



Rep. Elaine Nekritz

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1 AMENDMENT TO HOUSE BILL 4622

2 AMENDMENT NO. _____. Amend House Bill 4622 on page 1, in
3 line 5, by changing "and 7-220" to "7-220, 15-113, 15-135,
4 15-136, 15-136.4, 15-139, and 15-153.2"; and

5 on page 19, below line 12, by inserting the following:

6 "(40 ILCS 5/15-113) (from Ch. 108 1/2, par. 15-113)
7 Sec. 15-113. Service. "Service": The periods defined in
8 Sections 15-113.1 through 15-113.9 and Section 15-113.11.
9 (Source: P.A. 84-1472.)

10 (40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)

11 Sec. 15-135. Retirement annuities - Conditions.

12 (a) A participant who retires in one of the following
13 specified years with the specified amount of service is
14 entitled to a retirement annuity at any age under the
15 retirement program applicable to the participant:

1 35 years if retirement is in 1997 or before;

2 34 years if retirement is in 1998;

3 33 years if retirement is in 1999;

4 32 years if retirement is in 2000;

5 31 years if retirement is in 2001;

6 30 years if retirement is in 2002 or later.

7 A participant with 8 or more years of service after
8 September 1, 1941, is entitled to a retirement annuity on or
9 after attainment of age 55.

10 A participant with at least 5 but less than 8 years of
11 service after September 1, 1941, is entitled to a retirement
12 annuity on or after attainment of age 62.

13 A participant who has at least 25 years of service in this
14 system as a police officer or firefighter is entitled to a
15 retirement annuity on or after the attainment of age 50, if
16 Rule 4 of Section 15-136 is applicable to the participant.

17 (b) The annuity payment period shall begin on the date
18 specified by the participant or the recipient of a disability
19 retirement annuity submitting a written application, which
20 date shall not be prior to termination of employment or more
21 than one year before the application is received by the board;
22 however, if the participant is not an employee of an employer
23 participating in this System or in a participating system as
24 defined in Article 20 of this Code on April 1 of the calendar
25 year next following the calendar year in which the participant
26 attains age 70 1/2, the annuity payment period shall begin on

1 that date regardless of whether an application has been filed.

2 (c) An annuity is not payable if the amount provided under
3 Section 15-136 is less than \$10 per month.

4 (Source: P.A. 92-749, eff. 8-2-02.)

5 (40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)

6 Sec. 15-136. Retirement annuities - Amount. The provisions
7 of this Section 15-136 apply only to those participants who are
8 participating in the traditional benefit package or the
9 portable benefit package and do not apply to participants who
10 are participating in the self-managed plan.

11 (a) The amount of a participant's retirement annuity,
12 expressed in the form of a single-life annuity, shall be
13 determined by whichever of the following rules is applicable
14 and provides the largest annuity:

15 Rule 1: The retirement annuity shall be 1.67% of final rate
16 of earnings for each of the first 10 years of service, 1.90%
17 for each of the next 10 years of service, 2.10% for each year
18 of service in excess of 20 but not exceeding 30, and 2.30% for
19 each year in excess of 30; or for persons who retire on or
20 after January 1, 1998, 2.2% of the final rate of earnings for
21 each year of service.

22 Rule 2: The retirement annuity shall be the sum of the
23 following, determined from amounts credited to the participant
24 in accordance with the actuarial tables and the effective
25 ~~prescribed~~ rate of interest in effect at the time the

1 retirement annuity begins:

2 (i) the normal annuity which can be provided on an
3 actuarially equivalent basis, by the accumulated normal
4 contributions as of the date the annuity begins;

5 (ii) an annuity from employer contributions of an
6 amount equal to that which can be provided on an
7 actuarially equivalent basis from the accumulated normal
8 contributions made by the participant under Section
9 15-113.6 and Section 15-113.7 plus 1.4 times all other
10 accumulated normal contributions made by the participant;
11 and

12 (iii) the annuity that can be provided on an
13 actuarially equivalent basis from the entire contribution
14 made by the participant under Section 15-113.3.

