

1 AN ACT in relation to 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
5 changing Sections 14-103.05, 14-104.6, 14-108, 14-110,
6 16-106, and 16-131.6 and adding Section 14-108.2c as follows:

7 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
8 Sec. 14-103.05. Employee.

9 (a) Any person employed by a Department who receives
10 salary for personal services rendered to the Department on a
11 warrant issued pursuant to a payroll voucher certified by a
12 Department and drawn by the State Comptroller upon the State
13 Treasurer, including an elected official described in
14 subparagraph (d) of Section 14-104, shall become an employee
15 for purpose of membership in the Retirement System on the
16 first day of such employment.

17 A person entering service on or after January 1, 1972 and
18 prior to January 1, 1984 shall become a member as a condition
19 of employment and shall begin making contributions as of the
20 first day of employment.

21 A person entering service on or after January 1, 1984
22 shall, upon completion of 6 months of continuous service
23 which is not interrupted by a break of more than 2 months,
24 become a member as a condition of employment. Contributions
25 shall begin the first of the month after completion of the
26 qualifying period.

27 The qualifying period of 6 months of service is not
28 applicable to: (1) a person who has been granted credit for
29 service in a position covered by the State Universities
30 Retirement System, the Teachers' Retirement System of the
31 State of Illinois, the General Assembly Retirement System, or

1 the Judges Retirement System of Illinois unless that service
2 has been forfeited under the laws of those systems; (2) a
3 person entering service on or after July 1, 1991 in a
4 noncovered position; or (3) a person to whom Section
5 14-108.2a or 14-108.2b applies.

6 (b) The term "employee" does not include the following:

7 (1) members of the State Legislature, and persons
8 electing to become members of the General Assembly
9 Retirement System pursuant to Section 2-105;

10 (2) incumbents of offices normally filled by vote
11 of the people;

12 (3) except as otherwise provided in this Section,
13 any person appointed by the Governor with the advice and
14 consent of the Senate unless that person elects to
15 participate in this system;

16 (4) except as provided in Section 14-108.2 or
17 14-108.2c, any person who is covered or eligible to be
18 covered by the Teachers' Retirement System of the State
19 of Illinois, the State Universities Retirement System, or
20 the Judges Retirement System of Illinois;

21 (5) an employee of a municipality or any other
22 political subdivision of the State;

23 (6) any person who becomes an employee after June
24 30, 1979 as a public service employment program
25 participant under the Federal Comprehensive Employment
26 and Training Act and whose wages or fringe benefits are
27 paid in whole or in part by funds provided under such
28 Act;

29 (7) enrollees of the Illinois Young Adult
30 Conservation Corps program, administered by the
31 Department of Natural Resources, authorized grantee
32 pursuant to Title VIII of the "Comprehensive Employment
33 and Training Act of 1973", 29 USC 993, as now or
34 hereafter amended;

1 (8) enrollees and temporary staff of programs
2 administered by the Department of Natural Resources under
3 the Youth Conservation Corps Act of 1970;

4 (9) any person who is a member of any professional
5 licensing or disciplinary board created under an Act
6 administered by the Department of Professional Regulation
7 or a successor agency or created or re-created after the
8 effective date of this amendatory Act of 1997, and who
9 receives per diem compensation rather than a salary,
10 notwithstanding that such per diem compensation is paid
11 by warrant issued pursuant to a payroll voucher; such
12 persons have never been included in the membership of
13 this System, and this amendatory Act of 1987 (P.A.
14 84-1472) is not intended to effect any change in the
15 status of such persons;

16 (10) any person who is a member of the Illinois
17 Health Care Cost Containment Council, and receives per
18 diem compensation rather than a salary, notwithstanding
19 that such per diem compensation is paid by warrant issued
20 pursuant to a payroll voucher; such persons have never
21 been included in the membership of this System, and this
22 amendatory Act of 1987 is not intended to effect any
23 change in the status of such persons; or

24 (11) any person who is a member of the Oil and Gas
25 Board created by Section 1.2 of the Illinois Oil and Gas
26 Act, and receives per diem compensation rather than a
27 salary, notwithstanding that such per diem compensation
28 is paid by warrant issued pursuant to a payroll voucher.

29 (Source: P.A. 89-246; eff. 8-4-95; 89-445, eff. 2-7-96;
30 90-448, eff. 8-16-97.)

