



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5826

by Rep. Norine Hammond

SYNOPSIS AS INTRODUCED:

40 ILCS 5/2-109	from Ch. 108 1/2, par. 2-109
40 ILCS 5/3-110	from Ch. 108 1/2, par. 3-110
40 ILCS 5/4-108	from Ch. 108 1/2, par. 4-108
40 ILCS 5/5-214.3	
40 ILCS 5/6-209	from Ch. 108 1/2, par. 6-209
40 ILCS 5/6-210.4	
40 ILCS 5/7-139	from Ch. 108 1/2, par. 7-139
40 ILCS 5/8-230	from Ch. 108 1/2, par. 8-230
40 ILCS 5/9-120.1	
40 ILCS 5/9-179.1	from Ch. 108 1/2, par. 9-179.1
40 ILCS 5/11-221	from Ch. 108 1/2, par. 11-221
40 ILCS 5/12-127	from Ch. 108 1/2, par. 12-127
40 ILCS 5/13-403	from Ch. 108 1/2, par. 13-403
40 ILCS 5/14-103.16	from Ch. 108 1/2, par. 14-103.16
40 ILCS 5/15-113.3	from Ch. 108 1/2, par. 15-113.3
40 ILCS 5/16-127	from Ch. 108 1/2, par. 16-127
40 ILCS 5/17-115	from Ch. 108 1/2, par. 17-115
40 ILCS 5/17-134	from Ch. 108 1/2, par. 17-134
40 ILCS 5/18-122	from Ch. 108 1/2, par. 18-122
30 ILCS 805/8.38 new	

Amends the Illinois Pension Code. With respect to the provisions concerning military service, provides that those provisions apply to service in the National Guard of any state, commonwealth, or territory of the United States. Amends the State Mandates Act to require implementation without reimbursement by the State. Contains a nonacceleration provision. Effective immediately.

LRB098 17785 RPM 52907 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 2-109, 3-110, 4-108, 5-214.3, 6-209, 6-210.4, 7-139,
6 8-230, 9-120.1, 9-179.1, 11-221, 12-127, 13-403, 14-103.16,
7 15-113.3, 16-127, 17-115, 17-134, and 18-122 as follows:

8 (40 ILCS 5/2-109) (from Ch. 108 1/2, par. 2-109)

9 Sec. 2-109. Military service. "Military service": Service
10 in the United States Army, Navy, Air Force, Marines or Coast
11 Guard or any women's auxiliary thereof. "Military service"
12 includes service in the National Guard of any state,
13 commonwealth, or territory of the United States.

14 (Source: P.A. 87-794.)

15 (40 ILCS 5/3-110) (from Ch. 108 1/2, par. 3-110)

16 Sec. 3-110. Creditable service.

17 (a) "Creditable service" is the time served by a police
18 officer as a member of a regularly constituted police force of
19 a municipality. In computing creditable service furloughs
20 without pay exceeding 30 days shall not be counted, but all
21 leaves of absence for illness or accident, regardless of
22 length, and all periods of disability retirement for which a

1 police officer has received no disability pension payments
2 under this Article shall be counted.

3 (a-5) Up to 3 years of time during which the police officer
4 receives a disability pension under Section 3-114.1, 3-114.2,
5 3-114.3, or 3-114.6 shall be counted as creditable service,
6 provided that (i) the police officer returns to active service
7 after the disability for a period at least equal to the period
8 for which credit is to be established and (ii) the police
9 officer makes contributions to the fund based on the rates
10 specified in Section 3-125.1 and the salary upon which the
11 disability pension is based. These contributions may be paid at
12 any time prior to the commencement of a retirement pension. The
13 police officer may, but need not, elect to have the
14 contributions deducted from the disability pension or to pay
15 them in installments on a schedule approved by the board. If
16 not deducted from the disability pension, the contributions
17 shall include interest at the rate of 6% per year, compounded
18 annually, from the date for which service credit is being
19 established to the date of payment. If contributions are paid
20 under this subsection (a-5) in excess of those needed to
21 establish the credit, the excess shall be refunded. This
22 subsection (a-5) applies to persons receiving a disability
23 pension under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6 on
24 the effective date of this amendatory Act of the 91st General
25 Assembly, as well as persons who begin to receive such a
26 disability pension after that date.

1 (b) Creditable service includes all periods of service in
2 the military, naval or air forces of the United States entered
3 upon while an active police officer of a municipality, provided
4 that upon applying for a permanent pension, and in accordance
5 with the rules of the board, the police officer pays into the
6 fund the amount the officer would have contributed if he or she
7 had been a regular contributor during such period, to the
8 extent that the municipality which the police officer served
9 has not made such contributions in the officer's behalf. The
10 total amount of such creditable service shall not exceed 5
11 years, except that any police officer who on July 1, 1973 had
12 more than 5 years of such creditable service shall receive the
13 total amount thereof. This subsection (b) applies to service in
14 the National Guard of any state, commonwealth, or territory of
15 the United States.

16 (b-5) Creditable service includes all periods of service in
17 the military, naval, or air forces of the United States entered
18 upon before beginning service as an active police officer of a
19 municipality, provided that, in accordance with the rules of
20 the board, the police officer pays into the fund the amount the
21 police officer would have contributed if he or she had been a
22 regular contributor during such period, plus an amount
23 determined by the Board to be equal to the municipality's
24 normal cost of the benefit, plus interest at the actuarially
25 assumed rate calculated from the date the employee last became
26 a police officer under this Article. The total amount of such

1 creditable service shall not exceed 2 years. This subsection
2 (b-5) applies to service in the National Guard of any state,
3 commonwealth, or territory of the United States.

4 (c) Creditable service also includes service rendered by a
5 police officer while on leave of absence from a police
6 department to serve as an executive of an organization whose
7 membership consists of members of a police department, subject
8 to the following conditions: (i) the police officer is a
9 participant of a fund established under this Article with at
10 least 10 years of service as a police officer; (ii) the police
11 officer received no credit for such service under any other
12 retirement system, pension fund, or annuity and benefit fund
13 included in this Code; (iii) pursuant to the rules of the board
14 the police officer pays to the fund the amount he or she would
15 have contributed had the officer been an active member of the
16 police department; (iv) the organization pays a contribution
17 equal to the municipality's normal cost for that period of
18 service; and (v) for all leaves of absence under this
19 subsection (c), including those beginning before the effective
20 date of this amendatory Act of the 97th General Assembly, the
21 police officer continues to remain in sworn status, subject to
22 the professional standards of the public employer or those
23 terms established in statute.

24 (d) (1) Creditable service also includes periods of
25 service originally established in another police pension
26 fund under this Article or in the Fund established under

1 Article 7 of this Code for which (i) the contributions have
2 been transferred under Section 3-110.7 or Section 7-139.9
3 and (ii) any additional contribution required under
4 paragraph (2) of this subsection has been paid in full in
5 accordance with the requirements of this subsection (d).

6 (2) If the board of the pension fund to which
7 creditable service and related contributions are
8 transferred under Section 7-139.9 determines that the
9 amount transferred is less than the true cost to the
10 pension fund of allowing that creditable service to be
11 established, then in order to establish that creditable
12 service the police officer must pay to the pension fund,
13 within the payment period specified in paragraph (3) of
14 this subsection, an additional contribution equal to the
15 difference, as determined by the board in accordance with
16 the rules and procedures adopted under paragraph (6) of
17 this subsection. If the board of the pension fund to which
18 creditable service and related contributions are
19 transferred under Section 3-110.7 determines that the
20 amount transferred is less than the true cost to the
21 pension fund of allowing that creditable service to be
22 established, then the police officer may elect (A) to
23 establish that creditable service by paying to the pension
24 fund, within the payment period specified in paragraph (3)
25 of this subsection (d), an additional contribution equal to
26 the difference, as determined by the board in accordance

1 with the rules and procedures adopted under paragraph (6)
2 of this subsection (d) or (B) to have his or her creditable
3 service reduced by an amount equal to the difference
4 between the amount transferred under Section 3-110.7 and
5 the true cost to the pension fund of allowing that
6 creditable service to be established, as determined by the
7 board in accordance with the rules and procedures adopted
8 under paragraph (6) of this subsection (d).

9 (3) Except as provided in paragraph (4), the additional
10 contribution that is required or elected under paragraph
11 (2) of this subsection (d) must be paid to the board (i)
12 within 5 years from the date of the transfer of
13 contributions under Section 3-110.7 or 7-139.9 and (ii)
14 before the police officer terminates service with the fund.
15 The additional contribution may be paid in a lump sum or in
16 accordance with a schedule of installment payments
17 authorized by the board.

18 (4) If the police officer dies in service before
19 payment in full has been made and before the expiration of
20 the 5-year payment period, the surviving spouse of the
21 officer may elect to pay the unpaid amount on the officer's
22 behalf within 6 months after the date of death, in which
23 case the creditable service shall be granted as though the
24 deceased police officer had paid the remaining balance on
25 the day before the date of death.

26 (5) If the additional contribution that is required or

1 elected under paragraph (2) of this subsection (d) is not
2 paid in full within the required time, the creditable
3 service shall not be granted and the police officer (or the
4 officer's surviving spouse or estate) shall be entitled to
5 receive a refund of (i) any partial payment of the
6 additional contribution that has been made by the police
7 officer and (ii) those portions of the amounts transferred
8 under subdivision (a)(1) of Section 3-110.7 or
9 subdivisions (a)(1) and (a)(3) of Section 7-139.9 that
10 represent employee contributions paid by the police
11 officer (but not the accumulated interest on those
12 contributions) and interest paid by the police officer to
13 the prior pension fund in order to reinstate service
14 terminated by acceptance of a refund.

15 At the time of paying a refund under this item (5), the
16 pension fund shall also repay to the pension fund from
17 which the contributions were transferred under Section
18 3-110.7 or 7-139.9 the amount originally transferred under
19 subdivision (a)(2) of that Section, plus interest at the
20 rate of 6% per year, compounded annually, from the date of
21 the original transfer to the date of repayment. Amounts
22 repaid to the Article 7 fund under this provision shall be
23 credited to the appropriate municipality.

24 Transferred credit that is not granted due to failure
25 to pay the additional contribution within the required time
26 is lost; it may not be transferred to another pension fund

1 and may not be reinstated in the pension fund from which it
2 was transferred.

3 (6) The Public Employee Pension Fund Division of the
4 Department of Insurance shall establish by rule the manner
5 of making the calculation required under paragraph (2) of
6 this subsection, taking into account the appropriate
7 actuarial assumptions; the police officer's service, age,
8 and salary history; the level of funding of the pension
9 fund to which the credits are being transferred; and any
10 other factors that the Division determines to be relevant.
11 The rules may require that all calculations made under
12 paragraph (2) be reported to the Division by the board
13 performing the calculation, together with documentation of
14 the creditable service to be transferred, the amounts of
15 contributions and interest to be transferred, the manner in
16 which the calculation was performed, the numbers relied
17 upon in making the calculation, the results of the
18 calculation, and any other information the Division may
19 deem useful.

20 (e) (1) Creditable service also includes periods of
21 service originally established in the Fund established
22 under Article 7 of this Code for which the contributions
23 have been transferred under Section 7-139.11.

24 (2) If the board of the pension fund to which
25 creditable service and related contributions are
26 transferred under Section 7-139.11 determines that the

1 amount transferred is less than the true cost to the
2 pension fund of allowing that creditable service to be
3 established, then the amount of creditable service the
4 police officer may establish under this subsection (e)
5 shall be reduced by an amount equal to the difference, as
6 determined by the board in accordance with the rules and
7 procedures adopted under paragraph (3) of this subsection.

8 (3) The Public Pension Division of the Department of
9 Financial and Professional Regulation shall establish by
10 rule the manner of making the calculation required under
11 paragraph (2) of this subsection, taking into account the
12 appropriate actuarial assumptions; the police officer's
13 service, age, and salary history; the level of funding of
14 the pension fund to which the credits are being
15 transferred; and any other factors that the Division
16 determines to be relevant. The rules may require that all
17 calculations made under paragraph (2) be reported to the
18 Division by the board performing the calculation, together
19 with documentation of the creditable service to be
20 transferred, the amounts of contributions and interest to
21 be transferred, the manner in which the calculation was
22 performed, the numbers relied upon in making the
23 calculation, the results of the calculation, and any other
24 information the Division may deem useful.

25 (4) Until January 1, 2010, a police officer who
26 transferred service from the Fund established under

1 Article 7 of this Code under the provisions of Public Act
2 94-356 may establish additional credit, but only for the
3 amount of the service credit reduction in that transfer, as
4 calculated under paragraph (3) of this subsection (e). This
5 credit may be established upon payment by the police
6 officer of an amount to be determined by the board, equal
7 to (1) the amount that would have been contributed as
8 employee and employer contributions had all of the service
9 been as an employee under this Article, plus interest
10 thereon at the rate of 6% per year, compounded annually
11 from the date of service to the date of transfer, less (2)
12 the total amount transferred from the Article 7 Fund, plus
13 (3) interest on the difference at the rate of 6% per year,
14 compounded annually, from the date of the transfer to the
15 date of payment. The additional service credit is allowed
16 under this amendatory Act of the 95th General Assembly
17 notwithstanding the provisions of Article 7 terminating
18 all transferred credits on the date of transfer.

19 (Source: P.A. 96-297, eff. 8-11-09; 96-1260, eff. 7-23-10;
20 97-651, eff. 1-5-12.)

21 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

22 Sec. 4-108. Creditable service.

23 (a) Creditable service is the time served as a firefighter
24 of a municipality. In computing creditable service, furloughs
25 and leaves of absence without pay exceeding 30 days in any one

1 year shall not be counted, but leaves of absence for illness or
2 accident regardless of length, and periods of disability for
3 which a firefighter received no disability pension payments
4 under this Article, shall be counted.

5 (b) Furloughs and leaves of absence of 30 days or less in
6 any one year may be counted as creditable service, if the
7 firefighter makes the contribution to the fund that would have
8 been required had he or she not been on furlough or leave of
9 absence. To qualify for this creditable service, the
10 firefighter must pay the required contributions to the fund not
11 more than 90 days subsequent to the termination of the furlough
12 or leave of absence, to the extent that the municipality has
13 not made such contribution on his or her behalf.