15 With respect to a police officer or firefighter who retires
16 on or after August 14, 1998, the accumulated normal
17 contributions taken into account under clauses (i) and (ii) of
18 this Rule 2 shall include the additional normal contributions
19 made by the police officer or firefighter under Section
20 15-157(a).

21 The amount of a retirement annuity calculated under this
22 Rule 2 shall be computed solely on the basis of the
23 participant's accumulated normal contributions, as specified
24 in this Rule and defined in Section 15-116. Neither an employee
25 or employer contribution for early retirement under Section
26 15-136.2 nor any other employer contribution shall be used in

1 the calculation of the amount of a retirement annuity under
2 this Rule 2.

3 This amendatory Act of the 91st General Assembly is a
4 clarification of existing law and applies to every participant
5 and annuitant without regard to whether status as an employee
6 terminates before the effective date of this amendatory Act.

7 This Rule 2 does not apply to a person who first becomes an
8 employee under this Article on or after July 1, 2005.

9 Rule 3: The retirement annuity of a participant who is
10 employed at least one-half time during the period on which his
11 or her final rate of earnings is based, shall be equal to the
12 participant's years of service not to exceed 30, multiplied by
13 (1) \$96 if the participant's final rate of earnings is less
14 than \$3,500, (2) \$108 if the final rate of earnings is at least
15 \$3,500 but less than \$4,500, (3) \$120 if the final rate of
16 earnings is at least \$4,500 but less than \$5,500, (4) \$132 if
17 the final rate of earnings is at least \$5,500 but less than
18 \$6,500, (5) \$144 if the final rate of earnings is at least
19 \$6,500 but less than \$7,500, (6) \$156 if the final rate of
20 earnings is at least \$7,500 but less than \$8,500, (7) \$168 if
21 the final rate of earnings is at least \$8,500 but less than
22 \$9,500, and (8) \$180 if the final rate of earnings is \$9,500 or
23 more, except that the annuity for those persons having made an
24 election under Section 15-154(a-1) shall be calculated and
25 payable under the portable retirement benefit program pursuant
26 to the provisions of Section 15-136.4.

1 Rule 4: A participant who is at least age 50 and has 25 or
2 more years of service as a police officer or firefighter, and a
3 participant who is age 55 or over and has at least 20 but less
4 than 25 years of service as a police officer or firefighter,
5 shall be entitled to a retirement annuity of 2 1/4% of the
6 final rate of earnings for each of the first 10 years of
7 service as a police officer or firefighter, 2 1/2% for each of
8 the next 10 years of service as a police officer or
9 firefighter, and 2 3/4% for each year of service as a police
10 officer or firefighter in excess of 20. The retirement annuity
11 for all other service shall be computed under Rule 1.

12 For purposes of this Rule 4, a participant's service as a
13 firefighter shall also include the following:

14 (i) service that is performed while the person is an
15 employee under subsection (h) of Section 15-107; and

16 (ii) in the case of an individual who was a
17 participating employee employed in the fire department of
18 the University of Illinois's Champaign-Urbana campus
19 immediately prior to the elimination of that fire
20 department and who immediately after the elimination of
21 that fire department transferred to another job with the
22 University of Illinois, service performed as an employee of
23 the University of Illinois in a position other than police
24 officer or firefighter, from the date of that transfer
25 until the employee's next termination of service with the
26 University of Illinois.

