



Sen. A. J. Wilhelmi

**Filed: 5/22/2007**

09500HB0804sam003

LRB095 10606 AMC 36675 a

1 AMENDMENT TO HOUSE BILL 804

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 804, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Pension Code is amended by  
6 changing Sections 3-109, 7-139, and 14-104 as follows:

7 (40 ILCS 5/3-109) (from Ch. 108 1/2, par. 3-109)

8 Sec. 3-109. Persons excluded.

9 (a) The following persons shall not be eligible to  
10 participate in a fund created under this Article:

11 (1) part-time police officers, special police  
12 officers, night watchmen, temporary employees, traffic  
13 guards or so-called auxiliary police officers specially  
14 appointed to aid or direct traffic at or near schools or  
15 public functions, or to aid in civil defense, municipal  
16 parking lot attendants, clerks or other civilian employees

1 of a police department who perform clerical duties  
2 exclusively;

3 (2) any police officer who fails to pay the  
4 contributions required under Section 3-125.1, computed (i)  
5 for funds established prior to August 5, 1963, from the  
6 date the municipality established the fund or the date of a  
7 police officer's first appointment (including an  
8 appointment on probation), whichever is later, or (ii) for  
9 funds established after August 5, 1963, from the date, as  
10 determined from the statistics or census provided in  
11 Section 3-103, the municipality became subject to this  
12 Article by attaining the minimum population or by  
13 referendum, or the date of a police officer's first  
14 appointment (including an appointment on probation),  
15 whichever is later, and continuing during his or her entire  
16 service as a police officer; and

17 (3) any person who has elected under Section 3-109.1 to  
18 participate in the Illinois Municipal Retirement Fund  
19 rather than in a fund established under this Article,  
20 without regard to whether the person continues to be  
21 employed as chief of police or is employed in some other  
22 rank or capacity within the police department, unless the  
23 person has lawfully rescinded that election.

24 (b) A police officer who is reappointed shall, before being  
25 declared eligible to participate in the pension fund, repay to  
26 the fund as required by Section 3-124 any refund received

1 thereunder.

2 (c) Any person otherwise qualified to participate who was  
3 excluded from participation by reason of the age restriction  
4 removed by Public Act 79-1165 may elect to participate by  
5 making a written application to the Board before January 1,  
6 1990. Persons so electing shall begin participation on the  
7 first day of the month following the date of application. Such  
8 persons may also elect to establish creditable service for  
9 periods of employment as a police officer during which they did  
10 not participate by paying into the police pension fund, before  
11 January 1, 1990, the amount that the person would have  
12 contributed had deductions from salary been made for such  
13 purpose at the time such service was rendered, together with  
14 interest thereon at 6% per annum from the time such service was  
15 rendered until the date the payment is made.

16 (d) A person otherwise qualified to participate who was  
17 excluded from participation by reason of the fitness  
18 requirement removed by this amendatory Act of 1995 may elect to  
19 participate by making a written application to the Board before  
20 July 1, 1996. Persons so electing shall begin participation on  
21 the first day of the month following the month in which the  
22 application is received by the Board. These persons may also  
23 elect to establish creditable service for periods of employment  
24 as a police officer during which they did not participate by  
25 paying into the police pension fund, before January 1, 1997,  
26 the amount that the person would have contributed had

1 deductions from salary been made for this purpose at the time  
2 the service was rendered, together with interest thereon at 6%  
3 per annum, compounded annually, from the time the service was  
4 rendered until the date of payment.

5 (e) A person employed by the Village of Shiloh who is  
6 otherwise qualified to participate and was excluded from  
7 participation by reason of his or her failure to make written  
8 application to the Board within 3 months after receiving his or  
9 her first appointment or reappointment as required under  
10 Section 3-106 may elect to participate by making a written  
11 application to the Board before July 1, 2008. Persons so  
12 electing shall begin participation on the first day of the  
13 month following the month in which the application is received  
14 by the Board. These persons may also elect to establish  
15 creditable service for periods of employment as a police  
16 officer during which they did not participate by paying into  
17 the police pension fund, before January 1, 2009, the amount  
18 that the person would have contributed had deductions from  
19 salary been made for this purpose at the time the service was  
20 rendered, together with interest thereon at 6% per annum,  
21 compounded annually, from the time the service was rendered  
22 until the date of payment. The Village of Shiloh must pay to  
23 the System the corresponding employer contributions, plus  
24 interest.