14 (c) Creditable service includes:

15 (1) Service in the military, naval or air forces of the
16 United States entered upon when the person was an active
17 firefighter, provided that, upon applying for a permanent
18 pension, and in accordance with the rules of the board the
19 firefighter pays into the fund the amount that would have
20 been contributed had he or she been a regular contributor
21 during such period of service, if and to the extent that
22 the municipality which the firefighter served made no such
23 contributions in his or her behalf. The total amount of
24 such creditable service shall not exceed 5 years, except
25 that any firefighter who on July 1, 1973 had more than 5
26 years of such creditable service shall receive the total

1 amount thereof as of that date. This subdivision (1)
2 applies to service in the National Guard of any state,
3 commonwealth, or territory of the United States.

4 (1.5) Up to 24 months of service in the military,
5 naval, or air forces of the United States that was served
6 prior to employment by a municipality or fire protection
7 district as a firefighter. To receive the credit for the
8 military service prior to the employment as a firefighter,
9 the firefighter must apply in writing to the fund and must
10 make contributions to the fund equal to (i) the employee
11 contributions that would have been required had the service
12 been rendered as a member, plus (ii) an amount determined
13 by the fund to be equal to the employer's normal cost of
14 the benefits accrued for that military service, plus (iii)
15 interest at the actuarially assumed rate provided by the
16 Department of Financial and Professional Regulation,
17 compounded annually from the first date of membership in
18 the fund to the date of payment on items (i) and (ii). The
19 changes to this paragraph (1.5) by this amendatory Act of
20 the 95th General Assembly apply only to participating
21 employees in service on or after its effective date. This
22 subdivision (1.5) applies to service in the National Guard
23 of any state, commonwealth, or territory of the United
24 States.

25 (2) Service prior to July 1, 1976 by a firefighter
26 initially excluded from participation by reason of age who

1 elected to participate and paid the required contributions
2 for such service.

3 (3) Up to 8 years of service by a firefighter as an
4 officer in a statewide firefighters' association when he is
5 on a leave of absence from a municipality's payroll,
6 provided that (i) the firefighter has at least 10 years of
7 creditable service as an active firefighter, (ii) the
8 firefighter contributes to the fund the amount that he
9 would have contributed had he remained an active member of
10 the fund, (iii) the employee or statewide firefighter
11 association contributes to the fund an amount equal to the
12 employer's required contribution as determined by the
13 board, and (iv) for all leaves of absence under this
14 subdivision (3), including those beginning before the
15 effective date of this amendatory Act of the 97th General
16 Assembly, the firefighter continues to remain in sworn
17 status, subject to the professional standards of the public
18 employer or those terms established in statute.

19 (4) Time spent as an on-call fireman for a
20 municipality, calculated at the rate of one year of
21 creditable service for each 5 years of time spent as an
22 on-call fireman, provided that (i) the firefighter has at
23 least 18 years of creditable service as an active
24 firefighter, (ii) the firefighter spent at least 14 years
25 as an on-call firefighter for the municipality, (iii) the
26 firefighter applies for such creditable service within 30

1 days after the effective date of this amendatory Act of
2 1989, (iv) the firefighter contributes to the Fund an
3 amount representing employee contributions for the number
4 of years of creditable service granted under this
5 subdivision (4), based on the salary and contribution rate
6 in effect for the firefighter at the date of entry into the
7 Fund, to be determined by the board, and (v) not more than
8 3 years of creditable service may be granted under this
9 subdivision (4).

10 Except as provided in Section 4-108.5, creditable
11 service shall not include time spent as a volunteer
12 firefighter, whether or not any compensation was received
13 therefor. The change made in this Section by Public Act
14 83-0463 is intended to be a restatement and clarification
15 of existing law, and does not imply that creditable service
16 was previously allowed under this Article for time spent as
17 a volunteer firefighter.

18 (5) Time served between July 1, 1976 and July 1, 1988
19 in the position of protective inspection officer or
20 administrative assistant for fire services, for a
21 municipality with a population under 10,000 that is located
22 in a county with a population over 3,000,000 and that
23 maintains a firefighters' pension fund under this Article,
24 if the position included firefighting duties,
25 notwithstanding that the person may not have held an
26 appointment as a firefighter, provided that application is

1 made to the pension fund within 30 days after the effective
2 date of this amendatory Act of 1991, and the corresponding
3 contributions are paid for the number of years of service
4 granted, based upon the salary and contribution rate in
5 effect for the firefighter at the date of entry into the
6 pension fund, as determined by the Board.

7 (6) Service before becoming a participant by a
8 firefighter initially excluded from participation by
9 reason of age who becomes a participant under the amendment
10 to Section 4-107 made by this amendatory Act of 1993 and
11 pays the required contributions for such service.

12 (7) Up to 3 years of time during which the firefighter
13 receives a disability pension under Section 4-110,
14 4-110.1, or 4-111, provided that (i) the firefighter
15 returns to active service after the disability for a period
16 at least equal to the period for which credit is to be
17 established and (ii) the firefighter makes contributions
18 to the fund based on the rates specified in Section 4-118.1
19 and the salary upon which the disability pension is based.
20 These contributions may be paid at any time prior to the
21 commencement of a retirement pension. The firefighter may,
22 but need not, elect to have the contributions deducted from
23 the disability pension or to pay them in installments on a
24 schedule approved by the board. If not deducted from the
25 disability pension, the contributions shall include
26 interest at the rate of 6% per year, compounded annually,

1 from the date for which service credit is being established
2 to the date of payment. If contributions are paid under
3 this subdivision (c)(7) in excess of those needed to
4 establish the credit, the excess shall be refunded. This
5 subdivision (c)(7) applies to persons receiving a
6 disability pension under Section 4-110, 4-110.1, or 4-111
7 on the effective date of this amendatory Act of the 91st
8 General Assembly, as well as persons who begin to receive
9 such a disability pension after that date.

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

11 (40 ILCS 5/5-214.3)

12 Sec. 5-214.3. Credit for military service. A policeman may
13 establish creditable service under this Article for all periods
14 of service in the military, naval, or air forces of the United
15 States entered upon before beginning service as an active
16 policeman of a municipality, provided that the policeman pays
17 into the fund the amount the policeman would have contributed
18 if he or she had been a regular contributor during such period,
19 plus an amount determined by the Board to be equal to the
20 municipality's normal cost of the benefit, plus interest at the
21 actuarially assumed rate calculated from the date the employee
22 last became a policeman under this Article. The total amount of
23 such creditable service shall not exceed 2 years. This Section
24 applies to service in the National Guard of any state,
25 commonwealth, or territory of the United States.

1 (Source: P.A. 96-1260, eff. 7-23-10.)

2 (40 ILCS 5/6-209) (from Ch. 108 1/2, par. 6-209)

3 Sec. 6-209. In computing the service rendered by a fireman
4 prior to the effective date, the following periods shall be
5 counted, in addition to all periods during which he performed
6 the duties of his position, as periods of service for annuity
7 purposes only: All periods of (a) vacation, (b) leave of
8 absence with whole or part pay, (c) leave of absence without
9 pay which were necessary on account of disability, and (d)
10 leave of absence during which he was engaged in the military or
11 naval service of the United States of America. Service credit
12 shall not be allowed for any period during which a fireman was
13 in receipt of pension on account of disability from any pension
14 fund superseded by this fund.

15 In computing the service rendered by a fireman on and after
16 the effective date, the following periods shall be counted in
17 addition to all periods during which he performed the duties of
18 his position, as periods of service for annuity purposes only:
19 All periods of (a) vacation, (b) leave of absence with whole or
20 part pay, (c) leave of absence during which he was engaged in
21 the military or naval service of the United States of America
22 or service in the National Guard of any state, commonwealth, or
23 territory of the United States, (d) disability for which he
24 receives any disability benefit, (e) disability for which he
25 receives whole or part pay, (f) leave of absence, or other

1 authorized relief from active duty, during which he served as
2 president of The Firemen's Association of Chicago, provided
3 that for all leaves of absence or other authorized relief under
4 this item (f), including those beginning before the effective
5 date of this amendatory Act of the 97th General Assembly, the
6 fireman continues to remain in sworn status, subject to the
7 professional standards of the public employer or those terms
8 established in statute, (g) periods of suspension from duty not
9 to exceed a total of one year during the total period of
10 service of the fireman, and (h) a period of time not to exceed
11 23 days in 1980 in accordance with an agreement with the City
12 on a settlement of strike; provided that the fireman elects to
13 make contributions to the Fund for the various annuity and
14 benefit purposes according to the provisions of this Article as
15 though he were an active fireman, based upon the salary
16 attached to the civil service rank held by him during such
17 absence from duty, and if the fireman so elects, the city shall
18 make the prescribed concurrent contributions for such annuity
19 and benefit purposes as provided in this Article, all to the
20 end that such fireman shall be entitled to receive the same
21 annuities and benefits for which he would otherwise be eligible
22 if he had continued as an active fireman during the periods of
23 absence from duty.

24 In computing service on and after the effective date for
25 ordinary disability benefit, all periods described in the
26 preceding paragraph, except any period for which a fireman

1 receives ordinary disability benefit, shall be counted as
2 periods of service.

3 In computing service for any of the purposes of this
4 Article, credit shall be given for any periods prior to January
5 9, 1997, during which an active fireman (or fire paramedic) who
6 is a member of the General Assembly is on leave of absence or
7 is otherwise authorized to be absent from duty to enable him to
8 perform his legislative duties, notwithstanding any reduction
9 in salary for such periods and notwithstanding that the
10 contributions paid by the fireman were based on such reduced
11 salary rather than the full amount of salary attached to his
12 civil service rank.

13 In computing service for any of the purposes of this
14 Article, no credit shall be given for any period during which a
15 fireman was not rendering active service because of his
16 discharge from the service, unless proceedings to test the
17 legality of the discharge are filed in a court of competent
18 jurisdiction within one year from the date of discharge and a
19 final judgment is entered therein declaring the discharge
20 illegal.

21 No overtime or extra service shall be included in computing
22 service of a fireman and not more than one year or a proper
23 fractional part thereof of service shall be allowed for service
24 rendered during any calendar year.

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

1 (40 ILCS 5/6-210.4)

2 Sec. 6-210.4. Creditable service for pre-employment
3 military service. An active fireman may establish a maximum of
4 24 months of additional service credit attributed to service in
5 the armed forces of the United States that was served prior to
6 employment by the city as a firefighter by applying in writing
7 to the fund and, after substantiation of any such requested
8 service, making contributions to the fund equal to (i) the
9 employee contributions that would have been required had the
10 service been rendered as a member, plus (ii) an amount
11 determined by the fund to be equal to the employer's normal
12 cost of the benefits accrued for that military service, plus
13 (iii) interest at the actuarially assumed rate provided in the
14 Fund's most recent annual actuarial valuation, compounded
15 annually from the first date of membership in the fund to the
16 date of payment on items (i) and (ii).

17 This Section applies only to firemen in service on or after
18 its effective date. This Section applies to service in the
19 National Guard of any state, commonwealth, or territory of the
20 United States.

21 (Source: P.A. 96-260, eff. 8-11-09.)

22 (40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

23 (Text of Section before amendment by P.A. 98-599)

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

25 (a) Each participating employee shall be granted credits

1 and creditable service, for purposes of determining the amount
2 of any annuity or benefit to which he or a beneficiary is
3 entitled, as follows:

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

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

18 If the effective date of participation for the
19 participating municipality or participating
20 instrumentality is after January 1, 1998, creditable
21 service shall be granted for the last 20% of the period of
22 prior service with that employer, but no more than 5 years,
23 without any employee contribution. A participating
24 employee may establish creditable service for the
25 remainder of the period of prior service with that employer
26 by making an application in writing, accompanied by payment

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

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

20 Any person who has withdrawn from the service of a
21 participating municipality or participating
22 instrumentality prior to the effective date, who reenters
23 the service of the same municipality or participating
24 instrumentality after the effective date and becomes a
25 participating employee is entitled to creditable service
26 for prior service as otherwise provided in this subdivision

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

9 2. For current service, each participating employee
10 shall be credited with:

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

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

22 c. Municipality credits in an amount equal to 1.4
23 times the normal credits, except those established by
24 out-of-state service credits, as of the date of
25 computation of any benefit if these credits would
26 increase the benefit.

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

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

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

19 a. An application for credits and creditable
20 service is submitted to the board while the employee is
21 in a status of active employment.

22 b. Not more than 12 complete months of creditable
23 service for authorized leave of absence without pay
24 shall be counted for purposes of determining any
25 benefits payable under this Article.

26 c. Credits and creditable service shall be granted

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

12 d. Benefits under the provisions of Sections
13 7-141, 7-146, 7-150 and 7-163 shall become payable to
14 employees on authorized leave of absence, or their
15 designated beneficiary, only if such leave of absence
16 is creditable hereunder, and if the employee has at
17 least one year of creditable service other than the
18 service granted for leave of absence. Any employee
19 contributions due may be deducted from any benefits
20 payable.

21 e. No credits or creditable service shall be
22 allowed for leave of absence without pay during any
23 period of prior service.

24 5. For military service: The governing body of a
25 municipality or participating instrumentality may elect to
26 allow creditable service to participating employees who

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

18 Any participating employee who left his employment
19 with a municipality or participating instrumentality to
20 serve in the armed forces of the United States and who
21 again became a participating employee within 90 days after
22 completion of full time active duty by entering the service
23 of a different municipality or participating
24 instrumentality, which has elected to allow creditable
25 service for periods of military service under the preceding
26 paragraph, shall also be allowed creditable service for his

1 period of military service on the same terms that would
2 apply if he had been employed, before entering military
3 service, by the municipality or instrumentality which
4 employed him after he left the military service and the
5 employer costs arising in relation to such grant of
6 creditable service shall be charged to and paid by that
7 municipality or instrumentality.

8 Notwithstanding the foregoing, any participating
9 employee shall be entitled to creditable service as
10 required by any federal law relating to re-employment
11 rights of persons who served in the United States Armed
12 Services. Such creditable service shall be granted upon
13 payment by the member of an amount equal to the employee
14 contributions which would have been required had the
15 employee continued in service at the same rate of earnings
16 during the military leave period, plus interest at the
17 effective rate. This paragraph 5 applies to service in the
18 National Guard of any state, commonwealth, or territory of
19 the United States.

20 5.1. In addition to any creditable service established
21 under paragraph 5 of this subsection (a), creditable
22 service may be granted for up to 48 months of service in
23 the armed forces of the United States.