1 Rule 5: The retirement annuity of a participant who elected
2 early retirement under the provisions of Section 15-136.2 and
3 who, on or before February 16, 1995, brought administrative
4 proceedings pursuant to the administrative rules adopted by the
5 System to challenge the calculation of his or her retirement
6 annuity shall be the sum of the following, determined from
7 amounts credited to the participant in accordance with the
8 actuarial tables and the prescribed rate of interest in effect
9 at the time the retirement annuity begins:

10 (i) the normal annuity which can be provided on an
11 actuarially equivalent basis, by the accumulated normal
12 contributions as of the date the annuity begins; and

13 (ii) an annuity from employer contributions of an
14 amount equal to that which can be provided on an
15 actuarially equivalent basis from the accumulated normal
16 contributions made by the participant under Section
17 15-113.6 and Section 15-113.7 plus 1.4 times all other
18 accumulated normal contributions made by the participant;
19 and

20 (iii) an annuity which can be provided on an
21 actuarially equivalent basis from the employee
22 contribution for early retirement under Section 15-136.2,
23 and an annuity from employer contributions of an amount
24 equal to that which can be provided on an actuarially
25 equivalent basis from the employee contribution for early
26 retirement under Section 15-136.2.

1 In no event shall a retirement annuity under this Rule 5 be
2 lower than the amount obtained by adding (1) the monthly amount
3 obtained by dividing the combined employee and employer
4 contributions made under Section 15-136.2 by the System's
5 annuity factor for the age of the participant at the beginning
6 of the annuity payment period and (2) the amount equal to the
7 participant's annuity if calculated under Rule 1, reduced under
8 Section 15-136(b) as if no contributions had been made under
9 Section 15-136.2.

10 With respect to a participant who is qualified for a
11 retirement annuity under this Rule 5 whose retirement annuity
12 began before the effective date of this amendatory Act of the
13 91st General Assembly, and for whom an employee contribution
14 was made under Section 15-136.2, the System shall recalculate
15 the retirement annuity under this Rule 5 and shall pay any
16 additional amounts due in the manner provided in Section
17 15-186.1 for benefits mistakenly set too low.

18 The amount of a retirement annuity calculated under this
19 Rule 5 shall be computed solely on the basis of those
20 contributions specifically set forth in this Rule 5. Except as
21 provided in clause (iii) of this Rule 5, neither an employee
22 nor employer contribution for early retirement under Section
23 15-136.2, nor any other employer contribution, shall be used in
24 the calculation of the amount of a retirement annuity under
25 this Rule 5.

26 The General Assembly has adopted the changes set forth in

1 Section 25 of this amendatory Act of the 91st General Assembly
2 in recognition that the decision of the Appellate Court for the
3 Fourth District in *Mattis v. State Universities Retirement*
4 *System et al.* might be deemed to give some right to the
5 plaintiff in that case. The changes made by Section 25 of this
6 amendatory Act of the 91st General Assembly are a legislative
7 implementation of the decision of the Appellate Court for the
8 Fourth District in *Mattis v. State Universities Retirement*
9 *System et al.* with respect to that plaintiff.

10 The changes made by Section 25 of this amendatory Act of
11 the 91st General Assembly apply without regard to whether the
12 person is in service as an employee on or after its effective
13 date.

14 (b) The retirement annuity provided under Rules 1 and 3
15 above shall be reduced by $1/2$ of 1% for each month the
16 participant is under age 60 at the time of retirement. However,
17 this reduction shall not apply in the following cases:

18 (1) For a disabled participant whose disability
19 benefits have been discontinued because he or she has
20 exhausted eligibility for disability benefits under clause
21 (6) of Section 15-152;

22 (2) For a participant who has at least the number of
23 years of service required to retire at any age under
24 subsection (a) of Section 15-135; or

25 (3) For that portion of a retirement annuity which has
26 been provided on account of service of the participant

1 during periods when he or she performed the duties of a
2 police officer or firefighter, if these duties were
3 performed for at least 5 years immediately preceding the
4 date the retirement annuity is to begin.

5 (c) The maximum retirement annuity provided under Rules 1,
6 2, 4, and 5 shall be the lesser of (1) the annual limit of
7 benefits as specified in Section 415 of the Internal Revenue
8 Code of 1986, as such Section may be amended from time to time
9 and as such benefit limits shall be adjusted by the
10 Commissioner of Internal Revenue, and (2) 80% of final rate of
11 earnings.