25 (Source: P.A. 89-52, eff. 6-30-95; 90-460, eff. 8-17-97.)

1 (40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

2 Sec. 7-139. Credits and creditable service to employees.

3 (a) Each participating employee shall be granted credits  
4 and creditable service, for purposes of determining the amount  
5 of any annuity or benefit to which he or a beneficiary is  
6 entitled, as follows:

7 1. For prior service: Each participating employee who  
8 is an employee of a participating municipality or  
9 participating instrumentality on the effective date shall  
10 be granted creditable service, but no credits under  
11 paragraph 2 of this subsection (a), for periods of prior  
12 service for which credit has not been received under any  
13 other pension fund or retirement system established under  
14 this Code, as follows:

15 If the effective date of participation for the  
16 participating municipality or participating  
17 instrumentality is on or before January 1, 1998, creditable  
18 service shall be granted for the entire period of prior  
19 service with that employer without any employee  
20 contribution.

21 If the effective date of participation for the  
22 participating municipality or participating  
23 instrumentality is after January 1, 1998, creditable  
24 service shall be granted for the last 20% of the period of  
25 prior service with that employer, but no more than 5 years,  
26 without any employee contribution. A participating

1 employee may establish creditable service for the  
2 remainder of the period of prior service with that employer  
3 by making an application in writing, accompanied by payment  
4 of an employee contribution in an amount determined by the  
5 Fund, based on the employee contribution rates in effect at  
6 the time of application for the creditable service and the  
7 employee's salary rate on the effective date of  
8 participation for that employer, plus interest at the  
9 effective rate from the date of the prior service to the  
10 date of payment. Application for this creditable service  
11 may be made at any time while the employee is still in  
12 service.

13 A municipality that (i) has at least 35 employees; (ii)  
14 is located in a county with at least 2,000,000 inhabitants;  
15 and (iii) maintains an independent defined benefit pension  
16 plan for the benefit of its eligible employees may restrict  
17 creditable service in whole or in part for periods of prior  
18 service with the employer if the governing body of the  
19 municipality adopts an irrevocable resolution to restrict  
20 that creditable service and files the resolution with the  
21 board before the municipality's effective date of  
22 participation.

23 Any person who has withdrawn from the service of a  
24 participating municipality or participating  
25 instrumentality prior to the effective date, who reenters  
26 the service of the same municipality or participating

1 instrumentality after the effective date and becomes a  
2 participating employee is entitled to creditable service  
3 for prior service as otherwise provided in this subdivision  
4 (a)(1) only if he or she renders 2 years of service as a  
5 participating employee after the effective date.  
6 Application for such service must be made while in a  
7 participating status. The salary rate to be used in the  
8 calculation of the required employee contribution, if any,  
9 shall be the employee's salary rate at the time of first  
10 reentering service with the employer after the employer's  
11 effective date of participation.

12 2. For current service, each participating employee  
13 shall be credited with:

14 a. Additional credits of amounts equal to each  
15 payment of additional contributions received from him  
16 under Section 7-173, as of the date the corresponding  
17 payment of earnings is payable to him.

18 b. Normal credits of amounts equal to each payment  
19 of normal contributions received from him, as of the  
20 date the corresponding payment of earnings is payable  
21 to him, and normal contributions made for the purpose  
22 of establishing out-of-state service credits as  
23 permitted under the conditions set forth in paragraph 6  
24 of this subsection (a).