24 In order to receive creditable service for military
25 service under this paragraph 5.1, a participating employee
26 must (1) apply to the Fund in writing and provide evidence

1 of the military service that is satisfactory to the Board;
2 (2) obtain the written approval of the current employer;
3 and (3) make contributions to the Fund equal to (i) the
4 employee contributions that would have been required had
5 the service been rendered as a member, plus (ii) an amount
6 determined by the board to be equal to the employer's
7 normal cost of the benefits accrued for that military
8 service, plus (iii) interest on items (i) and (ii) from the
9 date of first membership in the Fund to the date of
10 payment. The required interest shall be calculated at the
11 regular interest rate.

12 The changes made to this paragraph 5.1 by Public Acts
13 95-483 and 95-486 apply only to participating employees in
14 service on or after August 28, 2007 (the effective date of
15 those Public Acts). This paragraph 5.1 applies to service
16 in the National Guard of any state, commonwealth, or
17 territory of the United States.

18 6. For out-of-state service: Creditable service shall
19 be granted for service rendered to an out-of-state local
20 governmental body under the following conditions: The
21 employee had participated and has irrevocably forfeited
22 all rights to benefits in the out-of-state public employees
23 pension system; the governing body of his participating
24 municipality or instrumentality authorizes the employee to
25 establish such service; the employee has 2 years current
26 service with this municipality or participating

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

12 7. For retroactive service: Any employee who could have
13 but did not elect to become a participating employee, or
14 who should have been a participant in the Municipal Public
15 Utilities Annuity and Benefit Fund before that fund was
16 superseded, may receive creditable service for the period
17 of service not to exceed 50 months; however, a current or
18 former elected or appointed official of a participating
19 municipality may establish credit under this paragraph 7
20 for more than 50 months of service as an official of that
21 municipality, if the excess over 50 months is approved by
22 resolution of the governing body of the affected
23 municipality filed with the Fund before January 1, 2002.

24 Any employee who is a participating employee on or
25 after September 24, 1981 and who was excluded from
26 participation by the age restrictions removed by Public Act

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

18 8. For accumulated unused sick leave: A participating
19 employee who is applying for a retirement annuity shall be
20 entitled to creditable service for that portion of the
21 employee's accumulated unused sick leave for which payment
22 is not received, as follows:

23 a. Sick leave days shall be limited to those
24 accumulated under a sick leave plan established by a
25 participating municipality or participating
26 instrumentality which is available to all employees or

1 a class of employees.

2 b. Except as provided in item b-1, only sick leave
3 days accumulated with a participating municipality or
4 participating instrumentality with which the employee
5 was in service within 60 days of the effective date of
6 his retirement annuity shall be credited; If the
7 employee was in service with more than one employer
8 during this period only the sick leave days with the
9 employer with which the employee has the greatest
10 number of unpaid sick leave days shall be considered.

11 b-1. If the employee was in the service of more
12 than one employer as defined in item (2) of paragraph
13 (a) of subsection (A) of Section 7-132, then the sick
14 leave days from all such employers shall be credited,
15 as long as the creditable service attributed to those
16 sick leave days does not exceed the limitation in item
17 f of this paragraph 8. In calculating the creditable
18 service under this item b-1, the sick leave days from
19 the last employer shall be considered first, then the
20 remaining sick leave days shall be considered until
21 there are no more days or the maximum creditable sick
22 leave threshold under item f of this paragraph 8 has
23 been reached.

24 c. The creditable service granted shall be
25 considered solely for the purpose of computing the
26 amount of the retirement annuity and shall not be used

1 to establish any minimum service period required by any
2 provision of the Illinois Pension Code, the effective
3 date of the retirement annuity, or the final rate of
4 earnings.

5 d. The creditable service shall be at the rate of
6 1/20 of a month for each full sick day, provided that
7 no more than 12 months may be credited under this
8 subdivision 8.

9 e. Employee contributions shall not be required
10 for creditable service under this subdivision 8.

11 f. Each participating municipality and
12 participating instrumentality with which an employee
13 has service within 60 days of the effective date of his
14 retirement annuity shall certify to the board the
15 number of accumulated unpaid sick leave days credited
16 to the employee at the time of termination of service.

17 9. For service transferred from another system:
18 Credits and creditable service shall be granted for service
19 under Article 4, 5, 8, 14, or 16 of this Act, to any active
20 member of this Fund, and to any inactive member who has
21 been a county sheriff, upon transfer of such credits
22 pursuant to Section 4-108.3, 5-235, 8-226.7, 14-105.6, or
23 16-131.4, and payment by the member of the amount by which
24 (1) the employer and employee contributions that would have
25 been required if he had participated in this Fund as a
26 sheriff's law enforcement employee during the period for

1 which credit is being transferred, plus interest thereon at
2 the effective rate for each year, compounded annually, from
3 the date of termination of the service for which credit is
4 being transferred to the date of payment, exceeds (2) the
5 amount actually transferred to the Fund. Such transferred
6 service shall be deemed to be service as a sheriff's law
7 enforcement employee for the purposes of Section 7-142.1.

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

25 The board shall establish by rule the manner of making
26 the calculation required under this paragraph 10, taking

1 into account the appropriate actuarial assumptions; the
2 member's service, age, and salary history; the level of
3 funding of the employer; and any other factors that the
4 board determines to be relevant.

5 Until January 1, 2010, members who transferred service
6 from an Article 3 system under the provisions of Public Act
7 94-356 may establish additional credit in this Fund, but
8 only up to the amount of the service credit reduction in
9 that transfer, as calculated under the actuarial
10 assumptions. This credit may be established upon payment by
11 the member of an amount to be determined by the board,
12 equal to (1) the amount that would have been contributed as
13 employee and employer contributions had all the service
14 been as an employee under this Article, plus interest
15 thereon compounded annually from the date of service to the
16 date of transfer, less (2) the total amount transferred
17 from the Article 3 system, plus (3) interest on the
18 difference at the effective rate for each year, compounded
19 annually, from the date of the transfer to the date of
20 payment. The additional service credit is allowed under
21 this amendatory Act of the 95th General Assembly
22 notwithstanding the provisions of Article 3 terminating
23 all transferred credits on the date of transfer.

24 11. For service transferred from an Article 3 system
25 under Section 3-110.3: Credits and creditable service
26 shall be granted for service under Article 3 of this Act as

1 provided in Section 3-110.3, to any active member of this
2 Fund, upon transfer of such credits pursuant to Section
3 3-110.3. If the board determines that the amount
4 transferred is less than the true cost to the Fund of
5 allowing that creditable service to be established, then in
6 order to establish that creditable service, the member must
7 pay to the Fund an additional contribution equal to the
8 difference, as determined by the board in accordance with
9 the rules and procedures adopted under this paragraph. If
10 the member does not make the full additional payment as
11 required by this paragraph prior to termination of his
12 participation with that employer, then his or her
13 creditable service shall be reduced by an amount equal to
14 the difference between the amount transferred under
15 Section 3-110.3, including any payments made by the member
16 under this paragraph prior to termination, and the true
17 cost to the Fund of allowing that creditable service to be
18 established, as determined by the board in accordance with
19 the rules and procedures adopted under this paragraph.

20 The board shall establish by rule the manner of making
21 the calculation required under this paragraph 11, taking
22 into account the appropriate actuarial assumptions; the
23 member's service, age, and salary history, and any other
24 factors that the board determines to be relevant.

25 (b) Creditable service - amount:

26 1. One month of creditable service shall be allowed for

1 each month for which a participating employee made
2 contributions as required under Section 7-173, or for which
3 creditable service is otherwise granted hereunder. Not
4 more than 1 month of service shall be credited and counted
5 for 1 calendar month, and not more than 1 year of service
6 shall be credited and counted for any calendar year. A
7 calendar month means a nominal month beginning on the first
8 day thereof, and a calendar year means a year beginning
9 January 1 and ending December 31.

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

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

19 (c) No application for correction of credits or creditable
20 service shall be considered unless the board receives an
21 application for correction while (1) the applicant is a
22 participating employee and in active employment with a
23 participating municipality or instrumentality, or (2) while
24 the applicant is actively participating in a pension fund or
25 retirement system which is a participating system under the
26 Retirement Systems Reciprocal Act. A participating employee or

1 other applicant shall not be entitled to credits or creditable
2 service unless the required employee contributions are made in
3 a lump sum or in installments made in accordance with board
4 rule.

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

13 (Source: P.A. 97-415, eff. 8-16-11; 98-439, eff. 8-16-13.)

14 (Text of Section after amendment by P.A. 98-599)

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

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

20 1. For prior service: Each participating employee who
21 is an employee of a participating municipality or
22 participating instrumentality on the effective date shall
23 be granted creditable service, but no credits under
24 paragraph 2 of this subsection (a), for periods of prior
25 service for which credit has not been received under any

1 other pension fund or retirement system established under
2 this Code, as follows:

3 If the effective date of participation for the
4 participating municipality or participating
5 instrumentality is on or before January 1, 1998, creditable
6 service shall be granted for the entire period of prior
7 service with that employer without any employee
8 contribution.

9 If the effective date of participation for the
10 participating municipality or participating
11 instrumentality is after January 1, 1998, creditable
12 service shall be granted for the last 20% of the period of
13 prior service with that employer, but no more than 5 years,
14 without any employee contribution. A participating
15 employee may establish creditable service for the
16 remainder of the period of prior service with that employer
17 by making an application in writing, accompanied by payment
18 of an employee contribution in an amount determined by the
19 Fund, based on the employee contribution rates in effect at
20 the time of application for the creditable service and the
21 employee's salary rate on the effective date of
22 participation for that employer, plus interest at the
23 effective rate from the date of the prior service to the
24 date of payment. Application for this creditable service
25 may be made at any time while the employee is still in
26 service.

1 A municipality that (i) has at least 35 employees; (ii)
2 is located in a county with at least 2,000,000 inhabitants;
3 and (iii) maintains an independent defined benefit pension
4 plan for the benefit of its eligible employees may restrict
5 creditable service in whole or in part for periods of prior
6 service with the employer if the governing body of the
7 municipality adopts an irrevocable resolution to restrict
8 that creditable service and files the resolution with the
9 board before the municipality's effective date of
10 participation.

11 Any person who has withdrawn from the service of a
12 participating municipality or participating
13 instrumentality prior to the effective date, who reenters
14 the service of the same municipality or participating
15 instrumentality after the effective date and becomes a
16 participating employee is entitled to creditable service
17 for prior service as otherwise provided in this subdivision
18 (a)(1) only if he or she renders 2 years of service as a
19 participating employee after the effective date.
20 Application for such service must be made while in a
21 participating status. The salary rate to be used in the
22 calculation of the required employee contribution, if any,
23 shall be the employee's salary rate at the time of first
24 reentering service with the employer after the employer's
25 effective date of participation.

26 2. For current service, each participating employee

1 shall be credited with:

2 a. Additional credits of amounts equal to each
3 payment of additional contributions received from him
4 under Section 7-173, as of the date the corresponding
5 payment of earnings is payable to him.

6 b. Normal credits of amounts equal to each payment
7 of normal contributions received from him, as of the
8 date the corresponding payment of earnings is payable
9 to him, and normal contributions made for the purpose
10 of establishing out-of-state service credits as
11 permitted under the conditions set forth in paragraph 6
12 of this subsection (a).

13 c. Municipality credits in an amount equal to 1.4
14 times the normal credits, except those established by
15 out-of-state service credits, as of the date of
16 computation of any benefit if these credits would
17 increase the benefit.

18 d. Survivor credits equal to each payment of
19 survivor contributions received from the participating
20 employee as of the date the corresponding payment of
21 earnings is payable, and survivor contributions made
22 for the purpose of establishing out-of-state service
23 credits.

24 3. For periods of temporary and total and permanent
25 disability benefits, each employee receiving disability
26 benefits shall be granted creditable service for the period

1 during which disability benefits are payable. Normal and
2 survivor credits, based upon the rate of earnings applied
3 for disability benefits, shall also be granted if such
4 credits would result in a higher benefit to any such
5 employee or his beneficiary.

6 4. For authorized leave of absence without pay: A
7 participating employee shall be granted credits and
8 creditable service for periods of authorized leave of
9 absence without pay under the following conditions:

10 a. An application for credits and creditable
11 service is submitted to the board while the employee is
12 in a status of active employment.

13 b. Not more than 12 complete months of creditable
14 service for authorized leave of absence without pay
15 shall be counted for purposes of determining any
16 benefits payable under this Article.

17 c. Credits and creditable service shall be granted
18 for leave of absence only if such leave is approved by
19 the governing body of the municipality, including
20 approval of the estimated cost thereof to the
21 municipality as determined by the fund, and employee
22 contributions, plus interest at the effective rate
23 applicable for each year from the end of the period of
24 leave to date of payment, have been paid to the fund in
25 accordance with Section 7-173. The contributions shall
26 be computed upon the assumption earnings continued

1 during the period of leave at the rate in effect when
2 the leave began.

3 d. Benefits under the provisions of Sections
4 7-141, 7-146, 7-150 and 7-163 shall become payable to
5 employees on authorized leave of absence, or their
6 designated beneficiary, only if such leave of absence
7 is creditable hereunder, and if the employee has at
8 least one year of creditable service other than the
9 service granted for leave of absence. Any employee
10 contributions due may be deducted from any benefits
11 payable.

12 e. No credits or creditable service shall be
13 allowed for leave of absence without pay during any
14 period of prior service.

15 5. For military service: The governing body of a
16 municipality or participating instrumentality may elect to
17 allow creditable service to participating employees who
18 leave their employment to serve in the armed forces of the
19 United States for all periods of such service, provided
20 that the person returns to active employment within 90 days
21 after completion of full time active duty, but no
22 creditable service shall be allowed such person for any
23 period that can be used in the computation of a pension or
24 any other pay or benefit, other than pay for active duty,
25 for service in any branch of the armed forces of the United
26 States. If necessary to the computation of any benefit, the

1 board shall establish municipality credits for
2 participating employees under this paragraph on the
3 assumption that the employee received earnings at the rate
4 received at the time he left the employment to enter the
5 armed forces. A participating employee in the armed forces
6 shall not be considered an employee during such period of
7 service and no additional death and no disability benefits
8 are payable for death or disability during such period.