12 (d) An annuitant whose status as an employee terminates
13 after August 14, 1969 shall receive automatic increases in his
14 or her retirement annuity as follows:

15 Effective January 1 immediately following the date the
16 retirement annuity begins, the annuitant shall receive an
17 increase in his or her monthly retirement annuity of 0.125% of
18 the monthly retirement annuity provided under Rule 1, Rule 2,
19 Rule 3, Rule 4, or Rule 5, contained in this Section,
20 multiplied by the number of full months which elapsed from the
21 date the retirement annuity payments began to January 1, 1972,
22 plus 0.1667% of such annuity, multiplied by the number of full
23 months which elapsed from January 1, 1972, or the date the
24 retirement annuity payments began, whichever is later, to
25 January 1, 1978, plus 0.25% of such annuity multiplied by the
26 number of full months which elapsed from January 1, 1978, or

1 the date the retirement annuity payments began, whichever is
2 later, to the effective date of the increase.

3 The annuitant shall receive an increase in his or her
4 monthly retirement annuity on each January 1 thereafter during
5 the annuitant's life of 3% of the monthly annuity provided
6 under Rule 1, Rule 2, Rule 3, Rule 4, or Rule 5 contained in
7 this Section. The change made under this subsection by P.A.
8 81-970 is effective January 1, 1980 and applies to each
9 annuitant whose status as an employee terminates before or
10 after that date.

11 Beginning January 1, 1990, all automatic annual increases
12 payable under this Section shall be calculated as a percentage
13 of the total annuity payable at the time of the increase,
14 including all increases previously granted under this Article.

15 The change made in this subsection by P.A. 85-1008 is
16 effective January 26, 1988, and is applicable without regard to
17 whether status as an employee terminated before that date.

18 (e) If, on January 1, 1987, or the date the retirement
19 annuity payment period begins, whichever is later, the sum of
20 the retirement annuity provided under Rule 1 or Rule 2 of this
21 Section and the automatic annual increases provided under the
22 preceding subsection or Section 15-136.1, amounts to less than
23 the retirement annuity which would be provided by Rule 3, the
24 retirement annuity shall be increased as of January 1, 1987, or
25 the date the retirement annuity payment period begins,
26 whichever is later, to the amount which would be provided by

1 Rule 3 of this Section. Such increased amount shall be
2 considered as the retirement annuity in determining benefits
3 provided under other Sections of this Article. This paragraph
4 applies without regard to whether status as an employee
5 terminated before the effective date of this amendatory Act of
6 1987, provided that the annuitant was employed at least
7 one-half time during the period on which the final rate of
8 earnings was based.

9 (f) A participant is entitled to such additional annuity as
10 may be provided on an actuarially equivalent basis, by any
11 accumulated additional contributions to his or her credit.
12 However, the additional contributions made by the participant
13 toward the automatic increases in annuity provided under this
14 Section shall not be taken into account in determining the
15 amount of such additional annuity.

16 (g) If, (1) by law, a function of a governmental unit, as
17 defined by Section 20-107 of this Code, is transferred in whole
18 or in part to an employer, and (2) a participant transfers
19 employment from such governmental unit to such employer within
20 6 months after the transfer of the function, and (3) the sum of
21 (A) the annuity payable to the participant under Rule 1, 2, or
22 3 of this Section (B) all proportional annuities payable to the
23 participant by all other retirement systems covered by Article
24 20, and (C) the initial primary insurance amount to which the
25 participant is entitled under the Social Security Act, is less
26 than the retirement annuity which would have been payable if

1 all of the participant's pension credits validated under
2 Section 20-109 had been validated under this system, a
3 supplemental annuity equal to the difference in such amounts
4 shall be payable to the participant.