25 c. Municipality credits in an amount equal to 1.4  
26 times the normal credits, except those established by

1 out-of-state service credits, as of the date of  
2 computation of any benefit if these credits would  
3 increase the benefit.

4 d. Survivor credits equal to each payment of  
5 survivor contributions received from the participating  
6 employee as of the date the corresponding payment of  
7 earnings is payable, and survivor contributions made  
8 for the purpose of establishing out-of-state service  
9 credits.

10 3. For periods of temporary and total and permanent  
11 disability benefits, each employee receiving disability  
12 benefits shall be granted creditable service for the period  
13 during which disability benefits are payable. Normal and  
14 survivor credits, based upon the rate of earnings applied  
15 for disability benefits, shall also be granted if such  
16 credits would result in a higher benefit to any such  
17 employee or his beneficiary.

18 4. For authorized leave of absence without pay: A  
19 participating employee shall be granted credits and  
20 creditable service for periods of authorized leave of  
21 absence without pay under the following conditions:

22 a. An application for credits and creditable  
23 service is submitted to the board while the employee is  
24 in a status of active employment, and within 2 years  
25 after termination of the leave of absence period for  
26 which credits and creditable service are sought.



1           b. Not more than 12 complete months of creditable  
2 service for authorized leave of absence without pay  
3 shall be counted for purposes of determining any  
4 benefits payable under this Article.

5           c. Credits and creditable service shall be granted  
6 for leave of absence only if such leave is approved by  
7 the governing body of the municipality, including  
8 approval of the estimated cost thereof to the  
9 municipality as determined by the fund, and employee  
10 contributions, plus interest at the effective rate  
11 applicable for each year from the end of the period of  
12 leave to date of payment, have been paid to the fund in  
13 accordance with Section 7-173. The contributions shall  
14 be computed upon the assumption earnings continued  
15 during the period of leave at the rate in effect when  
16 the leave began.

17           d. Benefits under the provisions of Sections  
18 7-141, 7-146, 7-150 and 7-163 shall become payable to  
19 employees on authorized leave of absence, or their  
20 designated beneficiary, only if such leave of absence  
21 is creditable hereunder, and if the employee has at  
22 least one year of creditable service other than the  
23 service granted for leave of absence. Any employee  
24 contributions due may be deducted from any benefits  
25 payable.

26           e. No credits or creditable service shall be

1           allowed for leave of absence without pay during any  
2           period of prior service.

3           5. For military service: The governing body of a  
4           municipality or participating instrumentality may elect to  
5           allow creditable service to participating employees who  
6           leave their employment to serve in the armed forces of the  
7           United States for all periods of such service, provided  
8           that the person returns to active employment within 90 days  
9           after completion of full time active duty, but no  
10          creditable service shall be allowed such person for any  
11          period that can be used in the computation of a pension or  
12          any other pay or benefit, other than pay for active duty,  
13          for service in any branch of the armed forces of the United  
14          States. If necessary to the computation of any benefit, the  
15          board shall establish municipality credits for  
16          participating employees under this paragraph on the  
17          assumption that the employee received earnings at the rate  
18          received at the time he left the employment to enter the  
19          armed forces. A participating employee in the armed forces  
20          shall not be considered an employee during such period of  
21          service and no additional death and no disability benefits  
22          are payable for death or disability during such period.

23          Any participating employee who left his employment  
24          with a municipality or participating instrumentality to  
25          serve in the armed forces of the United States and who  
26          again became a participating employee within 90 days after

1 completion of full time active duty by entering the service  
2 of a different municipality or participating  
3 instrumentality, which has elected to allow creditable  
4 service for periods of military service under the preceding  
5 paragraph, shall also be allowed creditable service for his  
6 period of military service on the same terms that would  
7 apply if he had been employed, before entering military  
8 service, by the municipality or instrumentality which  
9 employed him after he left the military service and the  
10 employer costs arising in relation to such grant of  
11 creditable service shall be charged to and paid by that  
12 municipality or instrumentality.