31 (40 ILCS 5/14-104.6) (from Ch. 108 1/2, par. 14-104.6)
32 Sec. 14-104.6. Service transferred from Article 16.

33 Service also includes the following:

1 (a) Any period as a teacher employed by the Department
2 of Corrections for which credit was established under Article
3 16 of this Code, subject to the following conditions: (1) the
4 credits accrued for such employment under Article 16 have
5 been transferred to this System; and (2) the participant has
6 contributed to this System an amount equal to (A) employee
7 contributions at the rate in effect for noncoordinated
8 eligible creditable service at the date of membership in this
9 System, based upon the salary in effect during such period of
10 service, plus (B) the employer's share of the normal cost
11 under this System for each year that credit is being
12 established, based on the salary in effect during such period
13 of service, plus (C) regular interest, compounded annually,
14 from July 1, 1987 to the date of payment, less (D) the amount
15 transferred on behalf of the participant under Section
16 16-131.6.

17 (b) Any period as a security employee of the Department
18 of Human Services, as defined in Section 14-110, for which
19 credit was established under Article 16 of this Code, subject
20 to the following conditions: (1) the credits accrued for that
21 employment under Article 16 have been transferred to this
22 System; and (2) the participant has contributed to this
23 System an amount equal to (A) employee contributions at the
24 rate in effect for noncoordinated eligible creditable service
25 at the date of membership in this System, based upon the
26 salary in effect during the period of service, plus (B) the
27 employer's share of the normal cost under this System for
28 each year that credit is being established, based on the
29 salary in effect during the period of service, plus (C)
30 regular interest, compounded annually, from the date of
31 transfer to the date of payment, less (D) the amount
32 transferred on behalf of the participant under Section
33 16-131.6.

34 (c) Credit established under this Section shall be

1 deemed noncoordinated eligible creditable service as defined
2 in Section 14-110.

3 (Source: P.A. 86-1488; 87-794.)

4 (40 ILCS 5/14-108) (from Ch. 108 1/2, par. 14-108)

5 Sec. 14-108. Amount of retirement annuity. A member who
6 has contributed to the System for at least 12 months shall be
7 entitled to a prior service annuity for each year of
8 certified prior service credited to him, except that a member
9 shall receive 1/3 of the prior service annuity for each year
10 of service for which contributions have been made and all of
11 such annuity shall be payable after the member has made
12 contributions for a period of 3 years. Proportionate amounts
13 shall be payable for service of less than a full year after
14 completion of at least 12 months.

15 The total period of service to be considered in
16 establishing the measure of prior service annuity shall
17 include service credited in the Teachers' Retirement System
18 of the State of Illinois and the State Universities
19 Retirement System for which contributions have been made by
20 the member to such systems; provided that at least 1 year of
21 the total period of 3 years prescribed for the allowance of a
22 full measure of prior service annuity shall consist of
23 membership service in this system for which credit has been
24 granted.

25 (a) In the case of a member who retires on or after
26 January 1, 1998 and is a noncovered employee, the retirement
27 annuity for membership service and prior service shall be
28 2.2% of final average compensation for each year of service.
29 Any service credit established as a covered employee shall be
30 computed as stated in paragraph (b).

31 (b) In the case of a member who retires on or after
32 January 1, 1998 and is a covered employee, the retirement
33 annuity for membership service and prior service shall be

1 computed as stated in paragraph (a) for all service credit
2 established as a noncovered employee; for service credit
3 established as a covered employee it shall be 1.67% of final
4 average compensation for each year of service.

5 (c) For a member retiring after attaining age 55 but
6 before age 60 with at least 30 but less than 35 years of
7 creditable service if retirement is before January 1, 2001,
8 or with at least 25 but less than 30 years of creditable
9 service if retirement is on or after January 1, 2001, the
10 retirement annuity shall be reduced by 1/2 of 1% for each
11 month that the member's age is under age 60 at the time of
12 retirement.

13 (d) A retirement annuity shall not exceed 75% of final
14 average compensation, subject to such extension as may result
15 from the application of Section 14-114 or Section 14-115.

16 (e) The retirement annuity payable to any covered
17 employee who is a member of the System and in service on
18 January 1, 1969, or in service thereafter in 1969 as a result
19 of legislation enacted by the Illinois General Assembly
20 transferring the member to State employment from county
21 employment in a county Department of Public Aid in counties
22 of 3,000,000 or more population, under a plan of coordination
23 with the Old Age, Survivors and Disability provisions
24 thereof, if not fully insured for Old Age Insurance payments
25 under the Federal Old Age, Survivors and Disability Insurance
26 provisions at the date of acceptance of a retirement annuity,
27 shall not be less than the amount for which the member would
28 have been eligible if coordination were not applicable.