9 Any participating employee who left his employment
10 with a municipality or participating instrumentality to
11 serve in the armed forces of the United States and who
12 again became a participating employee within 90 days after
13 completion of full time active duty by entering the service
14 of a different municipality or participating
15 instrumentality, which has elected to allow creditable
16 service for periods of military service under the preceding
17 paragraph, shall also be allowed creditable service for his
18 period of military service on the same terms that would
19 apply if he had been employed, before entering military
20 service, by the municipality or instrumentality which
21 employed him after he left the military service and the
22 employer costs arising in relation to such grant of
23 creditable service shall be charged to and paid by that
24 municipality or instrumentality.

25 Notwithstanding the foregoing, any participating
26 employee shall be entitled to creditable service as

1 required by any federal law relating to re-employment
2 rights of persons who served in the United States Armed
3 Services. Such creditable service shall be granted upon
4 payment by the member of an amount equal to the employee
5 contributions which would have been required had the
6 employee continued in service at the same rate of earnings
7 during the military leave period, plus interest at the
8 effective rate. This paragraph 5 applies to service in the
9 National Guard of any state, commonwealth, or territory of
10 the United States.

11 5.1. In addition to any creditable service established
12 under paragraph 5 of this subsection (a), creditable
13 service may be granted for up to 48 months of service in
14 the armed forces of the United States.

15 In order to receive creditable service for military
16 service under this paragraph 5.1, a participating employee
17 must (1) apply to the Fund in writing and provide evidence
18 of the military service that is satisfactory to the Board;
19 (2) obtain the written approval of the current employer;
20 and (3) make contributions to the Fund equal to (i) the
21 employee contributions that would have been required had
22 the service been rendered as a member, plus (ii) an amount
23 determined by the board to be equal to the employer's
24 normal cost of the benefits accrued for that military
25 service, plus (iii) interest on items (i) and (ii) from the
26 date of first membership in the Fund to the date of

1 payment. The required interest shall be calculated at the
2 regular interest rate.

3 The changes made to this paragraph 5.1 by Public Acts
4 95-483 and 95-486 apply only to participating employees in
5 service on or after August 28, 2007 (the effective date of
6 those Public Acts). This paragraph 5.1 applies to service
7 in the National Guard of any state, commonwealth, or
8 territory of the United States.

9 6. For out-of-state service: Creditable service shall
10 be granted for service rendered to an out-of-state local
11 governmental body under the following conditions: The
12 employee had participated and has irrevocably forfeited
13 all rights to benefits in the out-of-state public employees
14 pension system; the governing body of his participating
15 municipality or instrumentality authorizes the employee to
16 establish such service; the employee has 2 years current
17 service with this municipality or participating
18 instrumentality; the employee makes a payment of
19 contributions, which shall be computed at 8% (normal) plus
20 2% (survivor) times length of service purchased times the
21 average rate of earnings for the first 2 years of service
22 with the municipality or participating instrumentality
23 whose governing body authorizes the service established
24 plus interest at the effective rate on the date such
25 credits are established, payable from the date the employee
26 completes the required 2 years of current service to date

1 of payment. In no case shall more than 120 months of
2 creditable service be granted under this provision.

3 7. For retroactive service: Any employee who could have
4 but did not elect to become a participating employee, or
5 who should have been a participant in the Municipal Public
6 Utilities Annuity and Benefit Fund before that fund was
7 superseded, may receive creditable service for the period
8 of service not to exceed 50 months; however, a current or
9 former elected or appointed official of a participating
10 municipality may establish credit under this paragraph 7
11 for more than 50 months of service as an official of that
12 municipality, if the excess over 50 months is approved by
13 resolution of the governing body of the affected
14 municipality filed with the Fund before January 1, 2002.

15 Any employee who is a participating employee on or
16 after September 24, 1981 and who was excluded from
17 participation by the age restrictions removed by Public Act
18 82-596 may receive creditable service for the period, on or
19 after January 1, 1979, excluded by the age restriction and,
20 in addition, if the governing body of the participating
21 municipality or participating instrumentality elects to
22 allow creditable service for all employees excluded by the
23 age restriction prior to January 1, 1979, for service
24 during the period prior to that date excluded by the age
25 restriction. Any employee who was excluded from
26 participation by the age restriction removed by Public Act

1 82-596 and who is not a participating employee on or after
2 September 24, 1981 may receive creditable service for
3 service after January 1, 1979. Creditable service under
4 this paragraph shall be granted upon payment of the
5 employee contributions which would have been required had
6 he participated, with interest at the effective rate for
7 each year from the end of the period of service established
8 to date of payment.

9 8. For accumulated unused sick leave: A participating
10 employee who first becomes a participating employee before
11 the effective date of this amendatory Act of the 98th
12 General Assembly and who is applying for a retirement
13 annuity shall be entitled to creditable service for that
14 portion of the employee's accumulated unused sick leave for
15 which payment is not received, as follows:

16 a. Sick leave days shall be limited to those
17 accumulated under a sick leave plan established by a
18 participating municipality or participating
19 instrumentality which is available to all employees or
20 a class of employees.

21 b. Except as provided in item b-1, only sick leave
22 days accumulated with a participating municipality or
23 participating instrumentality with which the employee
24 was in service within 60 days of the effective date of
25 his retirement annuity shall be credited; If the
26 employee was in service with more than one employer

1 during this period only the sick leave days with the
2 employer with which the employee has the greatest
3 number of unpaid sick leave days shall be considered.

4 b-1. If the employee was in the service of more
5 than one employer as defined in item (2) of paragraph
6 (a) of subsection (A) of Section 7-132, then the sick
7 leave days from all such employers shall be credited,
8 as long as the creditable service attributed to those
9 sick leave days does not exceed the limitation in item
10 f of this paragraph 8. In calculating the creditable
11 service under this item b-1, the sick leave days from
12 the last employer shall be considered first, then the
13 remaining sick leave days shall be considered until
14 there are no more days or the maximum creditable sick
15 leave threshold under item f of this paragraph 8 has
16 been reached.

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

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

1 subdivision 8.

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

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

10 9. For service transferred from another system:
11 Credits and creditable service shall be granted for service
12 under Article 4, 5, 8, 14, or 16 of this Act, to any active
13 member of this Fund, and to any inactive member who has
14 been a county sheriff, upon transfer of such credits
15 pursuant to Section 4-108.3, 5-235, 8-226.7, 14-105.6, or
16 16-131.4, and payment by the member of the amount by which
17 (1) the employer and employee contributions that would have
18 been required if he had participated in this Fund as a
19 sheriff's law enforcement employee during the period for
20 which credit is being transferred, plus interest thereon at
21 the effective rate for each year, compounded annually, from
22 the date of termination of the service for which credit is
23 being transferred to the date of payment, exceeds (2) the
24 amount actually transferred to the Fund. Such transferred
25 service shall be deemed to be service as a sheriff's law
26 enforcement employee for the purposes of Section 7-142.1.

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

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

24 Until January 1, 2010, members who transferred service
25 from an Article 3 system under the provisions of Public Act
26 94-356 may establish additional credit in this Fund, but

1 only up to the amount of the service credit reduction in
2 that transfer, as calculated under the actuarial
3 assumptions. This credit may be established upon payment by
4 the member of an amount to be determined by the board,
5 equal to (1) the amount that would have been contributed as
6 employee and employer contributions had all the service
7 been as an employee under this Article, plus interest
8 thereon compounded annually from the date of service to the
9 date of transfer, less (2) the total amount transferred
10 from the Article 3 system, plus (3) interest on the
11 difference at the effective rate for each year, compounded
12 annually, from the date of the transfer to the date of
13 payment. The additional service credit is allowed under
14 this amendatory Act of the 95th General Assembly
15 notwithstanding the provisions of Article 3 terminating
16 all transferred credits on the date of transfer.

17 11. For service transferred from an Article 3 system
18 under Section 3-110.3: Credits and creditable service
19 shall be granted for service under Article 3 of this Act as
20 provided in Section 3-110.3, to any active member of this
21 Fund, upon transfer of such credits pursuant to Section
22 3-110.3. If the board determines that the amount
23 transferred is less than the true cost to the Fund of
24 allowing that creditable service to be established, then in
25 order to establish that creditable service, the member must
26 pay to the Fund an additional contribution equal to the

1 difference, as determined by the board in accordance with
2 the rules and procedures adopted under this paragraph. If
3 the member does not make the full additional payment as
4 required by this paragraph prior to termination of his
5 participation with that employer, then his or her
6 creditable service shall be reduced by an amount equal to
7 the difference between the amount transferred under
8 Section 3-110.3, including any payments made by the member
9 under this paragraph prior to termination, and the true
10 cost to the Fund of allowing that creditable service to be
11 established, as determined by the board in accordance with
12 the rules and procedures adopted under this paragraph.

13 The board shall establish by rule the manner of making
14 the calculation required under this paragraph 11, taking
15 into account the appropriate actuarial assumptions; the
16 member's service, age, and salary history, and any other
17 factors that the board determines to be relevant.

18 (b) Creditable service - amount:

19 1. One month of creditable service shall be allowed for
20 each month for which a participating employee made
21 contributions as required under Section 7-173, or for which
22 creditable service is otherwise granted hereunder. Not
23 more than 1 month of service shall be credited and counted
24 for 1 calendar month, and not more than 1 year of service
25 shall be credited and counted for any calendar year. A
26 calendar month means a nominal month beginning on the first

1 day thereof, and a calendar year means a year beginning
2 January 1 and ending December 31.

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

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

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

24 (d) Upon the granting of a retirement, surviving spouse or
25 child annuity, a death benefit or a separation benefit, on
26 account of any employee, all individual accumulated credits

1 shall thereupon terminate. Upon the withdrawal of additional
2 contributions, the credits applicable thereto shall thereupon
3 terminate. Terminated credits shall not be applied to increase
4 the benefits any remaining employee would otherwise receive
5 under this Article.

6 (Source: P.A. 97-415, eff. 8-16-11; 98-439, eff. 8-16-13;
7 98-599, eff. 6-1-14.)

8 (40 ILCS 5/8-230) (from Ch. 108 1/2, par. 8-230)

9 Sec. 8-230. Right of employee to contribute for all periods
10 of service. An employee may contribute to the fund for all
11 periods of service (including periods served in the armed
12 forces of the United States if he left the service of the
13 employer to enter the armed forces and returned to the service
14 of the employer within 180 days after his discharge from the
15 armed service, and if the employer has not made such payment on
16 his behalf) except for those periods for which he received
17 credit in another annuity and benefit fund or pension fund in
18 operation in the city for the benefit of employees of the
19 employer, rendered by him to the employer after the effective
20 date by virtue of appointment or election to a position not
21 covered by the provisions of this Article, such amounts as he
22 would have contributed for annuity purposes had deductions from
23 his salary been made for the purposes of the fund, at the rates
24 in effect and in accordance with the provisions relating to
25 future entrants and present employees during the period such

1 service was rendered. Upon making such payments, he shall be
2 credited with concurrent city contributions at the rates in
3 effect during the time such service was rendered. Such payments
4 and concurrent city contributions shall be made with interest
5 at the effective rate and shall, together with all other
6 amounts contributed by or for such employee, be considered in
7 computing the annuities for him and his widow, and any such
8 service for which payment is made shall be counted as service
9 under this Article. This paragraph applies to service in the
10 National Guard of any state, commonwealth, or territory of the
11 United States.

12 Until the effective date of this amendatory Act of 1991, in
13 order that the foregoing service may be counted for the
14 purposes of Section 8-138, payment must be made in full while
15 the employee is in service; if payment in full is not made, any
16 payments made on account shall be refunded to him when he
17 withdraws from service, or paid to his widow if he is dead. If
18 there is no widow, a refund shall be paid as provided in this
19 Article, with interest at the effective rate. An employee,
20 however, may elect to have such partial payments, together with
21 the concurrent city contributions and interest, credited and
22 applied for age and service and widow's annuity, for himself
23 and his wife, on the assumption that the payments made shall
24 apply beginning with his earliest service, or his widow, if the
25 employee dies in service, may elect to have such amounts
26 credited for widow's annuity purposes, to the extent that they

1 do not increase her annuity above that which she could have
2 received if her proportionate part of the payments and related
3 city contributions were included and considered, and an annuity
4 were fixed for her on the assumption her deceased husband had
5 continued in service at the rate of his final salary until he
6 became age 65.

7 Beginning on the effective date of this amendatory Act of
8 1991, an employee who is still in service may elect to
9 establish credit under this Section for only a fraction of the
10 service that he or she is eligible to establish under this
11 Section. In such cases, the credit established shall be deemed
12 to relate to the earliest service for which credit may be
13 established, and shall be counted for the purposes of Section
14 8-138. However, in no event shall such credit be granted until
15 the corresponding employee contributions have been paid.

16 Beginning on the effective date of this amendatory Act of
17 1997, any employee who is in service, or within 90 days after
18 withdrawing from service, or who is an active contributor to a
19 participating system as defined in the Retirement Systems
20 Reciprocal Act, may make payments and establish credit under
21 this Section.

22 (Source: P.A. 90-31, eff. 6-27-97.)

23 (40 ILCS 5/9-120.1)

24 Sec. 9-120.1. CTA - continued participation; military
25 service credit.

1 (a) A person who (i) has at least 20 years of creditable
2 service in the Fund, (ii) has not begun receiving a retirement
3 annuity under this Article, and (iii) is employed in a position
4 under which he or she is eligible to actively participate in
5 the retirement system established under Section 22-101 of this
6 Code may elect, after he or she ceases to be a participant but
7 in no event after June 1, 1998, to continue his or her
8 participation in this Fund while employed by the Chicago
9 Transit Authority, for up to 10 additional years, by making
10 written application to the Board.

11 (b) A person who elects to continue participation under
12 this Section shall make contributions directly to the Fund, not
13 less frequently than monthly, based on the person's actual
14 Chicago Transit Authority compensation and the rates
15 applicable to employees under this Fund. Creditable service
16 shall be granted to any person for the period, not exceeding 10
17 years, during which the person continues participation in this
18 Fund under this Section and continues to make contributions as
19 required. For periods of service established under this
20 Section, the person's actual Chicago Transit Authority
21 compensation shall be considered his or her salary for purposes
22 of calculating benefits under this Article.

23 (c) A person who elects to continue participation under
24 this Section may cancel that election at any time.

25 (d) A person who elects to continue participation under
26 this Section may establish service credit in this Fund for

1 periods of employment by the Chicago Transit Authority prior to
2 that election, by applying in writing and paying to the Fund an
3 amount representing employee contributions for the service
4 being established, based on the person's actual Chicago Transit
5 Authority compensation and the rates then applicable to
6 employees under this Fund, without interest.

