



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3372

by Rep. Darlene J. Senger

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-109	from Ch. 108 1/2, par. 7-109
40 ILCS 5/14-103.10	from Ch. 108 1/2, par. 14-103.10
40 ILCS 5/14-106	from Ch. 108 1/2, par. 14-106
40 ILCS 5/15-106	from Ch. 108 1/2, par. 15-106
40 ILCS 5/15-107	from Ch. 108 1/2, par. 15-107
40 ILCS 5/16-106	from Ch. 108 1/2, par. 16-106

Amends the Illinois Pension Code. In the Illinois Municipal Retirement Fund (IMRF), State Universities, and Downstate Teachers Articles, imposes limitations on participation by certain persons. In the State Employees Article, provides that, for new members: (i) "compensation" does not include any payments or reimbursements for travel vouchers, and (ii) service credit is not available for unused sick leave. Effective immediately.

LRB098 07598 EFG 37669 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 7-109, 14-103.10, 14-106, 15-106, 15-107, and 16-106
6 as follows:

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

8 Sec. 7-109. Employee.

9 (1) "Employee" means any person who:

10 (a) 1. Receives earnings as payment for the performance
11 of personal services or official duties out of the
12 general fund of a municipality, or out of any special
13 fund or funds controlled by a municipality, or by an
14 instrumentality thereof, or a participating
15 instrumentality, including, in counties, the fees or
16 earnings of any county fee office; and

17 2. Under the usual common law rules applicable in
18 determining the employer-employee relationship, has
19 the status of an employee with a municipality, or any
20 instrumentality thereof, or a participating
21 instrumentality, including aldermen, county
22 supervisors and other persons (excepting those
23 employed as independent contractors) who are paid

1 compensation, fees, allowances or other emolument for
2 official duties, and, in counties, the several county
3 fee offices.

4 (b) Serves as a township treasurer appointed under the
5 School Code, as heretofore or hereafter amended, and who
6 receives for such services regular compensation as
7 distinguished from per diem compensation, and any regular
8 employee in the office of any township treasurer whether or
9 not his earnings are paid from the income of the permanent
10 township fund or from funds subject to distribution to the
11 several school districts and parts of school districts as
12 provided in the School Code, or from both such sources; or
13 is the chief executive officer, chief educational officer,
14 chief fiscal officer, or other employee of a Financial
15 Oversight Panel established pursuant to Article 1H of the
16 School Code, other than a superintendent or certified
17 school business official, except that such person shall not
18 be treated as an employee under this Section if that person
19 has negotiated with the Financial Oversight Panel, in
20 conjunction with the school district, a contractual
21 agreement for exclusion from this Section.

22 (c) Holds an elective office in a municipality,
23 instrumentality thereof or participating instrumentality.

24 (2) "Employee" does not include persons who:

25 (a) Are eligible for inclusion under any of the
26 following laws:

1 1. "An Act in relation to an Illinois State
2 Teachers' Pension and Retirement Fund", approved May
3 27, 1915, as amended;

4 2. Articles 15 and 16 of this Code.

5 However, such persons shall be included as employees to
6 the extent of earnings that are not eligible for inclusion
7 under the foregoing laws for services not of an
8 instructional nature of any kind.

9 However, any member of the armed forces who is employed
10 as a teacher of subjects in the Reserve Officers Training
11 Corps of any school and who is not certified under the law
12 governing the certification of teachers shall be included
13 as an employee.

14 (b) Are designated by the governing body of a
15 municipality in which a pension fund is required by law to
16 be established for policemen or firemen, respectively, as
17 performing police or fire protection duties, except that
18 when such persons are the heads of the police or fire
19 department and are not eligible to be included within any
20 such pension fund, they shall be included within this
21 Article; provided, that such persons shall not be excluded
22 to the extent of concurrent service and earnings not
23 designated as being for police or fire protection duties.
24 However, (i) any head of a police department who was a
25 participant under this Article immediately before October
26 1, 1977 and did not elect, under Section 3-109 of this Act,

1 to participate in a police pension fund shall be an
2 "employee", and (ii) any chief of police who elects to
3 participate in this Fund under Section 3-109.1 of this
4 Code, regardless of whether such person continues to be
5 employed as chief of police or is employed in some other
6 rank or capacity within the police department, shall be an
7 employee under this Article for so long as such person is
8 employed to perform police duties by a participating
9 municipality and has not lawfully rescinded that election.

