

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 Section 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not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10 attained age 55, and any member who has withdrawn from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

18 (i) for periods of service as a noncovered
19 employee: if retirement occurs on or after January 1,
20 2001, 3% of final average compensation for each year of
21 creditable service; if retirement occurs before January
22 1, 2001, 2 1/4% of final average compensation for each of
23 the first 10 years of creditable service, 2 1/2% for each
24 year above 10 years to and including 20 years of
25 creditable service, and 2 3/4% for each year of
26 creditable service above 20 years; and

27 (ii) for periods of eligible creditable service as
28 a covered employee: if retirement occurs on or after
29 January 1, 2001, 2.5% of final average compensation for
30 each year of creditable service; if retirement occurs
31 before January 1, 2001, 1.67% of final average

1 compensation for each of the first 10 years of such
2 service, 1.90% for each of the next 10 years of such
3 service, 2.10% for each year of such service in excess of
4 20 but not exceeding 30, and 2.30% for each year in
5 excess of 30.

6 Such annuity shall be subject to a maximum of 75% of
7 final average compensation if retirement occurs before
8 January 1, 2001 or to a maximum of 80% of final average
9 compensation if retirement occurs on or after January 1,
10 2001.

11 These rates shall not be applicable to any service
12 performed by a member as a covered employee which is not
13 eligible creditable service. Service as a covered employee
14 which is not eligible creditable service shall be subject to
15 the rates and provisions of Section 14-108.

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

- 19 (1) State policeman;
- 20 (2) fire fighter in the fire protection service of
21 a department;
- 22 (3) air pilot;
- 23 (4) special agent;
- 24 (5) investigator for the Secretary of State;
- 25 (6) conservation police officer;
- 26 (7) investigator for the Department of Revenue;
- 27 (8) security employee of the Department of Human
28 Services;
- 29 (9) Central Management Services security police
30 officer;
- 31 (10) security employee of the Department of
32 Corrections;
- 33 (11) dangerous drugs investigator;
- 34 (12) investigator for the Department of State

1 Police;

2 (13) investigator for the Office of the Attorney
3 General;

4 (14) controlled substance inspector;

5 (15) investigator for the Office of the State's
6 Attorneys Appellate Prosecutor;

7 (16) Commerce Commission police officer;

8 (17) arson investigator;

9 (18) State highway maintenance worker.

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

20 (c) For the purposes of this Section:

21 (1) The term "state policeman" includes any title
22 or position in the Department of State Police that is
23 held by an individual employed under the State Police
24 Act.

25 (2) The term "fire fighter in the fire protection
26 service of a department" includes all officers in such
27 fire protection service including fire chiefs and
28 assistant fire chiefs.

29 (3) The term "air pilot" includes any employee
30 whose official job description on file in the Department
31 of Central Management Services, or in the department by
32 which he is employed if that department is not covered by
33 the Personnel Code, states that his principal duty is the
34 operation of aircraft, and who possesses a pilot's

1 license; however, the change in this definition made by
2 this amendatory Act of 1983 shall not operate to exclude
3 any noncovered employee who was an "air pilot" for the
4 purposes of this Section on January 1, 1984.

5 (4) The term "special agent" means any person who
6 by reason of employment by the Division of Narcotic
7 Control, the Bureau of Investigation or, after July 1,
8 1977, the Division of Criminal Investigation, the
9 Division of Internal Investigation, the Division of
10 Operations, or any other Division or organizational
11 entity in the Department of State Police is vested by law
12 with duties to maintain public order, investigate
13 violations of the criminal law of this State, enforce the
14 laws of this State, make arrests and recover property.
15 The term "special agent" includes any title or position
16 in the Department of State Police that is held by an
17 individual employed under the State Police Act.

18 (5) The term "investigator for the Secretary of
19 State" means any person employed by the Office of the
20 Secretary of State and vested with such investigative
21 duties as render him ineligible for coverage under the
22 Social Security Act by reason of Sections 218(d)(5)(A),
23 218(d)(8)(D) and 218(1)(1) of that Act.

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

34 (6) The term "Conservation Police Officer" means

1 any person employed by the Division of Law Enforcement of
2 the Department of Natural Resources and vested with such
3 law enforcement duties as render him ineligible for
4 coverage under the Social Security Act by reason of
5 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of
6 that Act. The term "Conservation Police Officer"
7 includes the positions of Chief Conservation Police
8 Administrator and Assistant Conservation Police
9 Administrator.

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

16 (8) The term "security employee of the Department
17 of Human Services" means any person employed by the
18 Department of Human Services who (i) is employed at the
19 Chester Mental Health Center and has daily contact with
20 the residents thereof, (ii) is employed within a security
21 unit at a facility operated by the Department and has
22 daily contact with the residents of the security unit,
23 (iii) is employed at a facility operated by the
24 Department that includes a security unit and is regularly
25 scheduled to work at least 50% of his or her working
26 hours within that security unit, or (iv) is a mental
27 health police officer. "Mental health police officer"
28 means any person employed by the Department of Human
29 Services in a position pertaining to the Department's
30 mental health and developmental disabilities functions
31 who is vested with such law enforcement duties as render
32 the person ineligible for coverage under the Social
33 Security Act by reason of Sections 218(d)(5)(A),
34 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"

1 means that portion of a facility that is devoted to the
2 care, containment, and treatment of persons committed to
3 the Department of Human Services as sexually violent
4 persons, persons unfit to stand trial, or persons not
5 guilty by reason of insanity. With respect to past
6 employment, references to the Department of Human
7 Services include its predecessor, the Department of
8 Mental Health and Developmental Disabilities.

