



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4469**

by Rep. Jerry L. Mitchell

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-104

from Ch. 108 1/2, par. 14-104

40 ILCS 5/14-152.2

Amends the State Employee Article of the Illinois Pension Code. Allows a person whose employment under the Article was terminated, but he or she was reemployed by any department under the Article within 6 months after that termination to establish creditable service for the period during which he or she was terminated, provided that he or she applies within 6 months after the effective date of the amendatory Act. Includes language concerning new benefit increases. Effective immediately.

LRB095 18457 AMC 44543 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing  
5 Sections 14-104 and 14-152.2 as follows:

6 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

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

19 These contributions must be paid in full before retirement  
20 either in a lump sum or in installment payments in accordance  
21 with such rules as may be adopted by the board.

22 (a) Any member may make contributions as required in this  
23 Section for any period of service, subsequent to the date of

1 establishment, but prior to the date of membership.

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

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

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

21 (e) Any person employed by the United States government or  
22 any instrumentality or agency thereof from January 1, 1942  
23 through November 15, 1946 as the result of a transfer from  
24 State service by executive order of the President of the United  
25 States shall be entitled to prior service credit covering the  
26 period from January 1, 1942 through December 31, 1943 as

1 provided for in this Article and to membership service credit  
2 for the period from January 1, 1944 through November 15, 1946  
3 by making the contributions required in this Section. A person  
4 so employed on January 1, 1944 but whose employment began after  
5 January 1, 1942 may qualify for prior service and membership  
6 service credit under the same conditions.

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

23 (g) Any employee who executed a waiver of membership within  
24 60 days prior to January 1, 1944 may, at any time while in the  
25 service of a department, file with the board a rescission of  
26 such waiver. Upon making the contributions required by this

1 Section, the member shall be granted the creditable service  
2 that would have been received if the waiver had not been  
3 executed.

4 (h) Until May 1, 1990, an employee who was employed on a  
5 full-time basis by a regional planning commission for at least  
6 5 continuous years may establish creditable service for such  
7 employment by making the contributions required under this  
8 Section, provided that any credits earned by the employee in  
9 the commission's retirement plan have been terminated.

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

15 (j) By paying the contributions otherwise required under  
16 this Section, plus an amount determined by the Board to be  
17 equal to the employer's normal cost of the benefit plus  
18 interest, but with all of the interest calculated from the date  
19 the employee last became a member of the System or November 19,  
20 1991, whichever is later, to the date of payment, an employee  
21 may establish service credit for a period of up to 4 years  
22 spent in active military service for which he does not qualify  
23 for credit under Section 14-105, provided that (1) he was not  
24 dishonorably discharged from such military service, and (2) the  
25 amount of service credit established by a member under this  
26 subsection (j), when added to the amount of military service

1 credit granted to the member under subsection (b) of Section  
2 14-105, shall not exceed 5 years. The change in the manner of  
3 calculating interest under this subsection (j) made by this  
4 amendatory Act of the 92nd General Assembly applies to credit  
5 purchased by an employee on or after its effective date and  
6 does not entitle any person to a refund of contributions or  
7 interest already paid. In compliance with Section 14-152.1 of  
8 this Act concerning new benefit increases, any new benefit  
9 increase as a result of the changes to this subsection (j) made  
10 by Public Act 95-483 ~~this amendatory Act of the 95th General~~  
11 ~~Assembly~~ is funded through the employee contributions provided  
12 for in this subsection (j). Any new benefit increase as a  
13 result of the changes made to this subsection (j) by Public Act  
14 95-483 ~~this amendatory Act of the 95th General Assembly~~ is  
15 exempt from the provisions of subsection (d) of Section  
16 14-152.1.

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

26 (l) By paying the contributions otherwise required under

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

16 (1-5) By paying the contributions otherwise required under  
17 this Section, plus an amount determined by the Board to be  
18 equal to the employer's normal cost of the benefit plus  
19 interest, a member may establish service credit for periods of  
20 up to 2 years spent on authorized leave of absence from  
21 service, provided that during that leave the member represented  
22 or was employed as an officer or employee of a statewide labor  
23 organization that represents members of this System. In  
24 determining the contributions required for establishing  
25 service credit under this subsection, the interest shall be  
26 calculated from the beginning of the leave of absence to the

1 date of payment.

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

11 (n) Any person who rendered contractual services to a  
12 member of the General Assembly as a worker providing  
13 constituent services to persons in the member's district may  
14 establish creditable service for up to 8 years of those  
15 contractual services by making the contributions required  
16 under this Section. The System shall determine a full-time  
17 salary equivalent for the purpose of calculating the required  
18 contribution. To establish credit under this subsection, the  
19 applicant must apply to the System by March 1, 1998.

20 (o) A member who participated in the Illinois Legislative  
21 Staff Internship Program may establish creditable service for  
22 up to one year of that participation by making the contribution  
23 required under this Section. The System shall determine a  
24 full-time salary equivalent for the purpose of calculating the  
25 required contribution. Credit may not be established under this  
26 subsection for any period for which service credit is



1 established under any other provision of this Code.