13 Notwithstanding the foregoing, any participating  
14 employee shall be entitled to creditable service as  
15 required by any federal law relating to re-employment  
16 rights of persons who served in the United States Armed  
17 Services. Such creditable service shall be granted upon  
18 payment by the member of an amount equal to the employee  
19 contributions which would have been required had the  
20 employee continued in service at the same rate of earnings  
21 during the military leave period, plus interest at the  
22 effective rate.

23 5.1. In addition to any creditable service established  
24 under paragraph 5 of this subsection (a), creditable  
25 service may be granted for up to 48 ~~24~~ months of service in  
26 the armed forces of the United States.

1           In order to receive creditable service for military  
2 service under this paragraph 5.1, a participating employee  
3 must (1) apply to the Fund in writing and provide evidence  
4 of the military service that is satisfactory to the Board;  
5 (2) obtain the written approval of the current employer;  
6 and (3) make contributions to the Fund equal to (i) the  
7 employee contributions that would have been required had  
8 the service been rendered as a member, plus (ii) an amount  
9 determined by the board to be equal to the employer's  
10 normal cost of the benefits accrued for that military  
11 service, plus (iii) interest on items (i) and (ii) from the  
12 date of first membership in the Fund to the date of  
13 payment. If payment is made during the 6-month period that  
14 begins 3 months after the effective date of this amendatory  
15 Act of 1997, the required interest shall be at the rate of  
16 2.5% per year, compounded annually; otherwise, the  
17 required interest shall be calculated at the regular  
18 interest rate.

19           The changes made to this paragraph 5.1 by this  
20 amendatory Act of the 95th General Assembly apply only to  
21 participating employees in service on or after its  
22 effective date.

23           6. For out-of-state service: Creditable service shall  
24 be granted for service rendered to an out-of-state local  
25 governmental body under the following conditions: The  
26 employee had participated and has irrevocably forfeited

1 all rights to benefits in the out-of-state public employees  
2 pension system; the governing body of his participating  
3 municipality or instrumentality authorizes the employee to  
4 establish such service; the employee has 2 years current  
5 service with this municipality or participating  
6 instrumentality; the employee makes a payment of  
7 contributions, which shall be computed at 8% (normal) plus  
8 2% (survivor) times length of service purchased times the  
9 average rate of earnings for the first 2 years of service  
10 with the municipality or participating instrumentality  
11 whose governing body authorizes the service established  
12 plus interest at the effective rate on the date such  
13 credits are established, payable from the date the employee  
14 completes the required 2 years of current service to date  
15 of payment. In no case shall more than 120 months of  
16 creditable service be granted under this provision.

17 7. For retroactive service: Any employee who could have  
18 but did not elect to become a participating employee, or  
19 who should have been a participant in the Municipal Public  
20 Utilities Annuity and Benefit Fund before that fund was  
21 superseded, may receive creditable service for the period  
22 of service not to exceed 50 months; however, a current or  
23 former elected or appointed official of a participating  
24 municipality may establish credit under this paragraph 7  
25 for more than 50 months of service as an official of that  
26 municipality, if the excess over 50 months is approved by

1 resolution of the governing body of the affected  
2 municipality filed with the Fund before January 1, 2002.

3 Any employee who is a participating employee on or  
4 after September 24, 1981 and who was excluded from  
5 participation by the age restrictions removed by Public Act  
6 82-596 may receive creditable service for the period, on or  
7 after January 1, 1979, excluded by the age restriction and,  
8 in addition, if the governing body of the participating  
9 municipality or participating instrumentality elects to  
10 allow creditable service for all employees excluded by the  
11 age restriction prior to January 1, 1979, for service  
12 during the period prior to that date excluded by the age  
13 restriction. Any employee who was excluded from  
14 participation by the age restriction removed by Public Act  
15 82-596 and who is not a participating employee on or after  
16 September 24, 1981 may receive creditable service for  
17 service after January 1, 1979. Creditable service under  
18 this paragraph shall be granted upon payment of the  
19 employee contributions which would have been required had  
20 he participated, with interest at the effective rate for  
21 each year from the end of the period of service established  
22 to date of payment.