7 (e) A person who qualifies under this Section may elect to
8 purchase credit for up to 4 years of military service, whether
9 or not that service followed service as a county employee. The
10 military service need not have been served in wartime, but the
11 employee must not have been dishonorably discharged. To
12 establish this creditable service the applicant must pay to the
13 Fund, on or before July 1, 1998, an amount determined by the
14 Fund to represent the employee contributions for the creditable
15 service, based on the employee's rate of compensation on his or
16 her last day of service as a contributor before the military
17 service or his or her salary on the first day of service
18 following the military service, whichever is greater, plus
19 interest at the effective rate from the date of discharge to
20 the date of payment. For the purposes of this subsection,
21 "military service" includes service in the United States armed
22 forces reserves and service in the National Guard of any state,
23 commonwealth, or territory of the United States.

24 (f) Notwithstanding any other provision of this Section, a
25 person may not establish creditable service under this Section
26 for any period for which the person receives credit under any

1 other public employee retirement system, including the
2 retirement system established under Section 22-101 of this
3 Code, unless the credit under that retirement system has been
4 irrevocably relinquished.

5 (Source: P.A. 90-32, eff. 6-27-97.)

6 (40 ILCS 5/9-179.1) (from Ch. 108 1/2, par. 9-179.1)

7 Sec. 9-179.1. Military service. A contributing employee as
8 of January 1, 1993 with at least 25 years of service credit may
9 apply for creditable service for up to 2 years of military
10 service whether or not the military service followed service as
11 a county employee. The military service need not have been
12 served in wartime, but the employee must not have been
13 dishonorably discharged. To establish this creditable service
14 the applicant must pay to the Fund, while in the service of the
15 county, an amount determined by the Fund to represent the
16 employee contributions for the creditable service established,
17 based on the employee's rate of compensation on his or her last
18 day as a contributor before the military service, or on his or
19 her first day as a contributor after the military service,
20 whichever is greater, plus interest at the effective rate from
21 the date of discharge to the date of payment. If a person who
22 has established any credit under this Section applies for or
23 receives any early retirement incentive under Section 9-134.2,
24 the credit under this Section shall be forfeited and the amount
25 paid to the Fund under this Section shall be refunded.

1 "Military service" includes service in the National Guard of
2 any state, commonwealth, or territory of the United States.

3 (Source: P.A. 87-1265.)

4 (40 ILCS 5/11-221) (from Ch. 108 1/2, par. 11-221)

5 Sec. 11-221. Employees under Act.

6 (a) Any contributor becoming employed on or after the
7 effective date (except a participant in any other annuity,
8 retirement or pension fund in operation in such city) shall be
9 subject to the provisions of this Article. Any such contributor
10 shall continue as a contributor to this fund, in the event that
11 he shall be employed by an employer in any capacity, other than
12 as a member of the police department, or as a member of the
13 fire department or as a public school teacher.

14 (b) Beginning August 1, 1949, any contributor shall have
15 the right to contribute for service rendered an employer or
16 retirement board after July 1, 1935, by virtue of appointment
17 to a position which did not include him under the provisions of
18 "The 1935 Act". Such contributions shall be the amounts he
19 would have contributed for annuity purposes had deductions from
20 his salary been made for the purposes of the fund in accordance
21 with the provisions of "The 1935 Act" relating to future
22 entrants and present employees during the period such service
23 was rendered.

24 Periods of service for the aforesaid employee shall include
25 service in the armed forces of the United States if he left the

1 employment of an employer to enter the armed forces and
2 returned to the employ of the employer within 90 days after his
3 discharge from such armed forces, and if such employer has not
4 made such payment on his behalf. Those periods for which he has
5 received and retains credit in some other annuity or pension
6 fund in operation in such city for the benefit of employees of
7 an employer shall not be included. Upon making such payments
8 such employee shall be credited with concurrent city
9 contributions at the rates in effect for contributors during
10 the period of time such service was rendered. Such payments and
11 concurrent city contributions shall be made with interest at
12 the effective rate and shall together with all other amounts
13 contributed by or for such employee for all annuity purposes,
14 be considered in computing the annuity or annuities to which
15 such employee or his widow shall have a right. Any such period
16 of service for which payment is made by such employee shall be
17 counted as a period of service for annuity purposes under this
18 Article. This paragraph applies to service in the National
19 Guard of any state, commonwealth, or territory of the United
20 States.

21 Until the effective date of this amendatory Act of 1991, in
22 order to be credited for a minimum annuity, all such payments
23 by a contributor must be made in full while such contributor is
24 still in the service; if payment is not made in full while such
25 contributor is in service, any payments made shall be refunded
26 to him when he withdraws from the service or to his widow in

1 the event of his death or if no widow in accordance with the
2 other refund provisions of this Article. Such employee may
3 elect to have such partial payments together with the
4 concurrent city contributions and interest, credited and
5 applied for age and service and widow's annuity, for himself
6 and his wife, on the assumption that the payments made shall
7 apply to his earliest service. In the event of his death while
8 in the service, his widow may elect to have such payments and
9 related city contributions and interest, credited for widow's
10 annuity, to the extent that they do not increase her annuity
11 above that which she could have received if such amounts were
12 included, and an annuity were fixed for her on the assumption
13 that her deceased husband had continued in service at the rate
14 of his final salary until he became 65 years of age.

15 Beginning on the effective date of this amendatory Act of
16 1991, an employee who is still in service may elect to
17 establish credit under this Section for only a fraction of the
18 service that he or she is eligible to establish under this
19 Section. In such cases, the credit established shall be deemed
20 to relate to the earliest service for which credit may be
21 established. In no event shall such credit be granted until the
22 corresponding employee contributions have been paid.

23 Beginning on the effective date of this amendatory Act of
24 1997, any employee who is in service, or within 90 days after
25 withdrawing from service, or who is an active contributor to a
26 participating system as defined in the Retirement Systems

1 Reciprocal Act, may make payments and establish credit under
2 this Section.

3 (c) Any employee, who shall become a participant in any
4 other annuity, retirement or pension fund now or hereafter in
5 operation in such city for the benefit of employees of an
6 employer, shall have the right, notwithstanding other
7 provisions of this Article relating to participation in other
8 funds, to elect to receive a refund or an annuity from this
9 fund in the same manner as he would if he had then resigned
10 from his position in the service and had not become a
11 participant in any such other fund. No credit shall be allowed
12 for any period of service as a participant in this fund for
13 which he shall receive credit in such other fund. No annuity
14 payments shall be paid to such participant during the time he
15 holds a position in the service which entitles him to
16 participation in such other fund.

17 (Source: P.A. 90-31, eff. 6-27-97.)

18 (40 ILCS 5/12-127) (from Ch. 108 1/2, par. 12-127)

19 Sec. 12-127. Computation of service.

20 (a) If an employee during any leave of absence for 30 days
21 or more without pay who is not receiving ordinary disability or
22 duty disability benefits contributes the percentage of salary
23 theretofore deducted from his salary for annuity purposes, the
24 employer shall contribute corresponding amounts for such
25 purposes. Payment for any approved leave of absence shall not

1 be valid unless made during such absence or within 30 days from
2 expiration thereof. The aggregate of leaves of absence for
3 which contributions may be made during the entire employee's
4 service shall be 1 year.

5 (b) In computing service, credit shall be given for all
6 leaves of absence subject to the limitations specified in the
7 following paragraph during the time an employee was engaged in
8 the military or naval service of the United States of America
9 during the years 1914 to 1919, inclusive, or between September
10 16, 1940, and July 25, 1947, or between June 25, 1950, and
11 January 31, 1955, and any such service rendered after January
12 31, 1955, and who within 180 days subsequent to the completion
13 of military or naval service re-enters the service of the
14 employer.

15 The total credit any employee shall receive for military or
16 naval service during the entire term of service as an employee
17 shall be subject to the following conditions and limitations:

18 (1) if entry into military or naval service occurs
19 after July 1, 1961, the total credit shall not exceed 3
20 years;

21 (2) if entry into military or naval service occurred on
22 or prior to July 1, 1961, the total credit shall not exceed
23 5 years;

24 (3) an employee who on July 1, 1961, had accrued more
25 than 5 years of such military or naval service shall be
26 entitled to the total amount of such accrued credit.

1 The contributions an employee would have made during the
2 period of such military or naval service, together with the
3 prescribed employer contributions, shall be made by the
4 employer and shall be based on the salary for the position
5 occupied by the employee on the date of commencement of the
6 leave of absence. This subsection (b) applies to service in the
7 National Guard of any state, commonwealth, or territory of the
8 United States.

9 (c) For all purposes of this Article except the provisions
10 of Section 12-133, the following shall constitute a year of
11 service in any fiscal year for salary payable according to the
12 basis specified: Monthly Basis: 4 months; Weekly Basis: 17
13 weeks; Daily Basis: 100 days; Hourly Basis: 800 hours, except
14 that in the case of an employee becoming a participant of the
15 fund on and after July 1, 1973, the following schedule shall
16 govern for all purposes of this Article: Service during 9
17 months or more in any fiscal year shall constitute a year of
18 service; 6 to 8 months, inclusive, 3/4 of a year; 3 to 5
19 months, inclusive, 1/2 year; less than 3 months, 1/4 of a year;
20 15 days or more in any month, a month of service. However, for
21 the 6-month fiscal year July 1, 2012 through December 31, 2012,
22 the amount of service earned shall not exceed 1/2 year.

23 (d) The periods an employee received ordinary or duty
24 disability benefit shall be included in the computation of
25 service.

26 (e) Upon receipt of the specified payment, credits

1 transferred to a fund established under this Article pursuant
2 to subsection (d) of Section 8-226.1, subsection (d) of Section
3 9-121.1, or Section 14-105.1 of this Code shall be included in
4 the computation of service.

5 (f) A contributing employee may establish additional
6 service credit for a period of up to 2 years spent in active
7 military service for which he or she does not qualify for
8 credit under subsection (b), provided that (1) the person was
9 not dishonorably discharged from the military service, and (2)
10 the amount of service credit established by the person under
11 this subsection (f), when added to the amount of any military
12 service credit granted to the person under subsection (b),
13 shall not exceed 5 years. In order to establish military
14 service credit under this subsection (f), the applicant must
15 submit a written application to the Fund, including a copy of
16 the applicant's discharge from military service, and pay to the
17 Fund (1) employee contributions at the rates provided in this
18 Article based upon the person's salary on the last date as a
19 participating employee prior to the military service, or on the
20 first date as a participating employee after the military
21 service, whichever is greater, plus (2) an amount determined by
22 the board to be equal to the employer's normal cost of the
23 benefits accrued for such military service, plus (3) regular
24 interest on items (1) and (2) from the date of conclusion of
25 the military service to the date of payment. Contributions must
26 be paid in a single lump sum before the credit will be granted.

1 Credit established under this subsection may be used for
2 pension purposes only. This subsection (f) applies to service
3 in the National Guard of any state, commonwealth, or territory
4 of the United States.

5 (g) A contributing employee may establish additional
6 service credit for a period of up to 5 years of employment by
7 the United States federal government for which he or she does
8 not qualify for credit under any other provision of this
9 Article, provided that (1) the amount of service credit
10 established by the person under this subsection (g), when added
11 to the amount of all military service credit granted to the
12 person under subsections (b) and (f), shall not exceed 5 years,
13 and (2) any credit received for the federal employment in any
14 other public pension fund or retirement system has been
15 terminated or relinquished.

16 In order to establish service credit under this subsection
17 (g), the applicant must submit a written application to the
18 Fund, including such documentation of the federal employment as
19 the Board may require, and pay to the Fund (1) employee
20 contributions at the rates provided in this Article based upon
21 the person's salary on the last date as a participating
22 employee prior to the federal service, or on the first date as
23 a participating employee after the federal service, whichever
24 is greater, plus (2) an amount determined by the Board to be
25 equal to the employer's normal cost of the benefits accrued for
26 such federal service, plus (3) regular interest on items (1)

1 and (2) from the date of conclusion of the federal service to
2 the date of payment. Contributions must be paid in a single
3 lump sum before the credit is granted. Credit established under
4 this subsection may be used for pension purposes only.

5 (Source: P.A. 97-973, eff. 8-16-12.)

6 (40 ILCS 5/13-403) (from Ch. 108 1/2, par. 13-403)

7 Sec. 13-403. Military service.

8 (a) Any employee who, after commencement of service with
9 the Employer, enlisted, was inducted or was otherwise ordered
10 to serve in the military forces of the United States pursuant
11 to any law, shall receive full service credit for the various
12 purposes of this Article as though the employee were in the
13 active service of the Employer during the period of military
14 service provided that:

15 (1) such service credit shall be granted for military
16 service for which the employee volunteers or is inducted or
17 called into military service pursuant to a call of a duly
18 constituted authority or a law of the United States
19 declaring a national emergency;

20 (2) the employee returns to the employ of the Employer
21 within 90 days after the termination of the national
22 emergency; and

23 (3) the total service credit for such military service
24 shall not exceed 5 years except that any employee who on
25 July 1, 1963 had accrued more than 5 years of such credit

1 shall be entitled to the total amount thereof.

2 (b) For a ten-year period following July 24, 2003, a
3 contributing employee or commissioner meeting the minimum
4 service requirements provided under this subsection may
5 establish additional service credit for a period of up to 2
6 years of active military service in the United States Armed
7 Forces for which he or she does not qualify for credit under
8 subsection (a), provided that (1) the person was not
9 dishonorably discharged from the military service, and (2) the
10 amount of service credit established by the person under this
11 subsection (b), when added to the amount of any military
12 service credit granted to the person under subsection (a),
13 shall not exceed 5 years.

14 The minimum service requirement for a contributing
15 employee is 10 years of service credit as provided in Sections
16 13-401 and 13-402 of this Article and exclusive of Article 20.
17 The minimum service requirement for a contributing
18 commissioner is 5 years of service credit as provided in
19 Sections 13-401 and 13-402 of this Article and exclusive of
20 Article 20.

21 In order to establish military service credit under this
22 subsection (b), the applicant must submit a written application
23 to the Fund, including the applicant's discharge papers from
24 military service, and pay to the Fund (i) employee
25 contributions at the rates provided in this Article, based upon
26 the person's salary on the last date as a participating

1 employee prior to the military service or on the first date as
2 a participating employee after the military service, whichever
3 is greater, plus (ii) the current amount determined by the
4 board to be equal to the employer's normal cost of the benefits
5 accrued for such military service, plus (iii) regular interest
6 of 3% compounded annually on items (i) and (ii) from the date
7 of entry or re-entry as a participating employee following the
8 military service to the date of payment. Contributions must be
9 paid in full before the credit is granted. Credit established
10 under this subsection may be used for pension purposes only.