29 (f) The retirement annuity payable to any covered
30 employee who is a member of the System and in service on
31 January 1, 1969, or in service thereafter in 1969 as a result
32 of the legislation designated in the immediately preceding
33 paragraph, if fully insured for Old Age Insurance payments
34 under the Federal Social Security Act at the date of

1 acceptance of a retirement annuity, shall not be less than an
2 amount which when added to the Primary Insurance Benefit
3 payable to the member upon attainment of age 65 under such
4 Federal Act, will equal the annuity which would otherwise be
5 payable if the coordinated plan of coverage were not
6 applicable.

7 (g) In the case of a member who is a noncovered
8 employee, the retirement annuity for membership service as a
9 security employee of the Department of Corrections or
10 security employee of the Department of Human Services shall
11 be 1.9% of final average compensation for each of the first
12 10 years of service, 2.1% for each of the next 10 years of
13 service, 2.25% for each year of service in excess of 20 but
14 not exceeding 30, and 2.5% for each year in excess of 30;
15 except that the annuity may be calculated under subsection
16 (a) rather than this subsection (g) if the resulting annuity
17 is greater.

18 (h) In the case of a member who is a covered employee,
19 the retirement annuity for membership service as a security
20 employee of the Department of Corrections or security
21 employee of the Department of Human Services shall be 1.67%
22 of final average compensation for each of the first 10 years
23 of service, 1.90% for each of the next 10 years of service,
24 2.10% for each year of service in excess of 20 but not
25 exceeding 30, and 2.30% for each year in excess of 30.

26 (i) For the purposes of this Section and Section 14-133
27 of this Act, the term "security employee of the Department of
28 Corrections" and the term "security employee of the
29 Department of Human Services" shall have the meanings
30 ascribed to them in subsection (c) of Section 14-110.

31 (j) The retirement annuity computed pursuant to
32 paragraphs (g) or (h) shall be applicable only to those
33 security employees of the Department of Corrections and
34 security employees of the Department of Human Services who

1 have at least 20 years of membership service and who are not
 2 eligible for the alternative retirement annuity provided
 3 under Section 14-110. However, persons transferring to this
 4 System under Section 14-108.2 or 14-108.2c who have service
 5 credit under Article 16 of this Code may count such service
 6 toward establishing their eligibility under the 20-year
 7 service requirement of this subsection; but such service may
 8 be used only for establishing such eligibility, and not for
 9 the purpose of increasing or calculating any benefit.

10 (k) (Blank).

11 (l) The changes to this Section made by this amendatory
 12 Act of 1997 (changing certain retirement annuity formulas
 13 from a stepped rate to a flat rate) apply to members who
 14 retire on or after January 1, 1998, without regard to whether
 15 employment terminated before the effective date of this
 16 amendatory Act of 1997. An annuity shall not be calculated
 17 in steps by using the new flat rate for some steps and the
 18 superseded stepped rate for other steps of the same type of
 19 service.

20 (Source: P.A. 90-65, eff. 7-7-97; 90-448, eff. 8-16-97;
 21 90-655, eff. 7-30-98; 91-927, eff. 12-14-00.)

22 (40 ILCS 5/14-108.2c new)

23 Sec. 14-108.2c. Transfer of membership from TRS. A
 24 security employee of the Department of Human Services, as
 25 defined in Section 14-110, who is a member of the Teachers'
 26 Retirement System established under Article 16 of this Code
 27 may elect to become a member of this System on the first day
 28 of either the third or fourth month following the month in
 29 which this amendatory Act of the 92nd General Assembly takes
 30 effect, by notifying the Board of the election in writing
 31 within 60 days following that effective date.

32 For persons electing to become covered employees,
 33 participation in the Article 16 system shall terminate on the

1 first day of the third month following the month in which
 2 this amendatory Act of the 92nd General Assembly takes
 3 effect, and membership in this System shall begin on that
 4 date.

5 For persons electing to become noncovered employees,
 6 participation in the Article 16 system shall terminate on the
 7 first day of the fourth month following the month in which
 8 this amendatory Act of the 92nd General Assembly takes
 9 effect, and membership in this System shall begin on that
 10 date.