23 8. For accumulated unused sick leave: A participating  
24 employee who is applying for a retirement annuity shall be  
25 entitled to creditable service for that portion of the  
26 employee's accumulated unused sick leave for which payment

1 is not received, as follows:

2 a. Sick leave days shall be limited to those  
3 accumulated under a sick leave plan established by a  
4 participating municipality or participating  
5 instrumentality which is available to all employees or  
6 a class of employees.

7 b. Only sick leave days accumulated with a  
8 participating municipality or participating  
9 instrumentality with which the employee was in service  
10 within 60 days of the effective date of his retirement  
11 annuity shall be credited; If the employee was in  
12 service with more than one employer during this period  
13 only the sick leave days with the employer with which  
14 the employee has the greatest number of unpaid sick  
15 leave days shall be considered.

16 c. The creditable service granted shall be  
17 considered solely for the purpose of computing the  
18 amount of the retirement annuity and shall not be used  
19 to establish any minimum service period required by any  
20 provision of the Illinois Pension Code, the effective  
21 date of the retirement annuity, or the final rate of  
22 earnings.

23 d. The creditable service shall be at the rate of  
24 1/20 of a month for each full sick day, provided that  
25 no more than 12 months may be credited under this  
26 subdivision 8.

1 e. Employee contributions shall not be required  
2 for creditable service under this subdivision 8.

3 f. Each participating municipality and  
4 participating instrumentality with which an employee  
5 has service within 60 days of the effective date of his  
6 retirement annuity shall certify to the board the  
7 number of accumulated unpaid sick leave days credited  
8 to the employee at the time of termination of service.

9 9. For service transferred from another system:  
10 Credits and creditable service shall be granted for service  
11 under Article 3, 4, 5, 14 or 16 of this Act, to any active  
12 member of this Fund, and to any inactive member who has  
13 been a county sheriff, upon transfer of such credits  
14 pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or  
15 16-131.4, and payment by the member of the amount by which  
16 (1) the employer and employee contributions that would have  
17 been required if he had participated in this Fund as a  
18 sheriff's law enforcement employee during the period for  
19 which credit is being transferred, plus interest thereon at  
20 the effective rate for each year, compounded annually, from  
21 the date of termination of the service for which credit is  
22 being transferred to the date of payment, exceeds (2) the  
23 amount actually transferred to the Fund. Such transferred  
24 service shall be deemed to be service as a sheriff's law  
25 enforcement employee for the purposes of Section 7-142.1.

26 10. For service transferred from an Article 3 system



1 under Section 3-110.8: Credits and creditable service  
2 shall be granted for service under Article 3 of this Act as  
3 provided in Section 3-110.8, to any active member of this  
4 Fund upon transfer of such credits pursuant to Section  
5 3-110.8. If the amount by which (1) the employer and  
6 employee contributions that would have been required if he  
7 had participated in this Fund during the period for which  
8 credit is being transferred, plus interest thereon at the  
9 effective rate for each year, compounded annually, from the  
10 date of termination of the service for which credit is  
11 being transferred to the date of payment, exceeds (2) the  
12 amount actually transferred to the Fund, then the amount of  
13 creditable service established under this paragraph 10  
14 shall be reduced by a corresponding amount in accordance  
15 with the rules and procedures established under this  
16 paragraph 10.

17 The board shall establish by rule the manner of making  
18 the calculation required under this paragraph 10, taking  
19 into account the appropriate actuarial assumptions; the  
20 member's service, age, and salary history; the level of  
21 funding of the employer; and any other factors that the  
22 board determines to be relevant.

23 (b) Creditable service - amount:

24 1. One month of creditable service shall be allowed for  
25 each month for which a participating employee made  
26 contributions as required under Section 7-173, or for which

1           creditable service is otherwise granted hereunder. Not  
2           more than 1 month of service shall be credited and counted  
3           for 1 calendar month, and not more than 1 year of service  
4           shall be credited and counted for any calendar year. A  
5           calendar month means a nominal month beginning on the first  
6           day thereof, and a calendar year means a year beginning  
7           January 1 and ending December 31.