5 (h) On January 1, 1981, an annuitant who was receiving a
6 retirement annuity on or before January 1, 1971 shall have his
7 or her retirement annuity then being paid increased \$1 per
8 month for each year of creditable service. On January 1, 1982,
9 an annuitant whose retirement annuity began on or before
10 January 1, 1977, shall have his or her retirement annuity then
11 being paid increased \$1 per month for each year of creditable
12 service.

13 (i) On January 1, 1987, any annuitant whose retirement
14 annuity began on or before January 1, 1977, shall have the
15 monthly retirement annuity increased by an amount equal to 8¢
16 per year of creditable service times the number of years that
17 have elapsed since the annuity began.

18 (Source: P.A. 93-347, eff. 7-24-03; 94-4, eff. 6-1-05.)

19 (40 ILCS 5/15-136.4)

20 Sec. 15-136.4. Retirement and Survivor Benefits Under
21 Portable Benefit Package.

22 (a) This Section 15-136.4 describes the form of annuity and
23 survivor benefits available to a participant who has elected
24 the portable benefit package and has completed the one-year
25 waiting period required under subsection (e) of Section

1 15-134.5. For purposes of this Section, the term "eligible
2 spouse" means the husband or wife of a participant to whom the
3 participant is married on the date the participant's annuity
4 payment period begins, provided however, that if the
5 participant should die prior to the commencement of retirement
6 annuity benefits, then "eligible spouse" means the husband or
7 wife, if any, to whom the participant was married throughout
8 the one-year period preceding the date of his or her death.

9 (b) This subsection (b) describes the normal form of
10 annuity payable to a participant subject to this Section
11 15-136.4. If the participant is unmarried on the date his or
12 her annuity payment period begins, then the annuity payments
13 shall be made in the form of a single-life annuity as described
14 in Section 15-118. If the participant is married on the date
15 his or her annuity payments commence, then the annuity payments
16 shall be paid in the form of a qualified joint and survivor
17 annuity that is the actuarial equivalent of the single-life
18 annuity. Under the "qualified joint and survivor annuity", a
19 reduced amount shall be paid to the participant for his or her
20 lifetime and his or her eligible spouse, if surviving at the
21 participant's death, shall be entitled to receive thereafter a
22 lifetime survivorship annuity in a monthly amount equal to 50%
23 of the reduced monthly amount that was payable to the
24 participant. The last payment of a qualified joint and survivor
25 annuity shall be made as of the first day of the month in which
26 the death of the survivor occurs.

1 (c) Instead of the normal form of annuity that would be
2 paid under subsection (b), a participant may elect in writing
3 within the 180-day ~~90-day~~ period prior to the date his or her
4 annuity payments commence to waive the normal form of annuity
5 payment and receive an optional form of payment as described in
6 subsection (h). If the participant is married and elects an
7 optional form of payment under subsection (h) other than a
8 joint and survivor annuity with the eligible spouse designated
9 as the contingent annuitant, then such election shall require
10 the consent of his or her eligible spouse in the manner
11 described in subsection (d). At any time during the 180-day
12 ~~90-day~~ period preceding the date the participant's payment
13 period begins, the participant may revoke the optional form of
14 payment elected under this subsection (c) and reinstate
15 coverage under the qualified joint and survivor annuity without
16 the spouse's consent, but an election to revoke the optional
17 form elected and elect a new optional form of payment or
18 designate a different contingent annuitant shall not be
19 effective without the eligible spouse's consent.

20 (d) The eligible spouse's consent to any election made
21 pursuant to this Section that requires the eligible spouse's
22 consent shall be in writing and shall acknowledge the effect of
23 the consent. In addition, the eligible spouse's signature on
24 the written consent must be witnessed by a notary public. The
25 eligible spouse's consent need not be obtained if the system is
26 satisfied that there is no eligible spouse, that the eligible

1 spouse cannot be located, or because of any other relevant
2 circumstances. An eligible spouse's consent under this Section
3 is valid only with respect to the specified optional form of
4 payment and, if applicable, contingent annuitant designated by
5 the participant. If the optional form of payment or the
6 contingent annuitant is subsequently changed (other than by a
7 revocation of the optional form of payment and reinstatement of
8 the qualified joint and survivor annuity), a new consent by the
9 eligible spouse is required. The eligible spouse's consent to
10 an election made by a participant pursuant to this Section,
11 once made, may not be revoked by the eligible spouse.