11 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
 12 Sec. 14-110. Alternative retirement annuity.

13 (a) Any member who has withdrawn from service with not
 14 less than 20 years of eligible creditable service and has
 15 attained age 55, and any member who has withdrawn from
 16 service with not less than 25 years of eligible creditable
 17 service and has attained age 50, regardless of whether the
 18 attainment of either of the specified ages occurs while the
 19 member is still in service, shall be entitled to receive at
 20 the option of the member, in lieu of the regular or minimum
 21 retirement annuity, a retirement annuity computed as
 22 follows:

23 (i) for periods of service as a noncovered
 24 employee, 2 1/4% of final average compensation for each
 25 of the first 10 years of creditable service, 2 1/2% for
 26 each year above 10 years to and including 20 years of
 27 creditable service, and 2 3/4% for each year of
 28 creditable service above 20 years; and

29 (ii) for periods of eligible creditable service as
 30 a covered employee, 1.67% of final average compensation
 31 for each of the first 10 years of such service, 1.90% for
 32 each of the next 10 years of such service, 2.10% for each
 33 year of such service in excess of 20 but not exceeding

1 30, and 2.30% for each year in excess of 30.

2 Such annuity shall be subject to a maximum of 75% of
3 final average compensation. These rates shall not be
4 applicable to any service performed by a member as a covered
5 employee which is not eligible creditable service. Service
6 as a covered employee which is not eligible creditable
7 service shall be subject to the rates and provisions of
8 Section 14-108.

9 (b) For the purpose of this Section, "eligible
10 creditable service" means creditable service resulting from
11 service in one or more of the following positions:

- 12 (1) State policeman;
- 13 (2) fire fighter in the fire protection service of
14 a department;
- 15 (3) air pilot;
- 16 (4) special agent;
- 17 (5) investigator for the Secretary of State;
- 18 (6) conservation police officer;
- 19 (7) investigator for the Department of Revenue;
- 20 (8) security employee of the Department of Human
21 Services;
- 22 (9) Central Management Services security police
23 officer;
- 24 (10) security employee of the Department of
25 Corrections;
- 26 (11) dangerous drugs investigator;
- 27 (12) investigator for the Department of State
28 Police;
- 29 (13) investigator for the Office of the Attorney
30 General;
- 31 (14) controlled substance inspector;
- 32 (15) investigator for the Office of the State's
33 Attorneys Appellate Prosecutor;
- 34 (16) Commerce Commission police officer;

1 (17) arson investigator.

2 A person employed in one of the positions specified in
3 this subsection is entitled to eligible creditable service
4 for service credit earned under this Article while undergoing
5 the basic police training course approved by the Illinois Law
6 Enforcement Training Standards Board, if completion of that
7 training is required of persons serving in that position.
8 For the purposes of this Code, service during the required
9 basic police training course shall be deemed performance of
10 the duties of the specified position, even though the person
11 is not a sworn peace officer at the time of the training.

12 (c) For the purposes of this Section:

13 (1) The term "state policeman" includes any title
14 or position in the Department of State Police that is
15 held by an individual employed under the State Police
16 Act.

17 (2) The term "fire fighter in the fire protection
18 service of a department" includes all officers in such
19 fire protection service including fire chiefs and
20 assistant fire chiefs.

21 (3) The term "air pilot" includes any employee
22 whose official job description on file in the Department
23 of Central Management Services, or in the department by
24 which he is employed if that department is not covered by
25 the Personnel Code, states that his principal duty is the
26 operation of aircraft, and who possesses a pilot's
27 license; however, the change in this definition made by
28 this amendatory Act of 1983 shall not operate to exclude
29 any noncovered employee who was an "air pilot" for the
30 purposes of this Section on January 1, 1984.

31 (4) The term "special agent" means any person who
32 by reason of employment by the Division of Narcotic
33 Control, the Bureau of Investigation or, after July 1,
34 1977, the Division of Criminal Investigation, the

1 Division of Internal Investigation, the Division of
2 Operations, or any other Division or organizational
3 entity in the Department of State Police is vested by law
4 with duties to maintain public order, investigate
5 violations of the criminal law of this State, enforce the
6 laws of this State, make arrests and recover property.
7 The term "special agent" includes any title or position
8 in the Department of State Police that is held by an
9 individual employed under the State Police Act.