8           2. A seasonal employee shall be given 12 months of  
9           creditable service if he renders the number of months of  
10          service normally required by the position in a 12-month  
11          period and he remains in service for the entire 12-month  
12          period. Otherwise a fractional year of service in the  
13          number of months of service rendered shall be credited.

14          3. An intermittent employee shall be given creditable  
15          service for only those months in which a contribution is  
16          made under Section 7-173.

17          (c) No application for correction of credits or creditable  
18          service shall be considered unless the board receives an  
19          application for correction while (1) the applicant is a  
20          participating employee and in active employment with a  
21          participating municipality or instrumentality, or (2) while  
22          the applicant is actively participating in a pension fund or  
23          retirement system which is a participating system under the  
24          Retirement Systems Reciprocal Act. A participating employee or  
25          other applicant shall not be entitled to credits or creditable  
26          service unless the required employee contributions are made in

1 a lump sum or in installments made in accordance with board  
2 rule.

3 (d) Upon the granting of a retirement, surviving spouse or  
4 child annuity, a death benefit or a separation benefit, on  
5 account of any employee, all individual accumulated credits  
6 shall thereupon terminate. Upon the withdrawal of additional  
7 contributions, the credits applicable thereto shall thereupon  
8 terminate. Terminated credits shall not be applied to increase  
9 the benefits any remaining employee would otherwise receive  
10 under this Article.

11 (Source: P.A. 93-933, eff. 8-13-04; 94-356, eff. 7-29-05.)

12 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

13 Sec. 14-104. Service for which contributions permitted.  
14 Contributions provided for in this Section shall cover the  
15 period of service granted. Except as otherwise provided in this  
16 Section, the contributions shall be based upon the employee's  
17 compensation and contribution rate in effect on the date he  
18 last became a member of the System; provided that for all  
19 employment prior to January 1, 1969 the contribution rate shall  
20 be that in effect for a noncovered employee on the date he last  
21 became a member of the System. Except as otherwise provided in  
22 this Section, contributions permitted under this Section shall  
23 include regular interest from the date an employee last became  
24 a member of the System to the date of payment.

25 These contributions must be paid in full before retirement

1 either in a lump sum or in installment payments in accordance  
2 with such rules as may be adopted by the board.

3 (a) Any member may make contributions as required in this  
4 Section for any period of service, subsequent to the date of  
5 establishment, but prior to the date of membership.

6 (b) Any employee who had been previously excluded from  
7 membership because of age at entry and subsequently became  
8 eligible may elect to make contributions as required in this  
9 Section for the period of service during which he was  
10 ineligible.

11 (c) An employee of the Department of Insurance who, after  
12 January 1, 1944 but prior to becoming eligible for membership,  
13 received salary from funds of insurance companies in the  
14 process of rehabilitation, liquidation, conservation or  
15 dissolution, may elect to make contributions as required in  
16 this Section for such service.

17 (d) Any employee who rendered service in a State office to  
18 which he was elected, or rendered service in the elective  
19 office of Clerk of the Appellate Court prior to the date he  
20 became a member, may make contributions for such service as  
21 required in this Section. Any member who served by appointment  
22 of the Governor under the Civil Administrative Code of Illinois  
23 and did not participate in this System may make contributions  
24 as required in this Section for such service.

25 (e) Any person employed by the United States government or  
26 any instrumentality or agency thereof from January 1, 1942

1 through November 15, 1946 as the result of a transfer from  
2 State service by executive order of the President of the United  
3 States shall be entitled to prior service credit covering the  
4 period from January 1, 1942 through December 31, 1943 as  
5 provided for in this Article and to membership service credit  
6 for the period from January 1, 1944 through November 15, 1946  
7 by making the contributions required in this Section. A person  
8 so employed on January 1, 1944 but whose employment began after  
9 January 1, 1942 may qualify for prior service and membership  
10 service credit under the same conditions.