11 (c) This Section applies to service in the National Guard
12 of any state, commonwealth, or territory of the United States.

13 Notwithstanding any other provision of this Section, a person
14 may not establish creditable service under this Section for any
15 period for which the person receives credit under any other
16 public employee retirement system, unless the credit under that
17 other retirement system has been irrevocably relinquished.

18 (Source: P.A. 93-334, eff. 7-24-03; 94-621, eff. 8-18-05.)

19 (40 ILCS 5/14-103.16) (from Ch. 108 1/2, par. 14-103.16)

20 Sec. 14-103.16. Military service. "Military service":
21 Service in the United States Army, Navy, Air Force, Marines or
22 Coast Guard or any women's auxiliary thereof for which credit
23 is allowed under this Article. "Military service" includes
24 service in the National Guard of any state, commonwealth, or
25 territory of the United States.

1 (Source: P.A. 80-841.)

2 (40 ILCS 5/15-113.3) (from Ch. 108 1/2, par. 15-113.3)

3 Sec. 15-113.3. Service for periods of military service.

4 "Service for periods of military service": Those periods, not
5 exceeding 5 years, during which a person served in the armed
6 forces of the United States or served in the National Guard of
7 any state, commonwealth, or territory of the United States, of
8 which all but 2 years must have immediately followed a period
9 of employment with an employer under this System or the State
10 Employees' Retirement System of Illinois; provided that the
11 person received a discharge other than dishonorable and again
12 became an employee under this System within one year after
13 discharge. However, for the up to 2 years of military service
14 not immediately following employment, the applicant must make
15 contributions to the System equal to (1) 8% of the employee's
16 basic compensation on the last date as a participating employee
17 prior to such military service, or on the first date as a
18 participating employee after such military service, whichever
19 is greater, plus (2) an amount determined by the board to be
20 equal to the employer's normal cost of the benefits accrued for
21 such military service, plus (3) interest on items (1) and (2)
22 at the effective rate from the later of the date of first
23 membership in the System or the date of conclusion of military
24 service to the date of payment. The change in the required
25 contribution for purchased military credit made by this

1 amendatory Act of 1993 does not entitle any person to a refund
2 of contributions already paid. The contributions paid under
3 this Section are not normal contributions as defined in Section
4 15-114 or additional contributions as defined in Section
5 15-115.

6 The changes to this Section made by this amendatory Act of
7 1991 shall apply not only to persons who on or after its
8 effective date are in service under the System, but also to
9 persons whose employment terminated prior to that date, whether
10 or not the person is an annuitant on that date. In the case of
11 an annuitant who applies for credit allowable under this
12 Section for a period of military service that did not
13 immediately follow employment, and who has made the required
14 contributions for such credit, the annuity shall be
15 recalculated to include the additional service credit, with the
16 increase taking effect on the date the System received written
17 notification of the annuitant's intent to purchase the credit,
18 if payment of all the required contributions is made within 60
19 days of such notice, or else on the first annuity payment date
20 following the date of payment of the required contributions. In
21 calculating the automatic annual increase for an annuity that
22 has been recalculated under this Section, the increase
23 attributable to the additional service allowable under this
24 amendatory Act of 1991 shall be included in the calculation of
25 automatic annual increases accruing after the effective date of
26 the recalculation.

1 (Source: P.A. 93-347, eff. 7-24-03.)

2 (40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)

3 (Text of Section before amendment by P.A. 98-599)

4 Sec. 16-127. Computation of creditable service.

5 (a) Each member shall receive regular credit for all
6 service as a teacher from the date membership begins, for which
7 satisfactory evidence is supplied and all contributions have
8 been paid.

9 (b) The following periods of service shall earn optional
10 credit and each member shall receive credit for all such
11 service for which satisfactory evidence is supplied and all
12 contributions have been paid as of the date specified:

13 (1) Prior service as a teacher.

14 (2) Service in a capacity essentially similar or
15 equivalent to that of a teacher, in the public common
16 schools in school districts in this State not included
17 within the provisions of this System, or of any other
18 State, territory, dependency or possession of the United
19 States, or in schools operated by or under the auspices of
20 the United States, or under the auspices of any agency or
21 department of any other State, and service during any
22 period of professional speech correction or special
23 education experience for a public agency within this State
24 or any other State, territory, dependency or possession of
25 the United States, and service prior to February 1, 1951 as

1 a recreation worker for the Illinois Department of Public
2 Safety, for a period not exceeding the lesser of 2/5 of the
3 total creditable service of the member or 10 years. The
4 maximum service of 10 years which is allowable under this
5 paragraph shall be reduced by the service credit which is
6 validated by other retirement systems under paragraph (i)
7 of Section 15-113 and paragraph 1 of Section 17-133. Credit
8 granted under this paragraph may not be used in
9 determination of a retirement annuity or disability
10 benefits unless the member has at least 5 years of
11 creditable service earned subsequent to this employment
12 with one or more of the following systems: Teachers'
13 Retirement System of the State of Illinois, State
14 Universities Retirement System, and the Public School
15 Teachers' Pension and Retirement Fund of Chicago. Whenever
16 such service credit exceeds the maximum allowed for all
17 purposes of this Article, the first service rendered in
18 point of time shall be considered. The changes to this
19 subdivision (b)(2) made by Public Act 86-272 shall apply
20 not only to persons who on or after its effective date
21 (August 23, 1989) are in service as a teacher under the
22 System, but also to persons whose status as such a teacher
23 terminated prior to such effective date, whether or not
24 such person is an annuitant on that date.

25 (3) Any periods immediately following teaching
26 service, under this System or under Article 17, (or

1 immediately following service prior to February 1, 1951 as
2 a recreation worker for the Illinois Department of Public
3 Safety) spent in active service with the military forces of
4 the United States; periods spent in educational programs
5 that prepare for return to teaching sponsored by the
6 federal government following such active military service;
7 if a teacher returns to teaching service within one
8 calendar year after discharge or after the completion of
9 the educational program, a further period, not exceeding
10 one calendar year, between time spent in military service
11 or in such educational programs and the return to
12 employment as a teacher under this System; and a period of
13 up to 2 years of active military service not immediately
14 following employment as a teacher.

15 The changes to this Section and Section 16-128 relating
16 to military service made by P.A. 87-794 shall apply not
17 only to persons who on or after its effective date are in
18 service as a teacher under the System, but also to persons
19 whose status as a teacher terminated prior to that date,
20 whether or not the person is an annuitant on that date. In
21 the case of an annuitant who applies for credit allowable
22 under this Section for a period of military service that
23 did not immediately follow employment, and who has made the
24 required contributions for such credit, the annuity shall
25 be recalculated to include the additional service credit,
26 with the increase taking effect on the date the System

1 received written notification of the annuitant's intent to
2 purchase the credit, if payment of all the required
3 contributions is made within 60 days of such notice, or
4 else on the first annuity payment date following the date
5 of payment of the required contributions. In calculating
6 the automatic annual increase for an annuity that has been
7 recalculated under this Section, the increase attributable
8 to the additional service allowable under P.A. 87-794 shall
9 be included in the calculation of automatic annual
10 increases accruing after the effective date of the
11 recalculation.

12 Credit for military service shall be determined as
13 follows: if entry occurs during the months of July, August,
14 or September and the member was a teacher at the end of the
15 immediately preceding school term, credit shall be granted
16 from July 1 of the year in which he or she entered service;
17 if entry occurs during the school term and the teacher was
18 in teaching service at the beginning of the school term,
19 credit shall be granted from July 1 of such year. In all
20 other cases where credit for military service is allowed,
21 credit shall be granted from the date of entry into the
22 service.

23 The total period of military service for which credit
24 is granted shall not exceed 5 years for any member unless
25 the service: (A) is validated before July 1, 1964, and (B)
26 does not extend beyond July 1, 1963. Credit for military

1 service shall be granted under this Section only if not
2 more than 5 years of the military service for which credit
3 is granted under this Section is used by the member to
4 qualify for a military retirement allotment from any branch
5 of the armed forces of the United States. The changes to
6 this subdivision (b) (3) made by Public Act 86-272 shall
7 apply not only to persons who on or after its effective
8 date (August 23, 1989) are in service as a teacher under
9 the System, but also to persons whose status as such a
10 teacher terminated prior to such effective date, whether or
11 not such person is an annuitant on that date. This
12 subdivision (b) (3) applies to service in the National Guard
13 of any state, commonwealth, or territory of the United
14 States.

15 (4) Any periods served as a member of the General
16 Assembly.

17 (5) (i) Any periods for which a teacher, as defined in
18 Section 16-106, is granted a leave of absence, provided he
19 or she returns to teaching service creditable under this
20 System or the State Universities Retirement System
21 following the leave; (ii) periods during which a teacher is
22 involuntarily laid off from teaching, provided he or she
23 returns to teaching following the lay-off; (iii) periods
24 prior to July 1, 1983 during which a teacher ceased covered
25 employment due to pregnancy, provided that the teacher
26 returned to teaching service creditable under this System

1 or the State Universities Retirement System following the
2 pregnancy and submits evidence satisfactory to the Board
3 documenting that the employment ceased due to pregnancy;
4 and (iv) periods prior to July 1, 1983 during which a
5 teacher ceased covered employment for the purpose of
6 adopting an infant under 3 years of age or caring for a
7 newly adopted infant under 3 years of age, provided that
8 the teacher returned to teaching service creditable under
9 this System or the State Universities Retirement System
10 following the adoption and submits evidence satisfactory
11 to the Board documenting that the employment ceased for the
12 purpose of adopting an infant under 3 years of age or
13 caring for a newly adopted infant under 3 years of age.
14 However, total credit under this paragraph (5) may not
15 exceed 3 years.

16 Any qualified member or annuitant may apply for credit
17 under item (iii) or (iv) of this paragraph (5) without
18 regard to whether service was terminated before the
19 effective date of this amendatory Act of 1997. In the case
20 of an annuitant who establishes credit under item (iii) or
21 (iv), the annuity shall be recalculated to include the
22 additional service credit. The increase in annuity shall
23 take effect on the date the System receives written
24 notification of the annuitant's intent to purchase the
25 credit, if the required evidence is submitted and the
26 required contribution paid within 60 days of that

1 notification, otherwise on the first annuity payment date
2 following the System's receipt of the required evidence and
3 contribution. The increase in an annuity recalculated
4 under this provision shall be included in the calculation
5 of automatic annual increases in the annuity accruing after
6 the effective date of the recalculation.

7 Optional credit may be purchased under this subsection
8 (b) (5) for periods during which a teacher has been granted
9 a leave of absence pursuant to Section 24-13 of the School
10 Code. A teacher whose service under this Article terminated
11 prior to the effective date of P.A. 86-1488 shall be
12 eligible to purchase such optional credit. If a teacher who
13 purchases this optional credit is already receiving a
14 retirement annuity under this Article, the annuity shall be
15 recalculated as if the annuitant had applied for the leave
16 of absence credit at the time of retirement. The difference
17 between the entitled annuity and the actual annuity shall
18 be credited to the purchase of the optional credit. The
19 remainder of the purchase cost of the optional credit shall
20 be paid on or before April 1, 1992.

21 The change in this paragraph made by Public Act 86-273
22 shall be applicable to teachers who retire after June 1,
23 1989, as well as to teachers who are in service on that
24 date.

25 (6) Any days of unused and uncompensated accumulated
26 sick leave earned by a teacher. The service credit granted

1 under this paragraph shall be the ratio of the number of
2 unused and uncompensated accumulated sick leave days to 170
3 days, subject to a maximum of 2 years of service credit.
4 Prior to the member's retirement, each former employer
5 shall certify to the System the number of unused and
6 uncompensated accumulated sick leave days credited to the
7 member at the time of termination of service. The period of
8 unused sick leave shall not be considered in determining
9 the effective date of retirement. A member is not required
10 to make contributions in order to obtain service credit for
11 unused sick leave.

12 Credit for sick leave shall, at retirement, be granted
13 by the System for any retiring regional or assistant
14 regional superintendent of schools at the rate of 6 days
15 per year of creditable service or portion thereof
16 established while serving as such superintendent or
17 assistant superintendent.

18 (7) Periods prior to February 1, 1987 served as an
19 employee of the Illinois Mathematics and Science Academy
20 for which credit has not been terminated under Section
21 15-113.9 of this Code.

22 (8) Service as a substitute teacher for work performed
23 prior to July 1, 1990.

24 (9) Service as a part-time teacher for work performed
25 prior to July 1, 1990.

26 (10) Up to 2 years of employment with Southern Illinois

1 University - Carbondale from September 1, 1959 to August
2 31, 1961, or with Governors State University from September
3 1, 1972 to August 31, 1974, for which the teacher has no
4 credit under Article 15. To receive credit under this item
5 (10), a teacher must apply in writing to the Board and pay
6 the required contributions before May 1, 1993 and have at
7 least 12 years of service credit under this Article.

8 (b-1) A member may establish optional credit for up to 2
9 years of service as a teacher or administrator employed by a
10 private school recognized by the Illinois State Board of
11 Education, provided that the teacher (i) was certified under
12 the law governing the certification of teachers at the time the
13 service was rendered, (ii) applies in writing on or after
14 August 1, 2009 and on or before August 1, 2012, (iii) supplies
15 satisfactory evidence of the employment, (iv) completes at
16 least 10 years of contributing service as a teacher as defined
17 in Section 16-106, and (v) pays the contribution required in
18 subsection (d-5) of Section 16-128. The member may apply for
19 credit under this subsection and pay the required contribution
20 before completing the 10 years of contributing service required
21 under item (iv), but the credit may not be used until the item
22 (iv) contributing service requirement has been met.

23 (c) The service credits specified in this Section shall be
24 granted only if: (1) such service credits are not used for
25 credit in any other statutory tax-supported public employee
26 retirement system other than the federal Social Security

1 program; and (2) the member makes the required contributions as
2 specified in Section 16-128. Except as provided in subsection
3 (b-1) of this Section, the service credit shall be effective as
4 of the date the required contributions are completed.

