

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 16-106, 16-118, 16-132, 16-150, and 16-152
6 and adding Section 16-150.1 as follows:

7 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

8 Sec. 16-106. Teacher. "Teacher": The following
9 individuals, provided that, for employment prior to July 1,
10 1990, they are employed on a full-time basis, or if not
11 full-time, on a permanent and continuous basis in a position
12 in which services are expected to be rendered for at least
13 one school term:

14 (1) Any educational, administrative, professional
15 or other staff employed in the public common schools
16 included within this system in a position requiring
17 certification under the law governing the certification
18 of teachers;

19 (2) Any educational, administrative, professional
20 or other staff employed in any facility of the Department
21 of Children and Family Services or the Department of
22 Human Services, in a position requiring certification
23 under the law governing the certification of teachers,
24 and any person who (i) works in such a position for the
25 Department of Corrections, (ii) was a member of this
26 System on May 31, 1987, and (iii) did not elect to become
27 a member of the State Employees' Retirement System
28 pursuant to Section 14-108.2 of this Code; except that
29 "teacher" does not include any person who (A) becomes a
30 security employee of the Department of Human Services, as
31 defined in Section 14-110, after June 28, 2001 (the

1 effective date of Public Act 92-14) ~~this--amendatory--Act~~
 2 ~~of--the-92nd-General-Assembly~~, or (B) becomes a member of
 3 the State Employees' Retirement System pursuant to
 4 Section 14-108.2c of this Code;

5 (3) Any regional superintendent of schools,
 6 assistant regional superintendent of schools, State
 7 Superintendent of Education; any person employed by the
 8 State Board of Education as an executive; any executive
 9 of the boards engaged in the service of public common
 10 school education in school districts covered under this
 11 system of which the State Superintendent of Education is
 12 an ex-officio member;

13 (4) Any employee of a school board association
 14 operating in compliance with Article 23 of the School
 15 Code who is certificated under the law governing the
 16 certification of teachers;

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

19 (i) was an employee of and a participant in
 20 the system on August 17, 2001 (the effective date of
 21 Public Act 92-416) ~~this-amendatory-Act-of--the--92nd~~
 22 ~~General-Assembly~~, or

23 (ii) becomes an employee of the system on or
 24 after August 17, 2001 ~~the--effective--date--of--this~~
 25 ~~amendatory-Act-of-the-92nd-General-Assembly~~;

26 (6) Any educational, administrative, professional
 27 or other staff employed by and under the supervision and
 28 control of a regional superintendent of schools, provided
 29 such employment position requires the person to be
 30 certificated under the law governing the certification of
 31 teachers and is in an educational program serving 2 or
 32 more districts in accordance with a joint agreement
 33 authorized by the School Code or by federal legislation;

34 (7) Any educational, administrative, professional

1 or other staff employed in an educational program
 2 serving 2 or more school districts in accordance with a
 3 joint agreement authorized by the School Code or by
 4 federal legislation and in a position requiring
 5 certification under the laws governing the certification
 6 of teachers;

7 (8) Any officer or employee of a statewide teacher
 8 organization or officer of a national teacher
 9 organization who is certified under the law governing
 10 certification of teachers, provided: (i) the individual
 11 had previously established creditable service under this
 12 Article, (ii) the individual files with the system an
 13 irrevocable election to become a member, and (iii) the
 14 individual does not receive credit for such service under
 15 any other Article of this Code;

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

21 An annuitant receiving a retirement annuity under this
 22 Article or under Article 17 of this Code who is temporarily
 23 employed by a board of education or other employer as not
 24 ~~exceeding that~~ permitted under Section 16-118 or 16-150.1 is
 25 not a "teacher" for purposes of this Article. A person who
 26 has received a single-sum retirement benefit under Section
 27 16-136.4 of this Article is not a "teacher" for purposes of
 28 this Article.

29 (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01;
 30 revised 10-18-01.)

31 (40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)
 32 Sec. 16-118. Retirement. "Retirement": Entry upon a
 33 retirement annuity or receipt of a single-sum retirement

1 benefit granted under this Article after termination of
2 active service as a teacher.

3 (a) An annuitant receiving a retirement annuity other
4 than a disability retirement annuity may accept employment as
5 a teacher from a school board or other employer specified in
6 Section 16-106 without impairing retirement status, if that
7 employment: (1) is not within the school year during which
8 service was terminated; and (2) does not exceed 100 paid days
9 or 500 paid hours in any school year (during the period
10 beginning July 1, 2001 through June 30, 2006, 120 paid days
11 or 600 paid hours in each school year). Where such permitted
12 employment is partly on a daily and partly on an hourly
13 basis, a day shall be considered as 5 hours.