12 (e) Within a reasonable period of time preceding the date a
13 participant's annuity commences, a participant shall be
14 supplied with a written explanation of (1) the terms and
15 conditions of the normal form single-life annuity and qualified
16 joint and survivor annuity, (2) the participant's right to
17 elect a single-life annuity or an optional form of payment
18 under subsection (h) subject to his or her eligible spouse's
19 consent, if applicable, and (3) the participant's right to
20 reinstate coverage under the qualified joint and survivor
21 annuity prior to his or her annuity commencement date by
22 revoking an election of an optional form of payment under
23 subsection (h).

24 (f) If a married participant with at least 1.5 years of
25 service dies prior to commencing retirement annuity payments
26 and prior to taking a refund under Section 15-154, his or her

1 eligible spouse is entitled to receive a pre-retirement
2 survivor annuity, if there is not then in effect a waiver of
3 the pre-retirement survivor annuity. The pre-retirement
4 survivor annuity payable under this subsection shall be a
5 monthly annuity payable for the eligible spouse's life,
6 commencing as of the beginning of the month next following the
7 later of the date of the participant's death or the date the
8 participant would have first met the eligibility requirements
9 for retirement, and continuing through the beginning of the
10 month in which the death of the eligible spouse occurs. The
11 monthly amount payable to the spouse under the pre-retirement
12 survivor annuity shall be equal to the monthly amount that
13 would be payable as a survivor annuity under the qualified
14 joint and survivor annuity described in subsection (b) if: (1)
15 in the case of a participant who dies on or after the date on
16 which the participant has met the eligibility requirements for
17 retirement, the participant had retired with an immediate
18 qualified joint and survivor annuity on the day before the
19 participant's date of death; or (2) in the case of a
20 participant who dies before the earliest date on which the
21 participant would have met the eligibility requirements for
22 retirement age, the participant had separated from service on
23 the date of death, survived to the earliest retirement age
24 based on service prior to his or her death, retired with an
25 immediate qualified joint and survivor annuity at the earliest
26 retirement age, and died on the day after the day on which the

1 participant would have attained the earliest retirement age.

2 (g) A married participant who has not retired may elect at
3 any time to waive the pre-retirement survivor annuity described
4 in subsection (f). Any such election shall require the consent
5 of the participant's eligible spouse in the manner described in
6 subsection (d). A waiver of the pre-retirement survivor annuity
7 shall increase the lump sum death benefit payable under
8 subsection (b) of Section 15-141. Prior to electing any waiver
9 of the pre-retirement survivor annuity, the participant shall
10 be provided with a written explanation of (1) the terms and
11 conditions of the pre-retirement survivor annuity and the death
12 benefits payable from the system both with and without the
13 pre-retirement survivor annuity, (2) the participant's right
14 to elect a waiver of the pre-retirement survivor annuity
15 coverage subject to his or her spouse's consent, and (3) the
16 participant's right to reinstate pre-retirement survivor
17 annuity coverage at any time by revoking a prior waiver of such
18 coverage.

19 (h) By filing a timely election with the system, a
20 participant who will be eligible to receive a retirement
21 annuity under this Section may waive the normal form of annuity
22 payment described in subsection (b), subject to obtaining the
23 consent of his or her eligible spouse, if applicable, and elect
24 to receive any one of the following optional forms of payment:

25 (1) Joint and Survivor Annuity Options: The
26 participant may elect to receive a reduced annuity payable

1 for his or her life and to have a lifetime survivorship
2 annuity in a monthly amount equal to 50%, 75%, or 100% (as
3 elected by the participant) of that reduced monthly amount,
4 to be paid after the participant's death to his or her
5 contingent annuitant, if the contingent annuitant is alive
6 at the time of the participant's death.