5 Any service credits granted under this Section shall
6 terminate upon cessation of membership for any cause.

7 Credit may not be granted under this Section covering any
8 period for which an age retirement or disability retirement
9 allowance has been paid.

10 (Source: P.A. 96-546, eff. 8-17-09.)

11 (Text of Section after amendment by P.A. 98-599)

12 Sec. 16-127. Computation of creditable service.

13 (a) Each member shall receive regular credit for all
14 service as a teacher from the date membership begins, for which
15 satisfactory evidence is supplied and all contributions have
16 been paid.

17 (b) The following periods of service shall earn optional
18 credit and each member shall receive credit for all such
19 service for which satisfactory evidence is supplied and all
20 contributions have been paid as of the date specified:

21 (1) Prior service as a teacher.

22 (2) Service in a capacity essentially similar or
23 equivalent to that of a teacher, in the public common
24 schools in school districts in this State not included
25 within the provisions of this System, or of any other

1 State, territory, dependency or possession of the United
2 States, or in schools operated by or under the auspices of
3 the United States, or under the auspices of any agency or
4 department of any other State, and service during any
5 period of professional speech correction or special
6 education experience for a public agency within this State
7 or any other State, territory, dependency or possession of
8 the United States, and service prior to February 1, 1951 as
9 a recreation worker for the Illinois Department of Public
10 Safety, for a period not exceeding the lesser of 2/5 of the
11 total creditable service of the member or 10 years. The
12 maximum service of 10 years which is allowable under this
13 paragraph shall be reduced by the service credit which is
14 validated by other retirement systems under paragraph (i)
15 of Section 15-113 and paragraph 1 of Section 17-133. Credit
16 granted under this paragraph may not be used in
17 determination of a retirement annuity or disability
18 benefits unless the member has at least 5 years of
19 creditable service earned subsequent to this employment
20 with one or more of the following systems: Teachers'
21 Retirement System of the State of Illinois, State
22 Universities Retirement System, and the Public School
23 Teachers' Pension and Retirement Fund of Chicago. Whenever
24 such service credit exceeds the maximum allowed for all
25 purposes of this Article, the first service rendered in
26 point of time shall be considered. The changes to this

1 subdivision (b) (2) made by Public Act 86-272 shall apply
2 not only to persons who on or after its effective date
3 (August 23, 1989) are in service as a teacher under the
4 System, but also to persons whose status as such a teacher
5 terminated prior to such effective date, whether or not
6 such person is an annuitant on that date.

7 (3) Any periods immediately following teaching
8 service, under this System or under Article 17, (or
9 immediately following service prior to February 1, 1951 as
10 a recreation worker for the Illinois Department of Public
11 Safety) spent in active service with the military forces of
12 the United States; periods spent in educational programs
13 that prepare for return to teaching sponsored by the
14 federal government following such active military service;
15 if a teacher returns to teaching service within one
16 calendar year after discharge or after the completion of
17 the educational program, a further period, not exceeding
18 one calendar year, between time spent in military service
19 or in such educational programs and the return to
20 employment as a teacher under this System; and a period of
21 up to 2 years of active military service not immediately
22 following employment as a teacher.

23 The changes to this Section and Section 16-128 relating
24 to military service made by P.A. 87-794 shall apply not
25 only to persons who on or after its effective date are in
26 service as a teacher under the System, but also to persons

1 whose status as a teacher terminated prior to that date,
2 whether or not the person is an annuitant on that date. In
3 the case of an annuitant who applies for credit allowable
4 under this Section for a period of military service that
5 did not immediately follow employment, and who has made the
6 required contributions for such credit, the annuity shall
7 be recalculated to include the additional service credit,
8 with the increase taking effect on the date the System
9 received written notification of the annuitant's intent to
10 purchase the credit, if payment of all the required
11 contributions is made within 60 days of such notice, or
12 else on the first annuity payment date following the date
13 of payment of the required contributions. In calculating
14 the automatic annual increase for an annuity that has been
15 recalculated under this Section, the increase attributable
16 to the additional service allowable under P.A. 87-794 shall
17 be included in the calculation of automatic annual
18 increases accruing after the effective date of the
19 recalculation.

20 Credit for military service shall be determined as
21 follows: if entry occurs during the months of July, August,
22 or September and the member was a teacher at the end of the
23 immediately preceding school term, credit shall be granted
24 from July 1 of the year in which he or she entered service;
25 if entry occurs during the school term and the teacher was
26 in teaching service at the beginning of the school term,

1 credit shall be granted from July 1 of such year. In all
2 other cases where credit for military service is allowed,
3 credit shall be granted from the date of entry into the
4 service.

5 The total period of military service for which credit
6 is granted shall not exceed 5 years for any member unless
7 the service: (A) is validated before July 1, 1964, and (B)
8 does not extend beyond July 1, 1963. Credit for military
9 service shall be granted under this Section only if not
10 more than 5 years of the military service for which credit
11 is granted under this Section is used by the member to
12 qualify for a military retirement allotment from any branch
13 of the armed forces of the United States. The changes to
14 this subdivision (b) (3) made by Public Act 86-272 shall
15 apply not only to persons who on or after its effective
16 date (August 23, 1989) are in service as a teacher under
17 the System, but also to persons whose status as such a
18 teacher terminated prior to such effective date, whether or
19 not such person is an annuitant on that date. This
20 subdivision (b) (3) applies to service in the National Guard
21 of any state, commonwealth, or territory of the United
22 States.

23 (4) Any periods served as a member of the General
24 Assembly.

25 (5) (i) Any periods for which a teacher, as defined in
26 Section 16-106, is granted a leave of absence, provided he

1 or she returns to teaching service creditable under this
2 System or the State Universities Retirement System
3 following the leave; (ii) periods during which a teacher is
4 involuntarily laid off from teaching, provided he or she
5 returns to teaching following the lay-off; (iii) periods
6 prior to July 1, 1983 during which a teacher ceased covered
7 employment due to pregnancy, provided that the teacher
8 returned to teaching service creditable under this System
9 or the State Universities Retirement System following the
10 pregnancy and submits evidence satisfactory to the Board
11 documenting that the employment ceased due to pregnancy;
12 and (iv) periods prior to July 1, 1983 during which a
13 teacher ceased covered employment for the purpose of
14 adopting an infant under 3 years of age or caring for a
15 newly adopted infant under 3 years of age, provided that
16 the teacher returned to teaching service creditable under
17 this System or the State Universities Retirement System
18 following the adoption and submits evidence satisfactory
19 to the Board documenting that the employment ceased for the
20 purpose of adopting an infant under 3 years of age or
21 caring for a newly adopted infant under 3 years of age.
22 However, total credit under this paragraph (5) may not
23 exceed 3 years.

24 Any qualified member or annuitant may apply for credit
25 under item (iii) or (iv) of this paragraph (5) without
26 regard to whether service was terminated before the

1 effective date of this amendatory Act of 1997. In the case
2 of an annuitant who establishes credit under item (iii) or
3 (iv), the annuity shall be recalculated to include the
4 additional service credit. The increase in annuity shall
5 take effect on the date the System receives written
6 notification of the annuitant's intent to purchase the
7 credit, if the required evidence is submitted and the
8 required contribution paid within 60 days of that
9 notification, otherwise on the first annuity payment date
10 following the System's receipt of the required evidence and
11 contribution. The increase in an annuity recalculated
12 under this provision shall be included in the calculation
13 of automatic annual increases in the annuity accruing after
14 the effective date of the recalculation.

15 Optional credit may be purchased under this subsection
16 (b) (5) for periods during which a teacher has been granted
17 a leave of absence pursuant to Section 24-13 of the School
18 Code. A teacher whose service under this Article terminated
19 prior to the effective date of P.A. 86-1488 shall be
20 eligible to purchase such optional credit. If a teacher who
21 purchases this optional credit is already receiving a
22 retirement annuity under this Article, the annuity shall be
23 recalculated as if the annuitant had applied for the leave
24 of absence credit at the time of retirement. The difference
25 between the entitled annuity and the actual annuity shall
26 be credited to the purchase of the optional credit. The

1 remainder of the purchase cost of the optional credit shall
2 be paid on or before April 1, 1992.

3 The change in this paragraph made by Public Act 86-273
4 shall be applicable to teachers who retire after June 1,
5 1989, as well as to teachers who are in service on that
6 date.

7 (6) For a person who first becomes a member before the
8 effective date of this amendatory Act of the 98th General
9 Assembly, any days of unused and uncompensated accumulated
10 sick leave earned by a teacher. The service credit granted
11 under this paragraph shall be the ratio of the number of
12 unused and uncompensated accumulated sick leave days to 170
13 days, subject to a maximum of 2 years of service credit.
14 Prior to the member's retirement, each former employer
15 shall certify to the System the number of unused and
16 uncompensated accumulated sick leave days credited to the
17 member at the time of termination of service. The period of
18 unused sick leave shall not be considered in determining
19 the effective date of retirement. A member is not required
20 to make contributions in order to obtain service credit for
21 unused sick leave.

22 Credit for sick leave shall, at retirement, be granted
23 by the System for any retiring regional or assistant
24 regional superintendent of schools who first becomes a
25 member before the effective date of this amendatory Act of
26 the 98th General Assembly at the rate of 6 days per year of

1 creditable service or portion thereof established while
2 serving as such superintendent or assistant
3 superintendent.

4 (7) Periods prior to February 1, 1987 served as an
5 employee of the Illinois Mathematics and Science Academy
6 for which credit has not been terminated under Section
7 15-113.9 of this Code.

8 (8) Service as a substitute teacher for work performed
9 prior to July 1, 1990.

10 (9) Service as a part-time teacher for work performed
11 prior to July 1, 1990.

12 (10) Up to 2 years of employment with Southern Illinois
13 University - Carbondale from September 1, 1959 to August
14 31, 1961, or with Governors State University from September
15 1, 1972 to August 31, 1974, for which the teacher has no
16 credit under Article 15. To receive credit under this item
17 (10), a teacher must apply in writing to the Board and pay
18 the required contributions before May 1, 1993 and have at
19 least 12 years of service credit under this Article.

20 (b-1) A member may establish optional credit for up to 2
21 years of service as a teacher or administrator employed by a
22 private school recognized by the Illinois State Board of
23 Education, provided that the teacher (i) was certified under
24 the law governing the certification of teachers at the time the
25 service was rendered, (ii) applies in writing on or after
26 August 1, 2009 and on or before August 1, 2012, (iii) supplies

1 satisfactory evidence of the employment, (iv) completes at
2 least 10 years of contributing service as a teacher as defined
3 in Section 16-106, and (v) pays the contribution required in
4 subsection (d-5) of Section 16-128. The member may apply for
5 credit under this subsection and pay the required contribution
6 before completing the 10 years of contributing service required
7 under item (iv), but the credit may not be used until the item
8 (iv) contributing service requirement has been met.

9 (c) The service credits specified in this Section shall be
10 granted only if: (1) such service credits are not used for
11 credit in any other statutory tax-supported public employee
12 retirement system other than the federal Social Security
13 program; and (2) the member makes the required contributions as
14 specified in Section 16-128. Except as provided in subsection
15 (b-1) of this Section, the service credit shall be effective as
16 of the date the required contributions are completed.

17 Any service credits granted under this Section shall
18 terminate upon cessation of membership for any cause.

19 Credit may not be granted under this Section covering any
20 period for which an age retirement or disability retirement
21 allowance has been paid.

22 (Source: P.A. 98-599, eff. 6-1-14.)

23 (40 ILCS 5/17-115) (from Ch. 108 1/2, par. 17-115)

24 Sec. 17-115. Eligibility for service retirement pension.

25 (a) The Board shall find a contributor eligible for service

1 retirement pension when he has:

2 (1) Left the employment of an Employer after completing
3 5 or more years of service.

4 (2) Contributed to the Fund the total sums provided in
5 this Article.

6 (3) Contributed as a member of the teaching force in
7 the public schools of the City or to the State Universities
8 Retirement System or to the Teachers' Retirement System of
9 the State of Illinois during the last 5 years of his term
10 of service.

11 (4) Filed a written application for pension.

12 (b) In computing the years of service for which annuity is
13 granted, the following conditions shall apply:

14 (1) No more than 10 years of teaching service in public
15 schools of the several states or in schools operated by or
16 under the auspices of the United States shall be allowed.
17 This maximum shall be reduced by the service credit which
18 is validated under paragraph (i) of Section 15-113 and
19 paragraph (3) of Section 16-127 of this Code. Three-fifths
20 of the term of service for which an annuity is granted
21 shall have been rendered in the public schools of the city.
22 No portion of any such service shall be included in the
23 total period of service for which a pension is payable or
24 paid by some other public retirement system; provided that
25 this shall not apply to any benefit payable only after the
26 teacher's death or to any compensation or annuity paid by

1 an employer after retirement from active service.

2 (2) Up to 5 years of military active service, if
3 preceded by service as a teacher under this Fund or under
4 Article 16, shall be included in the total period of
5 service even though it can otherwise be used in the
6 computation of a pension or other benefit provided for
7 service in any branch of the armed forces of the United
8 States. This paragraph (2) applies to service in the
9 National Guard of any state, commonwealth, or territory of
10 the United States.

11 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

12 (40 ILCS 5/17-134) (from Ch. 108 1/2, par. 17-134)

13 (Text of Section before amendment by P.A. 98-599)

14 Sec. 17-134. Contributions for leaves of absence; military
15 service; computing service. In computing service for pension
16 purposes the following periods of service shall stand in lieu
17 of a like number of years of teaching service upon payment
18 therefor in the manner hereinafter provided: (a) time spent on
19 a leave of absence granted by the employer; (b) service with
20 teacher or labor organizations based upon special leaves of
21 absence therefor granted by an Employer; (c) a maximum of 5
22 years spent in the military service of the United States, of
23 which up to 2 years may have been served outside the pension
24 period; (d) unused sick days at termination of service to a
25 maximum of 244 days; (e) time lost due to layoff and

1 curtailment of the school term from June 6 through June 21,
2 1976; and (f) time spent after June 30, 1982 as a member of the
3 Board of Education, if required to resign from an
4 administrative or teaching position in order to qualify as a
5 member of the Board of Education.

6 (1) For time spent on or after September 6, 1948 on
7 sabbatical leaves of absence or sick leaves, for which
8 salaries are paid, an Employer shall make payroll
9 deductions at the applicable rates in effect during such
10 periods.