10 (5) The term "investigator for the Secretary of
11 State" means any person employed by the Office of the
12 Secretary of State and vested with such investigative
13 duties as render him ineligible for coverage under the
14 Social Security Act by reason of Sections 218(d)(5)(A),
15 218(d)(8)(D) and 218(1)(1) of that Act.

16 A person who became employed as an investigator for
17 the Secretary of State between January 1, 1967 and
18 December 31, 1975, and who has served as such until
19 attainment of age 60, either continuously or with a
20 single break in service of not more than 3 years
21 duration, which break terminated before January 1, 1976,
22 shall be entitled to have his retirement annuity
23 calculated in accordance with subsection (a),
24 notwithstanding that he has less than 20 years of credit
25 for such service.

26 (6) The term "Conservation Police Officer" means
27 any person employed by the Division of Law Enforcement of
28 the Department of Natural Resources and vested with such
29 law enforcement duties as render him ineligible for
30 coverage under the Social Security Act by reason of
31 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of
32 that Act. The term "Conservation Police Officer"
33 includes the positions of Chief Conservation Police
34 Administrator and Assistant Conservation Police

1 Administrator.

2 (7) The term "investigator for the Department of
3 Revenue" means any person employed by the Department of
4 Revenue and vested with such investigative duties as
5 render him ineligible for coverage under the Social
6 Security Act by reason of Sections 218(d)(5)(A),
7 218(d)(8)(D) and 218(1)(1) of that Act.

8 (8) The term "security employee of the Department
9 of Human Services" means any person employed by the
10 Department of Human Services who is employed at the
11 Chester Mental Health Center and has daily contact with
12 the residents thereof, or who is a mental health police
13 officer. "Mental health police officer" means any person
14 employed by the Department of Human Services in a
15 position pertaining to the Department's mental health and
16 developmental disabilities functions who is vested with
17 such law enforcement duties as render the person
18 ineligible for coverage under the Social Security Act by
19 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
20 218(1)(1) of that Act.

21 (9) "Central Management Services security police
22 officer" means any person employed by the Department of
23 Central Management Services who is vested with such law
24 enforcement duties as render him ineligible for coverage
25 under the Social Security Act by reason of Sections
26 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

27 (10) The term "security employee of the Department
28 of Corrections" means any employee of the Department of
29 Corrections or the former Department of Personnel, and
30 any member or employee of the Prisoner Review Board, who
31 has daily contact with inmates by working within a
32 correctional facility or who is a parole officer or an
33 employee who has direct contact with committed persons in
34 the performance of his or her job duties.

1 (11) The term "dangerous drugs investigator" means
2 any person who is employed as such by the Department of
3 Human Services.

4 (12) The term "investigator for the Department of
5 State Police" means a person employed by the Department
6 of State Police who is vested under Section 4 of the
7 Narcotic Control Division Abolition Act with such law
8 enforcement powers as render him ineligible for coverage
9 under the Social Security Act by reason of Sections
10 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

11 (13) "Investigator for the Office of the Attorney
12 General" means any person who is employed as such by the
13 Office of the Attorney General and is vested with such
14 investigative duties as render him ineligible for
15 coverage under the Social Security Act by reason of
16 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
17 Act. For the period before January 1, 1989, the term
18 includes all persons who were employed as investigators
19 by the Office of the Attorney General, without regard to
20 social security status.

21 (14) "Controlled substance inspector" means any
22 person who is employed as such by the Department of
23 Professional Regulation and is vested with such law
24 enforcement duties as render him ineligible for coverage
25 under the Social Security Act by reason of Sections
26 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
27 The term "controlled substance inspector" includes the
28 Program Executive of Enforcement and the Assistant
29 Program Executive of Enforcement.

30 (15) The term "investigator for the Office of the
31 State's Attorneys Appellate Prosecutor" means a person
32 employed in that capacity on a full time basis under the
33 authority of Section 7.06 of the State's Attorneys
34 Appellate Prosecutor's Act.

1 (16) "Commerce Commission police officer" means any
2 person employed by the Illinois Commerce Commission who
3 is vested with such law enforcement duties as render him
4 ineligible for coverage under the Social Security Act by
5 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
6 218(1)(1) of that Act.

