 55, and any member who has withdrawn from service with not  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 (19) automotive mechanic;  
3 (20) Bureau of Warehouses employee;  
4 (21) meat and poultry inspector;  
5 (22) vehicle inspector.

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

16 (c) For the purposes of this Section:

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

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

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

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

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

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

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

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

34 (7) The term "investigator for the Department of  
35 Revenue" means any person employed by the Department of  
36 Revenue and vested with such investigative duties as render

1 him ineligible for coverage under the Social Security Act  
2 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
3 218(1)(1) of that Act.

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

30 The changes made to this subdivision (c)(8) by Public  
31 Act 92-14 apply to persons who retire on or after January  
32 1, 2001, notwithstanding Section 1-103.1.

33 (9) "Central Management Services security police  
34 officer" means any person employed by the Department of  
35 Central Management Services who is vested with such law  
36 enforcement duties as render him ineligible for coverage

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

3 (10) The term "security employee of the Department of  
4 Corrections" means any employee of the Department of  
5 Corrections or the former Department of Personnel, and any  
6 member or employee of the Prisoner Review Board, who has  
7 daily contact with inmates by working within a correctional  
8 facility or who is a parole officer or an employee who has  
9 direct contact with committed persons in the performance of  
10 his or her job duties.

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

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

21 (13) "Investigator for the Office of the Attorney  
22 General" means any person who is employed as such by the  
23 Office of the Attorney General and is vested with such  
24 investigative 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. For  
27 the period before January 1, 1989, the term includes all  
28 persons who were employed as investigators by the Office of  
29 the Attorney General, without regard to social security  
30 status.

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

1 "controlled substance inspector" includes the Program  
2 Executive of Enforcement and the Assistant Program  
3 Executive of Enforcement.

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

9 (16) "Commerce Commission police officer" means any  
10 person employed by the Illinois Commerce Commission who is  
11 vested with such law enforcement duties as render him  
12 ineligible for coverage under the Social Security Act by  
13 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
14 218(1)(1) of that Act.

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

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

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



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

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

20 (19) The term "automotive mechanic" means a person who  
21 is employed as such on a full-time basis by the Department  
22 of Central Management Services or the Department of  
23 Transportation and who is assigned to retrieve or repair  
24 State vehicles on State highways or tollways.

25 (20) The term "Bureau of Warehouses employee" means a  
26 person who is employed on a full-time basis by the Bureau  
27 of Warehouses of the Illinois Department of Agriculture.

28 (21) The term "meat and poultry inspector" means a  
29 person who is employed on a full-time basis by the Bureau  
30 of Meat and Poultry Inspection of the Illinois Department  
31 of Agriculture and is assigned to work at a correctional  
32 facility.

33 (22) The term "vehicle inspector" means a person who is  
34 employed on a full-time basis as a Truck Weighing Inspector  
35 by the Department of State Police or as a Vehicle  
36 Compliance Inspector by the Illinois Department of

1           Transportation.

2           (d) A security employee of the Department of Corrections,  
3           and a security employee of the Department of Human Services who  
4           is not a mental health police officer, shall not be eligible  
5           for the alternative retirement annuity provided by this Section  
6           unless he or she meets the following minimum age and service  
7           requirements at the time of retirement:

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

9                   or

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

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

16                   (iv) beginning January 1, 1989, 25 years of eligible  
17                   creditable service and age 52, or 22 years of eligible  
18                   creditable service and age 55; or

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

22                   (vi) beginning January 1, 1991, 25 years of eligible  
23                   creditable service and age 50, or 20 years of eligible  
24                   creditable service and age 55.

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

33           (e) If a member enters military service while working in a  
34           position in which eligible creditable service may be earned,  
35           and returns to State service in the same or another such  
36           position, and fulfills in all other respects the conditions

1 prescribed in this Article for credit for military service,  
2 such military service shall be credited as eligible creditable  
3 service for the purposes of the retirement annuity prescribed  
4 in this Section.