7 (2) Single-Life Annuity Option (optional for married
8 participants). The participant may elect to receive a
9 single-life annuity payable for his or her life only.

10 (3) Lump sum retirement benefit. The participant may
11 elect to receive a lump sum retirement benefit that is
12 equal to the amount of a refund payable under Section
13 15-154(a-2).

14 All joint and survivor annuity forms shall be in an amount that
15 is the actuarial equivalent of the single-life annuity.

16 For the purposes of this Section, the term "contingent
17 annuitant" means the beneficiary who is designated by a
18 participant at the time the participant elects a joint and
19 survivor annuity to receive the lifetime survivorship annuity
20 in the event the beneficiary survives the participant at the
21 participant's death.

22 (i) Under no circumstances may an option be elected,
23 changed, or revoked after the date the participant's retirement
24 annuity commences.

25 (j) An election made pursuant to subsection (h) shall
26 become inoperative if the participant or the contingent

1 annuitant dies before the date the participant's annuity
2 payments commence, or if the eligible spouse's consent is
3 required and not given.

4 (k) (Blank).

5 (l) The automatic annual increases described in subsection
6 (d) of Section 15-136 shall apply to retirement benefits under
7 the portable benefit package and the automatic annual increases
8 described in subsection (j) of Section 15-145 shall apply to
9 survivor benefits under the portable benefit package.

10 (Source: P.A. 96-586, eff. 8-18-09.)

11 (40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)

12 Sec. 15-139. Retirement annuities; cancellation; suspended
13 during employment.

14 (a) If an annuitant returns to employment for an employer
15 within 60 days after the beginning of the retirement annuity
16 payment period, the retirement annuity shall be cancelled, and
17 the annuitant shall refund to the System the total amount of
18 the retirement annuity payments which he or she received. If
19 the retirement annuity is cancelled, the participant shall
20 continue to participate in the System.

21 (b) If an annuitant retires prior to age 60 and receives or
22 becomes entitled to receive during any month compensation in
23 excess of the monthly retirement annuity (including any
24 automatic annual increases) for services performed after the
25 date of retirement for any employer under this System, that

1 portion of the monthly retirement annuity provided by employer
2 contributions shall not be payable.

3 If an annuitant retires at age 60 or over and receives or
4 becomes entitled to receive during any academic year
5 compensation in excess of the difference between his or her
6 highest annual earnings prior to retirement and his or her
7 annual retirement annuity computed under Rule 1, Rule 2, Rule
8 3, Rule 4, or Rule 5 of Section 15-136, or under Section
9 15-136.4, for services performed after the date of retirement
10 for any employer under this System, that portion of the monthly
11 retirement annuity provided by employer contributions shall be
12 reduced by an amount equal to the compensation that exceeds
13 such difference.

14 However, any remuneration received for serving as a member
15 of the Illinois Educational Labor Relations Board shall be
16 excluded from "compensation" for the purposes of this
17 subsection (b), and serving as a member of the Illinois
18 Educational Labor Relations Board shall not be deemed to be a
19 return to employment for the purposes of this Section. This
20 provision applies without regard to whether service was
21 terminated prior to the effective date of this amendatory Act
22 of 1991.

23 (c) If an employer certifies that an annuitant has been
24 reemployed on a permanent and continuous basis or in a position
25 in which the annuitant is expected to serve for at least 9
26 months, the annuitant shall resume his or her status as a

1 participating employee and shall be entitled to all rights
2 applicable to participating employees upon filing with the
3 board an election to forego all annuity payments during the
4 period of reemployment. Upon subsequent retirement, the
5 retirement annuity shall consist of the annuity which was
6 terminated by the reemployment, plus the additional retirement
7 annuity based upon service granted during the period of
8 reemployment, but the combined retirement annuity shall not
9 exceed the maximum annuity applicable on the date of the last
10 retirement.