7 (17) "Arson investigator" means any person who is
8 employed as such by the Office of the State Fire Marshal
9 and is vested with such law enforcement duties as render
10 the person ineligible for coverage under the Social
11 Security Act by reason of Sections 218(d)(5)(A),
12 218(d)(8)(D), and 218(1)(1) of that Act. A person who
13 was employed as an arson investigator on January 1, 1995
14 and is no longer in service but not yet receiving a
15 retirement annuity may convert his or her creditable
16 service for employment as an arson investigator into
17 eligible creditable service by paying to the System the
18 difference between the employee contributions actually
19 paid for that service and the amounts that would have
20 been contributed if the applicant were contributing at
21 the rate applicable to persons with the same social
22 security status earning eligible creditable service on
23 the date of application.

24 (d) A security employee of the Department of
25 Corrections, and a security employee of the Department of
26 Human Services who is not a mental health police officer,
27 shall not be eligible for the alternative retirement annuity
28 provided by this Section unless he or she meets the following
29 minimum age and service requirements at the time of
30 retirement:

31 (i) 25 years of eligible creditable service and age
32 55; or

33 (ii) beginning January 1, 1987, 25 years of
34 eligible creditable service and age 54, or 24 years of

- 1 eligible creditable service and age 55; or
- 2 (iii) beginning January 1, 1988, 25 years of
- 3 eligible creditable service and age 53, or 23 years of
- 4 eligible creditable service and age 55; or
- 5 (iv) beginning January 1, 1989, 25 years of
- 6 eligible creditable service and age 52, or 22 years of
- 7 eligible creditable service and age 55; or
- 8 (v) beginning January 1, 1990, 25 years of eligible
- 9 creditable service and age 51, or 21 years of eligible
- 10 creditable service and age 55; or
- 11 (vi) beginning January 1, 1991, 25 years of
- 12 eligible creditable service and age 50, or 20 years of
- 13 eligible creditable service and age 55.

14 Persons who have service credit under Article 16 of this
15 Code for service as a security employee of the Department of
16 Corrections or the Department of Human Services in a position
17 requiring certification as a teacher may count such service
18 toward establishing their eligibility under the service
19 requirements of this Section; but such service may be used
20 only for establishing such eligibility, and not for the
21 purpose of increasing or calculating any benefit.

22 (e) If a member enters military service while working in
23 a position in which eligible creditable service may be
24 earned, and returns to State service in the same or another
25 such position, and fulfills in all other respects the
26 conditions prescribed in this Article for credit for military
27 service, such military service shall be credited as eligible
28 creditable service for the purposes of the retirement annuity
29 prescribed in this Section.

30 (f) For purposes of calculating retirement annuities
31 under this Section, periods of service rendered after
32 December 31, 1968 and before October 1, 1975 as a covered
33 employee in the position of special agent, conservation
34 police officer, mental health police officer, or investigator

1 for the Secretary of State, shall be deemed to have been
2 service as a noncovered employee, provided that the employee
3 pays to the System prior to retirement an amount equal to (1)
4 the difference between the employee contributions that would
5 have been required for such service as a noncovered employee,
6 and the amount of employee contributions actually paid, plus
7 (2) if payment is made after July 31, 1987, regular interest
8 on the amount specified in item (1) from the date of service
9 to the date of payment.

10 For purposes of calculating retirement annuities under
11 this Section, periods of service rendered after December 31,
12 1968 and before January 1, 1982 as a covered employee in the
13 position of investigator for the Department of Revenue shall
14 be deemed to have been service as a noncovered employee,
15 provided that the employee pays to the System prior to
16 retirement an amount equal to (1) the difference between the
17 employee contributions that would have been required for such
18 service as a noncovered employee, and the amount of employee
19 contributions actually paid, plus (2) if payment is made
20 after January 1, 1990, regular interest on the amount
21 specified in item (1) from the date of service to the date of
22 payment.

23 (g) A State policeman may elect, not later than January
24 1, 1990, to establish eligible creditable service for up to
25 10 years of his service as a policeman under Article 3, by
26 filing a written election with the Board, accompanied by
27 payment of an amount to be determined by the Board, equal to
28 (i) the difference between the amount of employee and
29 employer contributions transferred to the System under
30 Section 3-110.5, and the amounts that would have been
31 contributed had such contributions been made at the rates
32 applicable to State policemen, plus (ii) interest thereon at
33 the effective rate for each year, compounded annually, from
34 the date of service to the date of payment.