10 (c) After August 26, 2011 (the effective date of Public
11 Act 97-609), are contributors to or eligible to contribute
12 to a Taft-Hartley pension plan established on or before
13 June 1, 2011 and are employees of a theatre, arena, or
14 convention center that is located in a municipality located
15 in a county with a population greater than 5,000,000, and
16 to which the participating municipality is required to
17 contribute as the person's employer based on earnings from
18 the municipality. Nothing in this paragraph shall affect
19 service credit or creditable service for any period of
20 service prior to August 26, 2011, and this paragraph shall
21 not apply to individuals who are participating in the Fund
22 prior to August 26, 2011.

23 (d) Become an employee of any of the following
24 participating instrumentalities on or after the effective
25 date of this amendatory Act of the 98th General Assembly:
26 the Illinois Municipal League; the Illinois Association of

1 Park Districts; the Illinois Supervisors, County
2 Commissioners and Superintendents of Highways Association;
3 an association, or not-for-profit corporation, membership
4 in which is authorized under Section 85-15 of the Township
5 Code; the United Counties Council; or the Will County
6 Governmental League.

7 (3) All persons, including, without limitation, public
8 defenders and probation officers, who receive earnings from
9 general or special funds of a county for performance of
10 personal services or official duties within the territorial
11 limits of the county, are employees of the county (unless
12 excluded by subsection (2) of this Section) notwithstanding
13 that they may be appointed by and are subject to the direction
14 of a person or persons other than a county board or a county
15 officer. It is hereby established that an employer-employee
16 relationship under the usual common law rules exists between
17 such employees and the county paying their salaries by reason
18 of the fact that the county boards fix their rates of
19 compensation, appropriate funds for payment of their earnings
20 and otherwise exercise control over them. This finding and this
21 amendatory Act shall apply to all such employees from the date
22 of appointment whether such date is prior to or after the
23 effective date of this amendatory Act and is intended to
24 clarify existing law pertaining to their status as
25 participating employees in the Fund.

26 (Source: P.A. 97-429, eff. 8-16-11; 97-609, eff. 8-26-11;

1 97-813, eff. 7-13-12.)

2 (40 ILCS 5/14-103.10) (from Ch. 108 1/2, par. 14-103.10)

3 Sec. 14-103.10. Compensation.

4 (a) For periods of service prior to January 1, 1978, the
5 full rate of salary or wages payable to an employee for
6 personal services performed if he worked the full normal
7 working period for his position, subject to the following
8 maximum amounts: (1) prior to July 1, 1951, \$400 per month or
9 \$4,800 per year; (2) between July 1, 1951 and June 30, 1957
10 inclusive, \$625 per month or \$7,500 per year; (3) beginning
11 July 1, 1957, no limitation.

12 In the case of service of an employee in a position
13 involving part-time employment, compensation shall be
14 determined according to the employees' earnings record.

15 (b) For periods of service on and after January 1, 1978,
16 all remuneration for personal services performed defined as
17 "wages" under the Social Security Enabling Act, including that
18 part of such remuneration which is in excess of any maximum
19 limitation provided in such Act, and including any benefits
20 received by an employee under a sick pay plan in effect before
21 January 1, 1981, but excluding lump sum salary payments:

22 (1) for vacation,

23 (2) for accumulated unused sick leave,

24 (3) upon discharge or dismissal,

25 (4) for approved holidays.

1 (c) For periods of service on or after December 16, 1978,
2 compensation also includes any benefits, other than lump sum
3 salary payments made at termination of employment, which an
4 employee receives or is eligible to receive under a sick pay
5 plan authorized by law.

6 (d) For periods of service after September 30, 1985,
7 compensation also includes any remuneration for personal
8 services not included as "wages" under the Social Security
9 Enabling Act, which is deducted for purposes of participation
10 in a program established pursuant to Section 125 of the
11 Internal Revenue Code or its successor laws.