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

10 This subsection (p) applies without regard to whether the  
11 person was in service on or after the effective date of this  
12 amendatory Act of the 94th General Assembly. In the case of a  
13 person who is receiving a retirement annuity on that effective  
14 date, the increase, if any, shall begin to accrue on the first  
15 annuity payment date following receipt by the System of the  
16 contributions required under this subsection (p).

17 (q) By paying the required contributions under this  
18 Section, plus an amount determined by the Board to be equal to  
19 the employer's normal cost of the benefit plus interest, an  
20 employee who was laid off but returned to State employment  
21 under circumstances in which the employee is considered to have  
22 been in continuous service for purposes of determining  
23 seniority may establish creditable service for the period of  
24 the layoff, provided that (1) the applicant applies for the  
25 creditable service under this subsection (q) within 6 months  
26 after the effective date of this amendatory Act of the 94th

1 General Assembly, (2) the applicant does not receive credit for  
2 that period under any other provision of this Code, (3) at the  
3 time of the layoff, the applicant is not in an initial  
4 probationary status consistent with the rules of the Department  
5 of Central Management Services, and (4) the total amount of  
6 creditable service established by the applicant under this  
7 subsection (q) does not exceed 3 years. For service established  
8 under this subsection (q), the required employee contribution  
9 shall be based on the rate of compensation earned by the  
10 employee on the date of returning to employment after the  
11 layoff and the contribution rate then in effect, and the  
12 required interest shall be calculated from the date of  
13 returning to employment after the layoff to the date of  
14 payment.

15 (r) A member who participated in the University of Illinois  
16 Government Public Service Internship Program (GPSI) may  
17 establish creditable service for up to 2 years of that  
18 participation by making the contribution required under this  
19 Section, plus an amount determined by the Board to be equal to  
20 the employer's normal cost of the benefit plus interest. The  
21 System shall determine a full-time salary equivalent for the  
22 purpose of calculating the required contribution. Credit may  
23 not be established under this subsection for any period for  
24 which service credit is established under any other provision  
25 of this Code.

26 (s) ~~(r)~~ A member who worked as a nurse under a contractual

1 agreement for the Department of Public Aid, or its successor  
2 agency, the Department of Human Services, in the Client  
3 Assessment Unit and was subsequently determined to be a State  
4 employee by the United States Internal Revenue Service and the  
5 Illinois Labor Relations Board may establish creditable  
6 service for those contractual services by making the  
7 contributions required under this Section. To establish credit  
8 under this subsection, the applicant must apply to the System  
9 by July 1, 2008.

10 The Department of Human Services shall pay an employer  
11 contribution based upon an amount determined by the Board to be  
12 equal to the employer's normal cost of the benefit, plus  
13 interest.

14 In compliance with Section 14-152.1 added by Public Act  
15 94-4, the cost of the benefits provided by Public Act 95-583  
16 ~~this amendatory Act of the 95th General Assembly~~ are offset by  
17 the required employee and employer contributions.

18 (t) By paying the contributions otherwise required under  
19 this Section, plus an amount determined by the Board to be  
20 equal to the employer's normal cost of the benefit plus  
21 interest, a person whose employment under this Article was  
22 terminated, but he or she was reemployed by any department  
23 under this Article within 6 months after that termination may  
24 establish creditable service for the period during which he or  
25 she was terminated, provided that he or she applies within 6  
26 months after the effective date of this amendatory Act of the

1 95th General Assembly. For service established under this  
2 subsection (t), the required employee contribution shall be  
3 based on the rate of compensation earned by the employee on the  
4 date of returning to employment after the termination and the  
5 contribution rate then in effect, and the required interest  
6 shall be calculated from the date of returning to employment  
7 after the termination to the date of payment.

8 (Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07;  
9 95-483, eff. 8-28-07; 95-583, eff. 8-31-07; 95-652, eff.  
10 10-11-07; revised 11-9-07.)

11 (40 ILCS 5/14-152.2)

12 Sec. 14-152.2. New benefit increases.

13 (a) The General Assembly finds and declares that the  
14 amendment to Section 14-104 made by this amendatory Act of the  
15 95th General Assembly that allows members to establish  
16 creditable service for certain participation in the University  
17 of Illinois Government Public Service Internship Program  
18 (GPSI) constitutes a new benefit increase within the meaning of  
19 Section 14-152.1. Funding for this new benefit increase will be  
20 provided by additional employee contributions under subsection  
21 (r) of Section 14-104.

22 (b) The General Assembly finds and declares that the  
23 amendment to Section 14-104 made by this amendatory Act of the  
24 95th General Assembly that allows members to establish  
25 creditable service for certain periods of service if a member's

1 employment is terminated and he or she is rehired by any  
2 department within 6 months after that termination constitutes a  
3 new benefit increase within the meaning of Section 14-152.1.  
4 Funding for this new benefit increase will be provided by  
5 additional employee contributions under subsection (t) of  
6 Section 14-104.

7 (Source: P.A. 95-652, eff. 10-11-07.)

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