1 Subject to the limitation in subsection (i), a State
2 policeman may elect, not later than July 1, 1993, to
3 establish eligible creditable service for up to 10 years of
4 his service as a member of the County Police Department under
5 Article 9, by filing a written election with the Board,
6 accompanied by payment of an amount to be determined by the
7 Board, equal to (i) the difference between the amount of
8 employee and employer contributions transferred to the System
9 under Section 9-121.10 and the amounts that would have been
10 contributed had those contributions been made at the rates
11 applicable to State policemen, plus (ii) interest thereon at
12 the effective rate for each year, compounded annually, from
13 the date of service to the date of payment.

14 (h) Subject to the limitation in subsection (i), a State
15 policeman or investigator for the Secretary of State may
16 elect to establish eligible creditable service for up to 12
17 years of his service as a policeman under Article 5, by
18 filing a written election with the Board on or before January
19 31, 1992, and paying to the System by January 31, 1994 an
20 amount to be determined by the Board, equal to (i) the
21 difference between the amount of employee and employer
22 contributions transferred to the System under Section 5-236,
23 and the amounts that would have been contributed had such
24 contributions been made at the rates applicable to State
25 policemen, plus (ii) interest thereon at the effective rate
26 for each year, compounded annually, from the date of service
27 to the date of payment.

28 Subject to the limitation in subsection (i), a State
29 policeman, conservation police officer, or investigator for
30 the Secretary of State may elect to establish eligible
31 creditable service for up to 10 years of service as a
32 sheriff's law enforcement employee under Article 7, by filing
33 a written election with the Board on or before January 31,
34 1993, and paying to the System by January 31, 1994 an amount

1 to be determined by the Board, equal to (i) the difference
2 between the amount of employee and employer contributions
3 transferred to the System under Section 7-139.7, and the
4 amounts that would have been contributed had such
5 contributions been made at the rates applicable to State
6 policemen, plus (ii) interest thereon at the effective rate
7 for each year, compounded annually, from the date of service
8 to the date of payment.

9 (i) The total amount of eligible creditable service
10 established by any person under subsections (g), (h), (j),
11 (k), and (l) of this Section shall not exceed 12 years.

12 (j) Subject to the limitation in subsection (i), an
13 investigator for the Office of the State's Attorneys
14 Appellate Prosecutor or a controlled substance inspector may
15 elect to establish eligible creditable service for up to 10
16 years of his service as a policeman under Article 3 or a
17 sheriff's law enforcement employee under Article 7, by filing
18 a written election with the Board, accompanied by payment of
19 an amount to be determined by the Board, equal to (1) the
20 difference between the amount of employee and employer
21 contributions transferred to the System under Section 3-110.6
22 or 7-139.8, and the amounts that would have been contributed
23 had such contributions been made at the rates applicable to
24 State policemen, plus (2) interest thereon at the effective
25 rate for each year, compounded annually, from the date of
26 service to the date of payment.

27 (k) Subject to the limitation in subsection (i) of this
28 Section, an alternative formula employee may elect to
29 establish eligible creditable service for periods spent as a
30 full-time law enforcement officer or full-time corrections
31 officer employed by the federal government or by a state or
32 local government located outside of Illinois, for which
33 credit is not held in any other public employee pension fund
34 or retirement system. To obtain this credit, the applicant

1 must file a written application with the Board by March 31,
 2 1998, accompanied by evidence of eligibility acceptable to
 3 the Board and payment of an amount to be determined by the
 4 Board, equal to (1) employee contributions for the credit
 5 being established, based upon the applicant's salary on the
 6 first day as an alternative formula employee after the
 7 employment for which credit is being established and the
 8 rates then applicable to alternative formula employees, plus
 9 (2) an amount determined by the Board to be the employer's
 10 normal cost of the benefits accrued for the credit being
 11 established, plus (3) regular interest on the amounts in
 12 items (1) and (2) from the first day as an alternative
 13 formula employee after the employment for which credit is
 14 being established to the date of payment.

15 (1) Subject to the limitation in subsection (i), a
 16 security employee of the Department of Corrections may elect,
 17 not later than July 1, 1998, to establish eligible creditable
 18 service for up to 10 years of his or her service as a
 19 policeman under Article 3, by filing a written election with
 20 the Board, accompanied by payment of an amount to be
 21 determined by the Board, equal to (i) the difference between
 22 the amount of employee and employer contributions transferred
 23 to the System under Section 3-110.5, and the amounts that
 24 would have been contributed had such contributions been made
 25 at the rates applicable to security employees of the
 26 Department of Corrections, plus (ii) interest thereon at the
 27 effective rate for each year, compounded annually, from the
 28 date of service to the date of payment.