12 (e) For members for which Section 1-160 applies for periods
13 of service on and after January 1, 2011, all remuneration for
14 personal services performed defined as "wages" under the Social
15 Security Enabling Act, excluding remuneration that is in excess
16 of the annual earnings, salary, or wages of a member or
17 participant, as provided in subsection (b-5) of Section 1-160,
18 but including any benefits received by an employee under a sick
19 pay plan in effect before January 1, 1981. Compensation shall
20 exclude lump sum salary payments:

- 21 (1) for vacation;
- 22 (2) for accumulated unused sick leave;
- 23 (3) upon discharge or dismissal; and
- 24 (4) for approved holidays.

25 (f) Notwithstanding the other provisions of this Section,
26 for an employee who first becomes a participant on or after the

1 effective date of this amendatory Act of the 98th General
2 Assembly, "compensation" does not include any payments or
3 reimbursements for travel vouchers.

4 (Source: P.A. 96-1490, eff. 1-1-11.)

5 (40 ILCS 5/14-106) (from Ch. 108 1/2, par. 14-106)

6 Sec. 14-106. Membership service credit.

7 (a) After January 1, 1944, all service of a member since he
8 last became a member with respect to which contributions are
9 made shall count as membership service; provided, that for
10 service on and after July 1, 1950, 12 months of service shall
11 constitute a year of membership service, the completion of 15
12 days or more of service during any month shall constitute 1
13 month of membership service, 8 to 15 days shall constitute 1/2
14 month of membership service and less than 8 days shall
15 constitute 1/4 month of membership service. The payroll record
16 of each department shall constitute conclusive evidence of the
17 record of service rendered by a member.

18 (b) For a member who is employed and paid on an
19 academic-year basis rather than on a 12-month annual basis,
20 employment for a full academic year shall constitute a full
21 year of membership service, except that the member shall not
22 receive more than one year of membership service credit (plus
23 any additional service credit granted for unused sick leave)
24 for service during any 12-month period. This subsection (b)
25 applies to all such service for which the member has not begun

1 to receive a retirement annuity before January 1, 2001.

2 (c) A member who first participated in this System before
3 the effective date of this amendatory Act of the 98th General
4 Assembly shall be entitled to additional service credit, under
5 rules prescribed by the Board, for accumulated unused sick
6 leave credited to his account in the last Department on the
7 date of withdrawal from service or for any period for which he
8 would have been eligible to receive benefits under a sick pay
9 plan authorized by law, if he had suffered a sickness or
10 accident on the date of withdrawal from service. It shall be
11 the responsibility of the last Department to certify to the
12 Board the length of time salary or benefits would have been
13 paid to the member based upon the accumulated unused sick leave
14 or the applicable sick pay plan if he had become entitled
15 thereto because of sickness on the date that his status as an
16 employee terminated. This period of service credit granted
17 under this paragraph shall not be considered in determining the
18 date the retirement annuity is to begin, or final average
19 compensation.

20 Service credit is not available for unused sick leave
21 accumulated by a person who first participates in this System
22 on or after the effective date of this amendatory Act of the
23 98th General Assembly.

24 (Source: P.A. 92-14, eff. 6-28-01.)

25 (40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)

1 Sec. 15-106. Employer. "Employer": The University of
2 Illinois, Southern Illinois University, Chicago State
3 University, Eastern Illinois University, Governors State
4 University, Illinois State University, Northeastern Illinois
5 University, Northern Illinois University, Western Illinois
6 University, the State Board of Higher Education, the Illinois
7 Mathematics and Science Academy, the University Civil Service
8 Merit Board, the Board of Trustees of the State Universities
9 Retirement System, the Illinois Community College Board,
10 community college boards, any association of community college
11 boards organized under Section 3-55 of the Public Community
12 College Act, the Board of Examiners established under the
13 Illinois Public Accounting Act, and, only during the period for
14 which employer contributions required under Section 15-155 are
15 paid, the following organizations: the alumni associations,
16 the foundations and the athletic associations which are
17 affiliated with the universities and colleges included in this
18 Section as employers. An individual that begins employment
19 after the effective date of this amendatory Act of the 98th
20 General Assembly with an entity not defined as an employer in
21 this Section shall not be deemed an employee for the purposes
22 of this Article with respect to that employment and shall not
23 be eligible to participate in the System with respect to that
24 employment; provided, however, that those individuals who are
25 both employed and already participants in the System on the
26 effective date of this amendatory Act of the 98th General