11 (2) For time spent on a leave of absence granted by the
12 employer for which no salaries are paid, teachers desiring
13 credit therefor shall pay the required contributions at the
14 rates in effect during such periods as though they were in
15 teaching service. If an Employer pays salary for vacations
16 which occur during a teacher's sick leave or maternity or
17 paternity leave without salary, vacation pay for which the
18 teacher would have qualified while in active service shall
19 be considered part of the teacher's total salary for
20 pension purposes. No more than 36 months of leave credit
21 may be allowed any person during the entire term of
22 service. Sabbatical leave credit shall be limited to the
23 time the person on leave without salary under an Employer's
24 rules is allowed to engage in an activity for which he
25 receives salary or compensation.

26 (3) For time spent prior to September 6, 1948, on

1 sabbatical leaves of absence or sick leaves for which
2 salaries were paid, teachers desiring service credit
3 therefor shall pay the required contributions at the
4 maximum applicable rates in effect during such periods.

5 (4) For service with teacher or labor organizations
6 authorized by special leaves of absence, for which no
7 payroll deductions are made by an Employer, teachers
8 desiring service credit therefor shall contribute to the
9 Fund upon the basis of the actual salary received from such
10 organizations at the percentage rates in effect during such
11 periods for certified positions with such Employer. To the
12 extent the actual salary exceeds the regular salary, which
13 shall be defined as the salary rate, as calculated by the
14 Board, in effect for the teacher's regular position in
15 teaching service on September 1, 1983 or on the effective
16 date of the leave with the organization, whichever is
17 later, the organization shall pay to the Fund the
18 employer's normal cost as set by the Board on the
19 increment. Notwithstanding any other provision of this
20 subdivision (4), teachers are only eligible for credit for
21 service under this subdivision (4) if the special leave of
22 absence begins before the effective date of this amendatory
23 Act of the 97th General Assembly.

24 (5) For time spent in the military service, teachers
25 entitled to and desiring credit therefor shall contribute
26 the amount required for each year of service or fraction

1 thereof at the rates in force (a) at the date of
2 appointment, or (b) on return to teaching service as a
3 regularly certified teacher, as the case may be; provided
4 such rates shall not be less than \$450 per year of service.
5 These conditions shall apply unless an Employer elects to
6 and does pay into the Fund the amount which would have been
7 due from such person had he been employed as a teacher
8 during such time. In the case of credit for military
9 service not during the pension period, the teacher must
10 also pay to the Fund an amount determined by the Board to
11 be equal to the employer's normal cost of the benefits
12 accrued from such service, plus interest thereon at 5% per
13 year, compounded annually, from the date of appointment to
14 the date of payment.

15 The changes to this Section made by Public Act 87-795
16 shall apply not only to persons who on or after its
17 effective date are in service under the Fund, but also to
18 persons whose status as a teacher terminated prior to that
19 date, whether or not the person is an annuitant on that
20 date. In the case of an annuitant who applies for credit
21 allowable under this Section for a period of military
22 service that did not immediately follow employment, and who
23 has made the required contributions for such credit, the
24 annuity shall be recalculated to include the additional
25 service credit, with the increase taking effect on the date
26 the Fund received written notification of the annuitant's

1 intent to purchase the credit, if payment of all the
2 required contributions is made within 60 days of such
3 notice, or else on the first annuity payment date following
4 the date of payment of the required contributions. In
5 calculating the automatic annual increase for an annuity
6 that has been recalculated under this Section, the increase
7 attributable to the additional service allowable under
8 this amendatory Act of 1991 shall be included in the
9 calculation of automatic annual increases accruing after
10 the effective date of the recalculation.

11 The total credit for military service shall not exceed
12 5 years, except that any teacher who on July 1, 1963, had
13 validated credit for more than 5 years of military service
14 shall be entitled to the total amount of such credit.

15 (6) A maximum of 244 unused sick days credited to his
16 account by an Employer on the date of termination of
17 employment. Members, upon verification of unused sick
18 days, may add this service time to total creditable
19 service.

20 (7) In all cases where time spent on leave is
21 creditable and no payroll deductions therefor are made by
22 an Employer, persons desiring service credit shall make the
23 required contributions directly to the Fund.

24 (8) For time lost without pay due to layoff and
25 curtailment of the school term from June 6 through June 21,
26 1976, as provided in item (e) of the first paragraph of

1 this Section, persons who were contributors on the days
2 immediately preceding such layoff shall receive credit
3 upon paying to the Fund a contribution based on the rates
4 of compensation and employee contributions in effect at the
5 time of such layoff, together with an additional amount
6 equal to 12.2% of the compensation computed for such period
7 of layoff, plus interest on the entire amount at 5% per
8 annum from January 1, 1978 to the date of payment. If such
9 contribution is paid, salary for pension purposes for any
10 year in which such a layoff occurred shall include the
11 compensation recognized for purposes of computing that
12 contribution.

13 (9) For time spent after June 30, 1982, as a
14 nonsalaried member of the Board of Education, if required
15 to resign from an administrative or teaching position in
16 order to qualify as a member of the Board of Education, an
17 administrator or teacher desiring credit therefor shall
18 pay the required contributions at the rates and salaries in
19 effect during such periods as though the member were in
20 service.

21 Effective September 1, 1974, the interest charged for
22 validation of service described in paragraphs (2) through (5)
23 of this Section shall be compounded annually at a rate of 5%
24 commencing one year after the termination of the leave or
25 return to service. "Military service of the United States" or
26 "military service" includes service in the National Guard of

1 any state, commonwealth, or territory of the United States.

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

3 (Text of Section after amendment by P.A. 98-599)

4 Sec. 17-134. Contributions for leaves of absence; military
5 service; computing service. In computing service for pension
6 purposes the following periods of service shall stand in lieu
7 of a like number of years of teaching service upon payment
8 therefor in the manner hereinafter provided: (a) time spent on
9 a leave of absence granted by the employer; (b) service with
10 teacher or labor organizations based upon special leaves of
11 absence therefor granted by an Employer; (c) a maximum of 5
12 years spent in the military service of the United States, of
13 which up to 2 years may have been served outside the pension
14 period; (d) unused sick days at termination of service to a
15 maximum of 244 days; (e) time lost due to layoff and
16 curtailment of the school term from June 6 through June 21,
17 1976; and (f) time spent after June 30, 1982 as a member of the
18 Board of Education, if required to resign from an
19 administrative or teaching position in order to qualify as a
20 member of the Board of Education.

21 (1) For time spent on or after September 6, 1948 on
22 sabbatical leaves of absence or sick leaves, for which
23 salaries are paid, an Employer shall make payroll
24 deductions at the applicable rates in effect during such
25 periods.

1 (2) For time spent on a leave of absence granted by the
2 employer for which no salaries are paid, teachers desiring
3 credit therefor shall pay the required contributions at the
4 rates in effect during such periods as though they were in
5 teaching service. If an Employer pays salary for vacations
6 which occur during a teacher's sick leave or maternity or
7 paternity leave without salary, vacation pay for which the
8 teacher would have qualified while in active service shall
9 be considered part of the teacher's total salary for
10 pension purposes. No more than 36 months of leave credit
11 may be allowed any person during the entire term of
12 service. Sabbatical leave credit shall be limited to the
13 time the person on leave without salary under an Employer's
14 rules is allowed to engage in an activity for which he
15 receives salary or compensation.

16 (3) For time spent prior to September 6, 1948, on
17 sabbatical leaves of absence or sick leaves for which
18 salaries were paid, teachers desiring service credit
19 therefor shall pay the required contributions at the
20 maximum applicable rates in effect during such periods.

21 (4) For service with teacher or labor organizations
22 authorized by special leaves of absence, for which no
23 payroll deductions are made by an Employer, teachers
24 desiring service credit therefor shall contribute to the
25 Fund upon the basis of the actual salary received from such
26 organizations at the percentage rates in effect during such

1 periods for certified positions with such Employer. To the
2 extent the actual salary exceeds the regular salary, which
3 shall be defined as the salary rate, as calculated by the
4 Board, in effect for the teacher's regular position in
5 teaching service on September 1, 1983 or on the effective
6 date of the leave with the organization, whichever is
7 later, the organization shall pay to the Fund the
8 employer's normal cost as set by the Board on the
9 increment. Notwithstanding any other provision of this
10 subdivision (4), teachers are only eligible for credit for
11 service under this subdivision (4) if the special leave of
12 absence begins before January 5, 2012 (the effective date
13 of Public Act 97-651).

14 (5) For time spent in the military service, teachers
15 entitled to and desiring credit therefor shall contribute
16 the amount required for each year of service or fraction
17 thereof at the rates in force (a) at the date of
18 appointment, or (b) on return to teaching service as a
19 regularly certified teacher, as the case may be; provided
20 such rates shall not be less than \$450 per year of service.
21 These conditions shall apply unless an Employer elects to
22 and does pay into the Fund the amount which would have been
23 due from such person had he been employed as a teacher
24 during such time. In the case of credit for military
25 service not during the pension period, the teacher must
26 also pay to the Fund an amount determined by the Board to

1 be equal to the employer's normal cost of the benefits
2 accrued from such service, plus interest thereon at 5% per
3 year, compounded annually, from the date of appointment to
4 the date of payment.

5 The changes to this Section made by Public Act 87-795
6 shall apply not only to persons who on or after its
7 effective date are in service under the Fund, but also to
8 persons whose status as a teacher terminated prior to that
9 date, whether or not the person is an annuitant on that
10 date. In the case of an annuitant who applies for credit
11 allowable under this Section for a period of military
12 service that did not immediately follow employment, and who
13 has made the required contributions for such credit, the
14 annuity shall be recalculated to include the additional
15 service credit, with the increase taking effect on the date
16 the Fund received written notification of the annuitant's
17 intent to purchase the credit, if payment of all the
18 required contributions is made within 60 days of such
19 notice, or else on the first annuity payment date following
20 the date of payment of the required contributions. In
21 calculating the automatic annual increase for an annuity
22 that has been recalculated under this Section, the increase
23 attributable to the additional service allowable under
24 this amendatory Act of 1991 shall be included in the
25 calculation of automatic annual increases accruing after
26 the effective date of the recalculation.

1 The total credit for military service shall not exceed
2 5 years, except that any teacher who on July 1, 1963, had
3 validated credit for more than 5 years of military service
4 shall be entitled to the total amount of such credit.

5 (6) For persons who first become teachers before the
6 effective date of this amendatory Act of the 98th General
7 Assembly, a maximum of 244 unused sick days credited to his
8 account by an Employer on the date of termination of
9 employment. Members, upon verification of unused sick
10 days, may add this service time to total creditable
11 service.

12 (7) In all cases where time spent on leave is
13 creditable and no payroll deductions therefor are made by
14 an Employer, persons desiring service credit shall make the
15 required contributions directly to the Fund.

16 (8) For time lost without pay due to layoff and
17 curtailment of the school term from June 6 through June 21,
18 1976, as provided in item (e) of the first paragraph of
19 this Section, persons who were contributors on the days
20 immediately preceding such layoff shall receive credit
21 upon paying to the Fund a contribution based on the rates
22 of compensation and employee contributions in effect at the
23 time of such layoff, together with an additional amount
24 equal to 12.2% of the compensation computed for such period
25 of layoff, plus interest on the entire amount at 5% per
26 annum from January 1, 1978 to the date of payment. If such

1 contribution is paid, salary for pension purposes for any
2 year in which such a layoff occurred shall include the
3 compensation recognized for purposes of computing that
4 contribution.

5 (9) For time spent after June 30, 1982, as a
6 nonsalaried member of the Board of Education, if required
7 to resign from an administrative or teaching position in
8 order to qualify as a member of the Board of Education, an
9 administrator or teacher desiring credit therefor shall
10 pay the required contributions at the rates and salaries in
11 effect during such periods as though the member were in
12 service.

13 Effective September 1, 1974, the interest charged for
14 validation of service described in paragraphs (2) through (5)
15 of this Section shall be compounded annually at a rate of 5%
16 commencing one year after the termination of the leave or
17 return to service. "Military service of the United States" or
18 "military service" includes service in the National Guard of
19 any state, commonwealth, or territory of the United States.

20 (Source: P.A. 97-651, eff. 1-5-12; 98-599, eff. 6-1-14.)

21 (40 ILCS 5/18-122) (from Ch. 108 1/2, par. 18-122)

22 Sec. 18-122. Participation; military service.
23 Participation shall continue until the date a participant
24 becomes an annuitant, dies, or accepts a refund.

25 Participation shall not cease during any period an eligible

1 judge is serving with the military or naval forces of the
2 United States while the United States is engaged in any war or
3 for one year after such war, if the judge makes contributions,
4 together with any interest payments which might be required,
5 for delayed contribution payments.

6 A participant may also apply for creditable service for up
7 to 2 years of military service that need not have followed
8 service as a judge and need not have been served during
9 wartime. However, for this military service not immediately
10 following employment as a judge, the applicant must make
11 contributions to the System (1) at the rates provided in
12 Section 18-133 based upon the judge's rate of compensation on
13 the last date as a participating judge prior to such military
14 service, or on the first date as a participating judge after
15 such military service, whichever is greater, plus (2) if
16 payment is made on or after May 1, 1993, an amount determined
17 by the Board to be equal to the employer's normal cost of the
18 benefits accrued for such military service, plus (3) interest
19 at the effective rate from the date of first membership in the
20 System to the date of payment. This Section applies to service
21 in the National Guard of any state, commonwealth, or territory
22 of the United States.

23 The amendment to this Section made by this amendatory Act
24 of 1993 shall apply to persons who are active contributors to
25 the System on or after November 30, 1992. A person who was an
26 active contributor to the System on November 30, 1992 but is no

1 longer an active contributor may apply to purchase military
2 credit not immediately following employment as a judge within
3 60 days after the effective date of this amendatory Act of
4 1993; if the person is an annuitant, the resulting increase in
5 annuity shall begin to accrue on the first day of the month
6 following the month in which the required payment is received
7 by the System. The change in the required contribution for
8 purchased military credit made by this amendatory Act of 1993
9 shall not entitle any person to a refund of contributions
10 already paid.

11 (Source: P.A. 87-794; 87-1265; 88-45.)

12 Section 90. The State Mandates Act is amended by adding
13 Section 8.38 as follows:

14 (30 ILCS 805/8.38 new)

15 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8
16 of this Act, no reimbursement by the State is required for the
17 implementation of any mandate created by this amendatory Act of
18 the 98th General Assembly.

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.