29 (Source: P.A. 90-32, eff. 6-27-97; 91-357, eff. 7-29-99;
 30 91-760, eff. 1-1-01.)

31 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)
 32 Sec. 16-106. Teacher. "Teacher": The following
 33 individuals, provided that, for employment prior to July 1,

1 1990, they are employed on a full-time basis, or if not
2 full-time, on a permanent and continuous basis in a position
3 in which services are expected to be rendered for at least
4 one school term:

5 (1) Any educational, administrative, professional
6 or other staff employed in the public common schools
7 included within this system in a position requiring
8 certification under the law governing the certification
9 of teachers;

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

26 (3) Any regional superintendent of schools,
27 assistant regional superintendent of schools, State
28 Superintendent of Education; any person employed by the
29 State Board of Education as an executive; any executive
30 of the boards engaged in the service of public common
31 school education in school districts covered under this
32 system of which the State Superintendent of Education is
33 an ex-officio member;

34 (4) Any employee of a school board association

1 operating in compliance with Article 23 of the School
2 Code who is certificated under the law governing the
3 certification of teachers;

4 (5) Any person employed by the retirement system as
5 an executive, and any person employed by the retirement
6 system who is certificated under the law governing the
7 certification of teachers;

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

16 (7) Any educational, administrative, professional
17 or other staff employed in an educational program
18 serving 2 or more school districts in accordance with a
19 joint agreement authorized by the School Code or by
20 federal legislation and in a position requiring
21 certification under the laws governing the certification
22 of teachers;

23 (8) Any officer or employee of a statewide teacher
24 organization or officer of a national teacher
25 organization who is certified under the law governing
26 certification of teachers, provided: (i) the individual
27 had previously established creditable service under this
28 Article, (ii) the individual files with the system an
29 irrevocable election to become a member, and (iii) the
30 individual does not receive credit for such service under
31 any other Article of this Code;

32 (9) Any educational, administrative, professional,
33 or other staff employed in a charter school operating in
34 compliance with the Charter Schools Law who is

1 certificated under the law governing the certification of
2 teachers.

3 An annuitant receiving a retirement annuity under this
4 Article or under Article 17 of this Code who is temporarily
5 employed by a board of education or other employer not
6 exceeding that permitted under Section 16-118 is not a
7 "teacher" for purposes of this Article. A person who has
8 received a single-sum retirement benefit under Section
9 16-136.4 of this Article is not a "teacher" for purposes of
10 this Article.

11 (Source: P.A. 89-450, eff. 4-10-96; 89-507, eff. 7-1-97;
12 90-14, eff. 7-1-97; 90-448, eff. 8-16-97.)

13 (40 ILCS 5/16-131.6) (from Ch. 108 1/2, par. 16-131.6)
14 Sec. 16-131.6. Transfer to Article 14.

15 (a) Any active member of the State Employees' Retirement
16 System of Illinois may apply for transfer to that System of
17 credits and creditable service accumulated under this System
18 for service as a teacher employed by the Department of
19 Corrections. Such creditable service shall be transferred
20 forthwith. Payment by this System to the State Employees'
21 Retirement System shall be made at the same time and shall
22 consist of:

23 (1) the amounts accumulated to the credit of the
24 applicant for such service, including interest, on the
25 books of this System on the date of transfer; and

26 (2) employer contributions in an amount equal to
27 the amount of member contributions as determined under
28 item (1).

29 Participation in this System as to any credits transferred
30 under this subsection Section shall terminate on the date of
31 transfer.

32 (b) Any active member of the State Employees' Retirement
33 System of Illinois may apply for transfer to that System of

1 credits and creditable service accumulated under this System
2 for service as a security employee of the Department of Human
3 Services as defined (at the time of application) in Section
4 14-110. That creditable service shall be transferred
5 forthwith. Payment by this System to the State Employees'
6 Retirement System shall be made at the same time and shall
7 consist of:

8 (1) the amounts accumulated to the credit of the
9 applicant for that service, including interest, on the
10 books of this System on the date of transfer, but
11 excluding any contribution paid by the member under
12 Section 16-129.1 to upgrade that credit to the augmented
13 rate, which shall be refunded to the member; and

14 (2) employer contributions in an amount equal to
15 the amount of member contributions as determined under
16 item (1).

17 Participation in this System as to any credits transferred
18 under this subsection shall terminate on the date of
19 transfer.

20 (Source: P.A. 86-1488.)

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