14 (b) Subsection (a) does not apply to an annuitant who
15 returns to teaching under the program established in Section
16 16-150.1, for the duration of his or her participation in
17 that program.

18 (Source: P.A. 92-416, eff. 8-17-01.)

19 (40 ILCS 5/16-132) (from Ch. 108 1/2, par. 16-132)
20 Sec. 16-132. Retirement annuity eligibility. A member
21 who has at least 20 years of creditable service is entitled
22 to a retirement annuity upon or after attainment of age 55.
23 A member who has at least 10 but less than 20 years of
24 creditable service is entitled to a retirement annuity upon
25 or after attainment of age 60. A member who has at least 5
26 but less than 10 years of creditable service is entitled to a
27 retirement annuity upon or after attainment of age 62. A
28 member who (i) has earned during the period immediately
29 preceding the last day of service at least one year of
30 contributing creditable service as an employee of a
31 department as defined in Section 14-103.04, (ii) has earned
32 at least 5 years of contributing creditable service as an
33 employee of a department as defined in Section 14-103.04, and

1 (iii) retires on or after January 1, 2001 is entitled to a
2 retirement annuity upon or after attainment of an age which,
3 when added to the number of years of his or her total
4 creditable service, equals at least 85. Portions of years
5 shall be counted as decimal equivalents.

6 A member who is eligible to receive a retirement annuity
7 of at least 74.6% of final average salary and will attain age
8 55 on or before December 31 during the year which commences
9 on July 1 shall be deemed to attain age 55 on the preceding
10 June 1.

11 A member meeting the above eligibility conditions is
12 entitled to a retirement annuity upon written application to
13 the board setting forth the date the member wishes the
14 retirement annuity to commence. However, the effective date
15 of the retirement annuity shall be no earlier than the day
16 following the last day of creditable service, regardless of
17 the date of official termination of employment.

18 To be eligible for a retirement annuity, a member shall
19 not be employed as a teacher in the schools included under
20 this System or under Article 17, except (i) as provided in
21 Section 16-118 or 16-150.1, (ii) if unless the member is
22 disabled (in which event, eligibility for salary must cease),
23 or (iii) if unless the System is required by federal law to
24 commence payment due to the member's age; the changes to this
25 sentence made by this amendatory Act of the 92nd General
26 Assembly 1991--shall apply without regard to whether the
27 member terminated employment before or after its effective
28 date.

29 (Source: P.A. 90-582, eff. 5-27-98; 91-927, eff. 12-14-00.)

30 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)
31 Sec. 16-150. Re-entry.

32 (a) This Section does not apply to an annuitant who
33 returns to teaching under the program established in Section

1 16-150.1, for the duration of his or her participation in
2 that program.

3 (b) If an annuitant under this System is again employed
4 as a teacher for an aggregate period exceeding that permitted
5 by Section 16-118, his or her retirement annuity shall be
6 terminated and the annuitant shall thereupon be regarded as
7 an active member. The annuitant's remaining accumulated
8 contributions shall be transferred to the Members'
9 Contribution Reserve from the Employer's Contribution
10 Reserve.

11 Such annuitant is not entitled to a recomputation of his
12 or her retirement annuity unless at least one full year of
13 creditable service is rendered after the latest re-entry into
14 service and the annuitant must have rendered at least 3 years
15 of creditable service after last re-entry into service to
16 qualify for a recomputation of the retirement annuity based
17 on amendments enacted while in receipt of a retirement
18 annuity, except when retirement was due to disability.

19 However, regardless of age, an annuitant in receipt of a
20 retirement annuity may be given temporary employment by a
21 school board not exceeding that permitted under Section
22 16-118 and continue to receive the retirement annuity.

23 (c) Unless retirement was necessitated by disability, a
24 retirement shall be considered cancelled and the retirement
25 allowance must be repaid in full if the annuitant is employed
26 as a teacher within the school year during which service was
27 terminated.

28 (d) An annuitant's retirement which does not include a
29 period of at least one full and complete school year shall be
30 considered cancelled and the retirement annuity must be
31 repaid in full unless such retirement was necessitated by
32 disability.

33 (Source: P.A. 86-273; 87-794.)

1 (40 ILCS 5/16-150.1 new)

2 Sec. 16-150.1. Return to teaching in shortage area.

3 (a) As used in this Section, "eligible employment" means
4 employment beginning on or after July 1, 2002 and ending no
5 later than June 30, 2007 in a public elementary or secondary
6 school that is located in an educational service region that
7 is experiencing a shortage of qualified teachers, as
8 determined by the regional superintendent, in a position
9 requiring certification under the law governing the
10 certification of teachers. If the regional superintendent's
11 determination of a shortage of qualified teachers is limited
12 to a particular subject area, then the eligible employment
13 must also be as a classroom teacher in that subject area.