1 Assembly shall be allowed to continue as participants in the
2 System for the duration of that employment.

3 Notwithstanding any provision of law to the contrary, an
4 individual who begins employment with any of the following
5 employers on or after the effective date of this amendatory Act
6 of the 98th General Assembly shall not be deemed an employee
7 and shall not be eligible to participate in the System with
8 respect to that employment: any association of community
9 college boards organized under Section 3-55 of the Public
10 Community College Act, the Association of Illinois
11 Middle-Grade Schools, the Illinois Association of School
12 Administrators, the Illinois Association for Supervision and
13 Curriculum Development, the Illinois Principals Association,
14 the Illinois Association of School Business Officials, or the
15 Illinois Special Olympics; provided, however, that those
16 individuals who are both employed and already participants in
17 the System on the effective date of this amendatory Act of the
18 98th General Assembly shall be allowed to continue as
19 participants in the System for the duration of that employment.

20 A department as defined in Section 14-103.04 is an employer
21 for any person appointed by the Governor under the Civil
22 Administrative Code of Illinois who is a participating employee
23 as defined in Section 15-109. The Department of Central
24 Management Services is an employer with respect to persons
25 employed by the State Board of Higher Education in positions
26 with the Illinois Century Network as of June 30, 2004 who

1 remain continuously employed after that date by the Department
2 of Central Management Services in positions with the Illinois
3 Century Network, the Bureau of Communication and Computer
4 Services, or, if applicable, any successor bureau.

5 The cities of Champaign and Urbana shall be considered
6 employers, but only during the period for which contributions
7 are required to be made under subsection (b-1) of Section
8 15-155 and only with respect to individuals described in
9 subsection (h) of Section 15-107.

10 (Source: P.A. 95-369, eff. 8-23-07; 95-728, eff. 7-1-08 - See
11 Sec. 999.)

12 (40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)
13 Sec. 15-107. Employee.

14 (a) "Employee" means any member of the educational,
15 administrative, secretarial, clerical, mechanical, labor or
16 other staff of an employer whose employment is permanent and
17 continuous or who is employed in a position in which services
18 are expected to be rendered on a continuous basis for at least
19 4 months or one academic term, whichever is less, who (A)
20 receives payment for personal services on a warrant issued
21 pursuant to a payroll voucher certified by an employer and
22 drawn by the State Comptroller upon the State Treasurer or by
23 an employer upon trust, federal or other funds, or (B) is on a
24 leave of absence without pay. Employment which is irregular,
25 intermittent or temporary shall not be considered continuous

1 for purposes of this paragraph.

2 However, a person is not an "employee" if he or she:

3 (1) is a student enrolled in and regularly attending
4 classes in a college or university which is an employer,
5 and is employed on a temporary basis at less than full
6 time;

7 (2) is currently receiving a retirement annuity or a
8 disability retirement annuity under Section 15-153.2 from
9 this System;

10 (3) is on a military leave of absence;

11 (4) is eligible to participate in the Federal Civil
12 Service Retirement System and is currently making
13 contributions to that system based upon earnings paid by an
14 employer;

15 (5) is on leave of absence without pay for more than 60
16 days immediately following termination of disability
17 benefits under this Article;

18 (6) is hired after June 30, 1979 as a public service
19 employment program participant under the Federal
20 Comprehensive Employment and Training Act and receives
21 earnings in whole or in part from funds provided under that
22 Act; or

23 (7) is employed on or after July 1, 1991 to perform
24 services that are excluded by subdivision (a)(7)(f) or
25 (a)(19) of Section 210 of the federal Social Security Act
26 from the definition of employment given in that Section (42

1 U.S.C. 410).

2 (b) Any employer may, by filing a written notice with the
3 board, exclude from the definition of "employee" all persons
4 employed pursuant to a federally funded contract entered into
5 after July 1, 1982 with a federal military department in a
6 program providing training in military courses to federal
7 military personnel on a military site owned by the United
8 States Government, if this exclusion is not prohibited by the
9 federally funded contract or federal laws or rules governing
10 the administration of the contract.

11 (c) Any person appointed by the Governor under the Civil
12 Administrative Code of the State is an employee, if he or she
13 is a participant in this system on the effective date of the
14 appointment.

15 (d) A participant on lay-off status under civil service
16 rules is considered an employee for not more than 120 days from
17 the date of the lay-off.