11 (f) An employee of the Department of Labor of the State of  
12 Illinois who performed services for and under the supervision  
13 of that Department prior to January 1, 1944 but who was  
14 compensated for those services directly by federal funds and  
15 not by a warrant of the Auditor of Public Accounts paid by the  
16 State Treasurer may establish credit for such employment by  
17 making the contributions required in this Section. An employee  
18 of the Department of Agriculture of the State of Illinois, who  
19 performed services for and under the supervision of that  
20 Department prior to June 1, 1963, but was compensated for those  
21 services directly by federal funds and not paid by a warrant of  
22 the Auditor of Public Accounts paid by the State Treasurer, and  
23 who did not contribute to any other public employee retirement  
24 system for such service, may establish credit for such  
25 employment by making the contributions required in this  
26 Section.

1           (g) Any employee who executed a waiver of membership within  
2 60 days prior to January 1, 1944 may, at any time while in the  
3 service of a department, file with the board a rescission of  
4 such waiver. Upon making the contributions required by this  
5 Section, the member shall be granted the creditable service  
6 that would have been received if the waiver had not been  
7 executed.

8           (h) Until May 1, 1990, an employee who was employed on a  
9 full-time basis by a regional planning commission for at least  
10 5 continuous years may establish creditable service for such  
11 employment by making the contributions required under this  
12 Section, provided that any credits earned by the employee in  
13 the commission's retirement plan have been terminated.

14           (i) Any person who rendered full time contractual services  
15 to the General Assembly as a member of a legislative staff may  
16 establish service credit for up to 8 years of such services by  
17 making the contributions required under this Section, provided  
18 that application therefor is made not later than July 1, 1991.

19           (j) By paying the contributions otherwise required under  
20 this Section, plus an amount determined by the Board to be  
21 equal to the employer's normal cost of the benefit plus  
22 interest, but with all of the interest calculated from the date  
23 the employee last became a member of the System or November 19,  
24 1991, whichever is later, to the date of payment, an employee  
25 may establish service credit for a period of up to 4 ~~2~~ years  
26 spent in active military service for which he does not qualify

1 for credit under Section 14-105, provided that (1) he was not  
2 dishonorably discharged from such military service, and (2) the  
3 amount of service credit established by a member under this  
4 subsection (j), when added to the amount of military service  
5 credit granted to the member under subsection (b) of Section  
6 14-105, shall not exceed 5 years. The change in the manner of  
7 calculating interest under this subsection (j) made by this  
8 amendatory Act of the 92nd General Assembly applies to credit  
9 purchased by an employee on or after its effective date and  
10 does not entitle any person to a refund of contributions or  
11 interest already paid. In compliance with Section 14-152.1 of  
12 this Act concerning new benefit increases, any new benefit  
13 increase as a result of the changes to this subsection (j) made  
14 by this amendatory Act of the 95th General Assembly is funded  
15 through the employee contributions provided for in this  
16 subsection (j). Any new benefit increase as a result of the  
17 changes made to this subsection (j) by this amendatory Act of  
18 the 95th General Assembly is exempt from the provisions of  
19 subsection (d) of Section 14-152.1.

20 (k) An employee who was employed on a full-time basis by  
21 the Illinois State's Attorneys Association Statewide Appellate  
22 Assistance Service LEAA-ILEC grant project prior to the time  
23 that project became the State's Attorneys Appellate Service  
24 Commission, now the Office of the State's Attorneys Appellate  
25 Prosecutor, an agency of State government, may establish  
26 creditable service for not more than 60 months service for such

1 employment by making contributions required under this  
2 Section.