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

18 For purposes of calculating retirement annuities under  
19 this Section, periods of service rendered after December 31,  
20 1968 and before January 1, 1982 as a covered employee in the  
21 position of investigator for the Department of Revenue shall be  
22 deemed to have been service as a noncovered employee, provided  
23 that the employee pays to the System prior to retirement an  
24 amount equal to (1) the difference between the employee  
25 contributions that would have been required for such service as  
26 a noncovered employee, and the amount of employee contributions  
27 actually paid, plus (2) if payment is made after January 1,  
28 1990, regular interest on the amount specified in item (1) from  
29 the date of service to the date of payment.

30 (g) A State policeman may elect, not later than January 1,  
31 1990, to establish eligible creditable service for up to 10  
32 years of his service as a policeman under Article 3, by filing  
33 a written election with the Board, accompanied by payment of an  
34 amount to be determined by the Board, equal to (i) the  
35 difference between the amount of employee and employer  
36 contributions transferred to the System under Section 3-110.5,

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

6 Subject to the limitation in subsection (i), a State  
7 policeman may elect, not later than July 1, 1993, to establish  
8 eligible creditable service for up to 10 years of his service  
9 as a member of the County Police Department under Article 9, by  
10 filing a written election with the Board, accompanied by  
11 payment of an amount to be determined by the Board, equal to  
12 (i) the difference between the amount of employee and employer  
13 contributions transferred to the System under Section 9-121.10  
14 and the amounts that would have been contributed had those  
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 (h) Subject to the limitation in subsection (i), a State  
20 policeman or investigator for the Secretary of State may elect  
21 to establish eligible creditable service for up to 12 years of  
22 his service as a policeman under Article 5, by filing a written  
23 election with the Board on or before January 31, 1992, and  
24 paying to the System by January 31, 1994 an amount to be  
25 determined by the Board, equal to (i) the difference between  
26 the amount of employee and employer contributions transferred  
27 to the System under Section 5-236, and the amounts that would  
28 have been contributed had such contributions been made at the  
29 rates applicable to State policemen, plus (ii) interest thereon  
30 at the effective rate for each year, compounded annually, from  
31 the date of service to the date of payment.

32 Subject to the limitation in subsection (i), a State  
33 policeman, conservation police officer, or investigator for  
34 the Secretary of State may elect to establish eligible  
35 creditable service for up to 10 years of service as a sheriff's  
36 law enforcement employee under Article 7, by filing a written

1 election with the Board on or before January 31, 1993, and  
2 paying to the System by January 31, 1994 an amount to be  
3 determined by the Board, equal to (i) the difference between  
4 the amount of employee and employer contributions transferred  
5 to the System under Section 7-139.7, and the amounts that would  
6 have been contributed had such contributions been made at the  
7 rates applicable to State policemen, plus (ii) interest thereon  
8 at the effective rate for each year, compounded annually, from  
9 the date of service to the date of payment.

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

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

28 (k) Subject to the limitation in subsection (i) of this  
29 Section, an alternative formula employee may elect to establish  
30 eligible creditable service for periods spent as a full-time  
31 law enforcement officer or full-time corrections officer  
32 employed by the federal government or by a state or local  
33 government located outside of Illinois, for which credit is not  
34 held in any other public employee pension fund or retirement  
35 system. To obtain this credit, the applicant must file a  
36 written application with the Board by March 31, 1998,

1 accompanied by evidence of eligibility acceptable to the Board  
2 and payment of an amount to be determined by the Board, equal  
3 to (1) employee contributions for the credit being established,  
4 based upon the applicant's salary on the first day as an  
5 alternative formula employee after the employment for which  
6 credit is being established and the rates then applicable to  
7 alternative formula employees, plus (2) an amount determined by  
8 the Board to be the employer's normal cost of the benefits  
9 accrued for the credit being established, plus (3) regular  
10 interest on the amounts in items (1) and (2) from the first day  
11 as an alternative formula employee after the employment for  
12 which credit is being established to the date of payment.

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

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

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law.