18 (e) A participant is considered an employee during (1) the
19 first 60 days of disability leave, (2) the period, not to
20 exceed one year, in which his or her eligibility for disability
21 benefits is being considered by the board or reviewed by the
22 courts, and (3) the period he or she receives disability
23 benefits under the provisions of Section 15-152, workers'
24 compensation or occupational disease benefits, or disability
25 income under an insurance contract financed wholly or partially
26 by the employer.

1 (f) Absences without pay, other than formal leaves of
2 absence, of less than 30 calendar days, are not considered as
3 an interruption of a person's status as an employee. If such
4 absences during any period of 12 months exceed 30 work days,
5 the employee status of the person is considered as interrupted
6 as of the 31st work day.

7 (g) A staff member whose employment contract requires
8 services during an academic term is to be considered an
9 employee during the summer and other vacation periods, unless
10 he or she declines an employment contract for the succeeding
11 academic term or his or her employment status is otherwise
12 terminated, and he or she receives no earnings during these
13 periods.

14 (h) An individual who was a participating employee employed
15 in the fire department of the University of Illinois's
16 Champaign-Urbana campus immediately prior to the elimination
17 of that fire department and who immediately after the
18 elimination of that fire department became employed by the fire
19 department of the City of Urbana or the City of Champaign shall
20 continue to be considered as an employee for purposes of this
21 Article for so long as the individual remains employed as a
22 firefighter by the City of Urbana or the City of Champaign. The
23 individual shall cease to be considered an employee under this
24 subsection (h) upon the first termination of the individual's
25 employment as a firefighter by the City of Urbana or the City
26 of Champaign.

1 (i) An individual who is employed on a full-time basis as
2 an officer or employee of a statewide teacher organization that
3 serves System participants or an officer of a national teacher
4 organization that serves System participants may participate
5 in the System and shall be deemed an employee, provided that
6 (1) the individual has previously earned creditable service
7 under this Article, (2) the individual files with the System an
8 irrevocable election to become a participant before the
9 effective date of this amendatory Act of the 97th General
10 Assembly, (3) the individual does not receive credit for that
11 employment under any other Article of this Code, and (4) the
12 individual first became a full-time employee of the teacher
13 organization and becomes a participant before the effective
14 date of this amendatory Act of the 97th General Assembly. An
15 employee under this subsection (i) is responsible for paying to
16 the System both (A) employee contributions based on the actual
17 compensation received for service with the teacher
18 organization and (B) employer contributions equal to the normal
19 costs (as defined in Section 15-155) resulting from that
20 service; all or any part of these contributions may be paid on
21 the employee's behalf or picked up for tax purposes (if
22 authorized under federal law) by the teacher organization.

23 A person who is an employee as defined in this subsection
24 (i) may establish service credit for similar employment prior
25 to becoming an employee under this subsection by paying to the
26 System for that employment the contributions specified in this

1 subsection, plus interest at the effective rate from the date
2 of service to the date of payment. However, credit shall not be
3 granted under this subsection for any such prior employment for
4 which the applicant received credit under any other provision
5 of this Code, or during which the applicant was on a leave of
6 absence under Section 15-113.2.

7 (j) A person employed by the State Board of Higher
8 Education in a position with the Illinois Century Network as of
9 June 30, 2004 shall be considered to be an employee for so long
10 as he or she remains continuously employed after that date by
11 the Department of Central Management Services in a position
12 with the Illinois Century Network, the Bureau of Communication
13 and Computer Services, or, if applicable, any successor bureau
14 and meets the requirements of subsection (a).

15 (k) In the case of doubt as to whether any person is an
16 employee within the meaning of this Section, the decision of
17 the Board shall be final.

18 (Source: P.A. 97-651, eff. 1-5-12.)