14 (b) An annuitant receiving a retirement annuity under
15 this Article (other than a disability retirement annuity) may
16 engage in eligible employment without impairing his or her
17 retirement status or retirement annuity, subject to the
18 following conditions:

19 (1) the eligible employment does not begin within
20 the school year during which service was terminated;

21 (2) the annuitant has at least 34 years of service
22 credit under this Article;

23 (3) the annuitant has not received any early
24 retirement incentive under Section 16-133.3, 16-133.4, or
25 16-133.5;

26 (4) the salary received by the annuitant for the
27 eligible employment is not more than 75% of the final
28 average salary upon which his or her retirement annuity
29 is based; and

30 (5) before the eligible employment begins, the
31 annuitant notifies the System in writing of his or her
32 desire to participate in the program established under
33 this Section.

34 (c) An annuitant engaged in eligible employment in

1 accordance with subsection (b) shall be deemed a participant
2 in the program established under this Section for so long as
3 he or she remains employed in eligible employment.

4 (d) A participant in the program established under this
5 Section continues to be a retirement annuitant, rather than
6 an active teacher, for all of the purposes of this Code.

7 With respect to an annuitant's eligible employment under
8 this Section, neither employee nor employer contributions
9 shall be made to the System and no additional service credit
10 shall be earned. Eligible employment does not affect the
11 annuitant's final average salary nor the amount of the
12 retirement annuity.

13 (e) Within 45 days after the effective date of this
14 amendatory Act of the 92nd General Assembly, the System shall
15 notify all qualified retirement annuitants about the terms
16 and availability of the program established under this
17 Section.

18 (f) This Section applies without regard to whether the
19 annuitant was in service on or after the effective date of
20 this amendatory Act of the 92nd General Assembly.

21 (40 ILCS 5/16-152) (from Ch. 108 1/2, par. 16-152)
22 Sec. 16-152. Contributions by members.

23 (a) Each member shall make contributions for membership
24 service to this System as follows:

25 (1) Effective July 1, 1998, contributions of 7.50%
26 of salary towards the cost of the retirement annuity.
27 Such contributions shall be deemed "normal
28 contributions".

29 (2) Effective July 1, 1969, contributions of 1/2 of
30 1% of salary toward the cost of the automatic annual
31 increase in retirement annuity provided under Section
32 16-133.1.

33 (3) Effective July 24, 1959, contributions of 1% of

1 salary towards the cost of survivor benefits. Such
 2 contributions shall not be credited to the individual
 3 account of the member and shall not be subject to refund
 4 except as provided under Section 16-143.2.

5 (b) The minimum required contribution for any year of
 6 full-time teaching service shall be \$192.

7 (c) Contributions shall not be required of any annuitant
 8 receiving a retirement annuity who is given temporary
 9 employment as not--exceeding--that permitted under Section
 10 16-118 or 16-150.1.

11 (d) A person who (i) was a member before July 1, 1998,
 12 (ii) retires with more than 34 years of creditable service,
 13 and (iii) does not elect to qualify for the augmented rate
 14 under Section 16-129.1 shall be entitled, at the time of
 15 retirement, to receive a partial refund of contributions made
 16 under this Section for service occurring after the later of
 17 June 30, 1998 or attainment of 34 years of creditable
 18 service, in an amount equal to 1.00% of the salary upon which
 19 those contributions were based.

20 (Source: P.A. 90-582, eff. 5-27-98.)

21 Section 10. The School Code is amended by changing
 22 Section 3-14.25 as follows:

23 (105 ILCS 5/3-14.25) (from Ch. 122, par. 3-14.25)

24 Sec. 3-14.25. Unfilled teaching positions list;
 25 determination of shortage.

26 (a) To maintain, and make available to the public during
 27 regular business hours, a list of unfilled teaching positions
 28 within the region. The most current version of the list must
 29 be posted on or linked to the regional office of education's
 30 Internet web site. If the regional office of education does
 31 not have an Internet web site, the regional superintendent of
 32 schools must make the list available to the State Board of

1 Education and the State Board of Education must post the list
2 on the State Board of Education's Internet web site. The
3 State Board of Education's Internet web site must provide a
4 link to each regional office of education's list.

5 (b) To determine annually whether the region is
6 experiencing a shortage of qualified teachers in general or a
7 shortage of qualified teachers in a particular subject area;
8 and to notify each school district in the region, the
9 Teachers' Retirement System of the State of Illinois, and the
10 State Board of Education of that determination, for the
11 purpose of authorizing the employment of retired teachers
12 under the program established in Section 16-150.1 of the
13 Illinois Pension Code.

14 (Source: P.A. 92-41, eff. 7-1-01.)

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