11 The total service and earnings credited before and after
12 the initial date of retirement shall be considered in
13 determining eligibility of the employee or the employee's
14 beneficiary to benefits under this Article, and in calculating
15 final rate of earnings.

16 In determining the death benefit payable to a beneficiary
17 of an annuitant who again becomes a participating employee
18 under this Section, accumulated normal and additional
19 contributions shall be considered as the sum of the accumulated
20 normal and additional contributions at the date of initial
21 retirement and the accumulated normal and additional
22 contributions credited after that date, less the sum of the
23 annuity payments received by the annuitant.

24 The survivors insurance benefits provided under Section
25 15-145 shall not be applicable to an annuitant who resumes his
26 or her status as a participating employee, unless the

1 annuitant, at the time of initial retirement, has a survivors
2 insurance beneficiary who could qualify for such benefits.

3 If the participant's ~~annuitant's~~ employment is terminated
4 because of circumstances other than death before 9 months from
5 the date of reemployment, the provisions of this Section
6 regarding resumption of status as a participating employee
7 shall not apply. The normal and survivors insurance
8 contributions which are deducted during this period shall be
9 refunded to the annuitant without interest, and subsequent
10 benefits under this Article shall be the same as those which
11 were applicable prior to the date the annuitant resumed
12 employment.

13 The amendments made to this Section by this amendatory Act
14 of the 91st General Assembly apply without regard to whether
15 the annuitant was in service on or after the effective date of
16 this amendatory Act.

17 (Source: P.A. 91-887 (Sections 10 and 25), eff. 7-6-00; 92-16,
18 eff. 6-28-01.)

19 (40 ILCS 5/15-153.2) (from Ch. 108 1/2, par. 15-153.2)

20 Sec. 15-153.2. Disability retirement annuity. A
21 participant whose disability benefits are discontinued under
22 the provisions of clause (6) of Section 15-152 and who is not a
23 participant in the optional retirement plan established under
24 Section 15-158.2 is entitled to a disability retirement annuity
25 of 35% of the basic compensation which was payable to the

1 participant at the time that disability began, provided that
2 the board determines that the participant has a medically
3 determinable physical or mental impairment that prevents him or
4 her from engaging in any substantial gainful activity, and
5 which can be expected to result in death or which has lasted or
6 can be expected to last for a continuous period of not less
7 than 12 months.

8 The board's determination of whether a participant is
9 disabled shall be based upon:

10 (i) a written certificate from one or more licensed and
11 practicing physicians appointed by or acceptable to the
12 board, stating that the participant is unable to engage in
13 any substantial gainful activity; and

14 (ii) any other medical examinations, hospital records,
15 laboratory results, or other information necessary for
16 determining the employment capacity and condition of the
17 participant.

18 The terms "medically determinable physical or mental
19 impairment" and "substantial gainful activity" shall have the
20 meanings ascribed to them in the federal Social Security Act,
21 as now or hereafter amended, and the regulations issued
22 thereunder.

23 The disability retirement annuity payment period shall
24 begin immediately following the expiration of the disability
25 benefit payments under clause (6) of Section 15-152 and shall
26 be discontinued for a recipient of a disability retirement

1 annuity when (1) the physical or mental impairment no longer
2 prevents the participant from engaging in any substantial
3 gainful activity, (2) the participant dies or (3) the
4 participant elects to receive a retirement annuity under
5 Sections 15-135 and 15-136. If a person's disability retirement
6 annuity is discontinued under clause (1), all rights and
7 credits accrued in the system on the date that the disability
8 retirement annuity began shall be restored, and the disability
9 retirement annuity paid shall be considered as disability
10 payments under clause (6) of Section 15-152.

11 (Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-511,
12 eff. 8-22-97; 90-766, eff. 8-14-98.)".