19 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

20 Sec. 16-106. Teacher. "Teacher": The following
21 individuals, provided that, for employment prior to July 1,
22 1990, they are employed on a full-time basis, or if not
23 full-time, on a permanent and continuous basis in a position in
24 which services are expected to be rendered for at least one
25 school term:

1 (1) Any educational, administrative, professional or
2 other staff employed in the public common schools included
3 within this system in a position requiring certification
4 under the law governing the certification of teachers;

5 (2) Any educational, administrative, professional or
6 other staff employed in any facility of the Department of
7 Children and Family Services or the Department of Human
8 Services, in a position requiring certification under the
9 law governing the certification of teachers, and any person
10 who (i) works in such a position for the Department of
11 Corrections, (ii) was a member of this System on May 31,
12 1987, and (iii) did not elect to become a member of the
13 State Employees' Retirement System pursuant to Section
14 14-108.2 of this Code; except that "teacher" does not
15 include any person who (A) becomes a security employee of
16 the Department of Human Services, as defined in Section
17 14-110, after June 28, 2001 (the effective date of Public
18 Act 92-14), or (B) becomes a member of the State Employees'
19 Retirement System pursuant to Section 14-108.2c of this
20 Code;

21 (3) Any regional superintendent of schools, assistant
22 regional superintendent of schools, State Superintendent
23 of Education; any person employed by the State Board of
24 Education as an executive; any executive of the boards
25 engaged in the service of public common school education in
26 school districts covered under this system of which the

1 State Superintendent of Education is an ex-officio member;

2 (4) Any employee of a school board association
3 operating in compliance with Article 23 of the School Code
4 who is certificated under the law governing the
5 certification of teachers, provided that he or she becomes
6 such an employee before the effective date of this
7 amendatory Act of the 98th General Assembly;

8 (5) Any person employed by the retirement system who:

9 (i) was an employee of and a participant in the
10 system on August 17, 2001 (the effective date of Public
11 Act 92-416), or

12 (ii) becomes an employee of the system on or after
13 August 17, 2001;

14 (6) Any educational, administrative, professional or
15 other staff employed by and under the supervision and
16 control of a regional superintendent of schools, provided
17 such employment position requires the person to be
18 certificated under the law governing the certification of
19 teachers and is in an educational program serving 2 or more
20 districts in accordance with a joint agreement authorized
21 by the School Code or by federal legislation;

22 (7) Any educational, administrative, professional or
23 other staff employed in an educational program serving 2 or
24 more school districts in accordance with a joint agreement
25 authorized by the School Code or by federal legislation and
26 in a position requiring certification under the laws

1 governing the certification of teachers;

2 (8) Any officer or employee of a statewide teacher
3 organization or officer of a national teacher organization
4 who is certified under the law governing certification of
5 teachers, provided: (i) the individual had previously
6 established creditable service under this Article, (ii)
7 the individual files with the system an irrevocable
8 election to become a member before the effective date of
9 this amendatory Act of the 97th General Assembly, (iii) the
10 individual does not receive credit for such service under
11 any other Article of this Code, and (iv) the individual
12 first became an officer or employee of the teacher
13 organization and becomes a member before the effective date
14 of this amendatory Act of the 97th General Assembly;

15 (9) Any educational, administrative, professional, or
16 other staff employed in a charter school operating in
17 compliance with the Charter Schools Law who is certificated
18 under the law governing the certification of teachers; ~~;~~

19 (10) Any person employed, on the effective date of this
20 amendatory Act of the 94th General Assembly, by the
21 Macon-Piatt Regional Office of Education in a
22 birth-through-age-three pilot program receiving funds
23 under Section 2-389 of the School Code who is required by
24 the Macon-Piatt Regional Office of Education to hold a
25 teaching certificate, provided that the Macon-Piatt
26 Regional Office of Education makes an election, within 6

1 months after the effective date of this amendatory Act of
2 the 94th General Assembly, to have the person participate
3 in the system. Any service established prior to the
4 effective date of this amendatory Act of the 94th General
5 Assembly for service as an employee of the Macon-Piatt
6 Regional Office of Education in a birth-through-age-three
7 pilot program receiving funds under Section 2-389 of the
8 School Code shall be considered service as a teacher if
9 employee and employer contributions have been received by
10 the system and the system has not refunded those
11 contributions.

12 An annuitant receiving a retirement annuity under this
13 Article or under Article 17 of this Code who is employed by a
14 board of education or other employer as permitted under Section
15 16-118 or 16-150.1 is not a "teacher" for purposes of this
16 Article. A person who has received a single-sum retirement
17 benefit under Section 16-136.4 of this Article is not a
18 "teacher" for purposes of this Article.

19 (Source: P.A. 97-651, eff. 1-5-12; revised 8-3-12.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.