



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1481

Introduced 2/9/2007, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-104

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

40 ILCS 5/14-152.1

Amends the State Employees Article of the Illinois Pension Code. Provides that an employee who worked as a nurse under a contractual agreement for the Department of Public Aid or its successor agency, the Department of Human services, in the Client Assessment Unit and was subsequently determined to be a State employee by the United States Internal Revenue Service and Illinois Labor Relations Board may establish creditable service for those contractual services. Exempts the changes from new benefit increase provisions. Effective immediately.

LRB095 11079 AMC 31405 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 14-152.1 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 2 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.

8 (k) An employee who was employed on a full-time basis by
9 the Illinois State's Attorneys Association Statewide Appellate
10 Assistance Service LEAA-ILEC grant project prior to the time
11 that project became the State's Attorneys Appellate Service
12 Commission, now the Office of the State's Attorneys Appellate
13 Prosecutor, an agency of State government, may establish
14 creditable service for not more than 60 months service for such
15 employment by making contributions required under this
16 Section.

17 (l) By paying the contributions otherwise required under
18 this Section, plus an amount determined by the Board to be
19 equal to the employer's normal cost of the benefit plus
20 interest, a member may establish service credit for periods of
21 less than one year spent on authorized leave of absence from
22 service, provided that (1) the period of leave began on or
23 after January 1, 1982 and (2) any credit established by the
24 member for the period of leave in any other public employee
25 retirement system has been terminated. A member may establish
26 service credit under this subsection for more than one period

1 of authorized leave, and in that case the total period of
2 service credit established by the member under this subsection
3 may exceed one year. In determining the contributions required
4 for establishing service credit under this subsection, the
5 interest shall be calculated from the beginning of the leave of
6 absence to the date of payment.

7 (m) Any person who rendered contractual services to a
8 member of the General Assembly as a worker in the member's
9 district office may establish creditable service for up to 3
10 years of those contractual services by making the contributions
11 required under this Section. The System shall determine a
12 full-time salary equivalent for the purpose of calculating the
13 required contribution. To establish credit under this
14 subsection, the applicant must apply to the System by March 1,
15 1998.

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

25 (o) A member who participated in the Illinois Legislative
26 Staff Internship Program may establish creditable service for

1 up to one year of that participation by making the contribution
2 required under this Section. The System shall determine a
3 full-time salary equivalent for the purpose of calculating the
4 required contribution. Credit may not be established under this
5 subsection for any period for which service credit is
6 established under any other provision of this Code.

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

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

22 (q) A member who worked as a nurse under a contractual
23 agreement for the Department of Public Aid or its successor
24 agency, the Department of Human Services, in the Client
25 Assessment Unit and was subsequently determined to be a State
26 employee by the United States Internal Revenue Service and

1 Illinois Labor Relations Board may establish creditable
2 service for those contractual services by making the required
3 contributions. The contributions shall be calculated based
4 upon the compensation received and the employee contribution
5 rate that was in effect during each fiscal year that creditable
6 service is being established, without interest. To establish
7 credit under this subsection (g), the applicant must apply to
8 the System by July 1, 2008.

9 (Source: P.A. 94-612, eff. 8-18-05.)

10 (40 ILCS 5/14-152.1)

11 Sec. 14-152.1. Application and expiration of new benefit
12 increases.

13 (a) As used in this Section, "new benefit increase" means
14 an increase in the amount of any benefit provided under this
15 Article, or an expansion of the conditions of eligibility for
16 any benefit under this Article, that results from an amendment
17 to this Code that takes effect after June 1, 2005 (the
18 effective date of Public Act 94-4) ~~this amendatory Act of the~~
19 ~~94th General Assembly~~. "New benefit increase", however, does
20 not include any benefit increase resulting from the changes
21 made to this Article by this amendatory Act of the 95th General
22 Assembly.

23 (b) Notwithstanding any other provision of this Code or any
24 subsequent amendment to this Code, every new benefit increase
25 is subject to this Section and shall be deemed to be granted

1 only in conformance with and contingent upon compliance with
2 the provisions of this Section.

3 (c) The Public Act enacting a new benefit increase must
4 identify and provide for payment to the System of additional
5 funding at least sufficient to fund the resulting annual
6 increase in cost to the System as it accrues.

7 Every new benefit increase is contingent upon the General
8 Assembly providing the additional funding required under this
9 subsection. The Commission on Government Forecasting and
10 Accountability shall analyze whether adequate additional
11 funding has been provided for the new benefit increase and
12 shall report its analysis to the Public Pension Division of the
13 Department of Financial and Professional Regulation. A new
14 benefit increase created by a Public Act that does not include
15 the additional funding required under this subsection is null
16 and void. If the Public Pension Division determines that the
17 additional funding provided for a new benefit increase under
18 this subsection is or has become inadequate, it may so certify
19 to the Governor and the State Comptroller and, in the absence
20 of corrective action by the General Assembly, the new benefit
21 increase shall expire at the end of the fiscal year in which
22 the certification is made.

23 (d) Every new benefit increase shall expire 5 years after
24 its effective date or on such earlier date as may be specified
25 in the language enacting the new benefit increase or provided
26 under subsection (c). This does not prevent the General

1 Assembly from extending or re-creating a new benefit increase
2 by law.

3 (e) Except as otherwise provided in the language creating
4 the new benefit increase, a new benefit increase that expires
5 under this Section continues to apply to persons who applied
6 and qualified for the affected benefit while the new benefit
7 increase was in effect and to the affected beneficiaries and
8 alternate payees of such persons, but does not apply to any
9 other person, including without limitation a person who
10 continues in service after the expiration date and did not
11 apply and qualify for the affected benefit while the new
12 benefit increase was in effect.

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

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