3 (1) By paying the contributions otherwise required under  
4 this Section, plus an amount determined by the Board to be  
5 equal to the employer's normal cost of the benefit plus  
6 interest, a member may establish service credit for periods of  
7 less than one year spent on authorized leave of absence from  
8 service, provided that (1) the period of leave began on or  
9 after January 1, 1982 and (2) any credit established by the  
10 member for the period of leave in any other public employee  
11 retirement system has been terminated. A member may establish  
12 service credit under this subsection for more than one period  
13 of authorized leave, and in that case the total period of  
14 service credit established by the member under this subsection  
15 may exceed one year. In determining the contributions required  
16 for establishing service credit under this subsection, the  
17 interest shall be calculated from the beginning of the leave of  
18 absence to the date of payment.

19 (m) Any person who rendered contractual services to a  
20 member of the General Assembly as a worker in the member's  
21 district office may establish creditable service for up to 3  
22 years of those contractual services by making the contributions  
23 required under this Section. The System shall determine a  
24 full-time salary equivalent for the purpose of calculating the  
25 required contribution. To establish credit under this  
26 subsection, the applicant must apply to the System by March 1,



1 1998.

2 (n) Any person who rendered contractual services to a  
3 member of the General Assembly as a worker providing  
4 constituent services to persons in the member's district may  
5 establish creditable service for up to 8 years of those  
6 contractual services by making the contributions required  
7 under this Section. The System shall determine a full-time  
8 salary equivalent for the purpose of calculating the required  
9 contribution. To establish credit under this subsection, the  
10 applicant must apply to the System by March 1, 1998.

11 (o) A member who participated in the Illinois Legislative  
12 Staff Internship Program may establish creditable service for  
13 up to one year of that participation by making the contribution  
14 required under this Section. The System shall determine a  
15 full-time salary equivalent for the purpose of calculating the  
16 required contribution. Credit may not be established under this  
17 subsection for any period for which service credit is  
18 established under any other provision of this Code.

19 (p) By paying the contributions otherwise required under  
20 this Section, plus an amount determined by the Board to be  
21 equal to the employer's normal cost of the benefit plus  
22 interest, a member may establish service credit for a period of  
23 up to 8 years during which he or she was employed by the  
24 Visually Handicapped Managers of Illinois in a vending program  
25 operated under a contractual agreement with the Department of  
26 Rehabilitation Services or its successor agency.

1           This subsection (p) applies without regard to whether the  
2 person was in service on or after the effective date of this  
3 amendatory Act of the 94th General Assembly. In the case of a  
4 person who is receiving a retirement annuity on that effective  
5 date, the increase, if any, shall begin to accrue on the first  
6 annuity payment date following receipt by the System of the  
7 contributions required under this subsection (p).

8           (q) By paying the required contributions under this  
9 Section, plus an amount determined by the Board to be equal to  
10 the employer's normal cost of the benefit plus interest, an  
11 employee who was laid off but returned to State employment  
12 under circumstances in which the employee is considered to have  
13 been in continuous service for purposes of determining  
14 seniority may establish creditable service for the period of  
15 the layoff, provided that (1) the applicant applies for the  
16 creditable service under this subsection (q) within 6 months  
17 after the effective date of this amendatory Act of the 94th  
18 General Assembly, (2) the applicant does not receive credit for  
19 that period under any other provision of this Code, (3) at the  
20 time of the layoff, the applicant is not in an initial  
21 probationary status consistent with the rules of the Department  
22 of Central Management Services, and (4) the total amount of  
23 creditable service established by the applicant under this  
24 subsection (q) does not exceed 3 years. For service established  
25 under this subsection (q), the required employee contribution  
26 shall be based on the rate of compensation earned by the

1 employee on the date of returning to employment after the  
2 layoff and the contribution rate then in effect, and the  
3 required interest shall be calculated from the date of  
4 returning to employment after the layoff to the date of  
5 payment.

6 (Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07.)

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.31 as follows:

9 (30 ILCS 805/8.31 new)

10 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
11 of this Act, no reimbursement by the State is required for the  
12 implementation of any mandate created by this amendatory Act of  
13 the 95th General Assembly.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."