9 The changes made to this subdivision (c)(8) by
10 Public Act 92-14 ~~this-amendatory-Act-of-the-92nd-General~~
11 ~~Assembly~~ apply to persons who retire on or after January
12 1, 2001, notwithstanding Section 1-103.1.

13 (9) "Central Management Services security police
14 officer" means any person employed by the Department of
15 Central Management Services who is vested with such law
16 enforcement duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

19 (10) The term "security employee of the Department
20 of Corrections" means any employee of the Department of
21 Corrections or the former Department of Personnel, and
22 any member or employee of the Prisoner Review Board, who
23 has daily contact with inmates by working within a
24 correctional facility or who is a parole officer or an
25 employee who has direct contact with committed persons in
26 the performance of his or her job duties.

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

30 (12) The term "investigator for the Department of
31 State Police" means a person employed by the Department
32 of State Police who is vested under Section 4 of the
33 Narcotic Control Division Abolition Act with such law
34 enforcement powers as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

13 (14) "Controlled substance inspector" means any
14 person who is employed as such by the Department of
15 Professional Regulation and is vested with such law
16 enforcement duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
19 The term "controlled substance inspector" includes the
20 Program Executive of Enforcement and the Assistant
21 Program Executive of Enforcement.

22 (15) The term "investigator for the Office of the
23 State's Attorneys Appellate Prosecutor" means a person
24 employed in that capacity on a full time basis under the
25 authority of Section 7.06 of the State's Attorneys
26 Appellate Prosecutor's Act.

27 (16) "Commerce Commission police officer" means any
28 person employed by the Illinois Commerce Commission who
29 is vested with such law enforcement duties as render him
30 ineligible for coverage under the Social Security Act by
31 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
32 218(1)(1) of that Act.

33 (17) "Arson investigator" means any person who is
34 employed as such by the Office of the State Fire Marshal

1 and is vested with such law enforcement duties as render
 2 the person ineligible for coverage under the Social
 3 Security Act by reason of Sections 218(d)(5)(A),
 4 218(d)(8)(D), and 218(1)(1) of that Act. A person who
 5 was employed as an arson investigator on January 1, 1995
 6 and is no longer in service but not yet receiving a
 7 retirement annuity may convert his or her creditable
 8 service for employment as an arson investigator into
 9 eligible creditable service by paying to the System the
 10 difference between the employee contributions actually
 11 paid for that service and the amounts that would have
 12 been contributed if the applicant were contributing at
 13 the rate applicable to persons with the same social
 14 security status earning eligible creditable service on
 15 the date of application.

16 (18) The term "State highway maintenance worker"
 17 means a person who is either of the following:

18 (i) A person employed on a full-time basis by
 19 the Illinois Department of Transportation in the
 20 position of highway maintainer, highway maintenance
 21 lead worker, highway maintenance lead/lead worker,
 22 heavy construction equipment operator, power shovel
 23 operator, sign hanger, sign hanger foreman, or
 24 bridge mechanic; and whose principal responsibility
 25 is to perform, on the roadway, the actual
 26 maintenance necessary to keep the highways that form
 27 a part of the State highway system in serviceable
 28 condition for vehicular traffic.

29 (ii) A person employed on a full-time basis by
 30 the Illinois State Toll Highway Authority in the
 31 position of equipment operator/laborer H-4,
 32 equipment operator/laborer H-6, welder H-4,
 33 welder H-6, mechanical/electrical H-4,
 34 mechanical/electrical H-6, water/sewer H-4,

1 water/sewer H-6, sign maker/hanger H-4, sign
 2 maker/hanger H-6, roadway lighting H-4, roadway
 3 lighting H-6, structural H-4, structural H-6,
 4 painter H-4, or painter H-6; and whose principal
 5 responsibility is to perform, on the roadway, the
 6 actual maintenance necessary to keep the Authority's
 7 tollways in serviceable condition for vehicular
 8 traffic.

9 (d) A security employee of the Department of
 10 Corrections, and a security employee of the Department of
 11 Human Services who is not a mental health police officer,
 12 shall not be eligible for the alternative retirement annuity
 13 provided by this Section unless he or she meets the following
 14 minimum age and service requirements at the time of
 15 retirement:

16 (i) 25 years of eligible creditable service and age
 17 55; or

18 (ii) beginning January 1, 1987, 25 years of
 19 eligible creditable service and age 54, or 24 years of
 20 eligible creditable service and age 55; or

21 (iii) beginning January 1, 1988, 25 years of
 22 eligible creditable service and age 53, or 23 years of
 23 eligible creditable service and age 55; or

24 (iv) beginning January 1, 1989, 25 years of
 25 eligible creditable service and age 52, or 22 years of
 26 eligible creditable service and age 55; or

27 (v) beginning January 1, 1990, 25 years of eligible
 28 creditable service and age 51, or 21 years of eligible
 29 creditable service and age 55; or

30 (vi) beginning January 1, 1991, 25 years of
 31 eligible creditable service and age 50, or 20 years of
 32 eligible creditable service and age 55.

33 Persons who have service credit under Article 16 of this
 34 Code for service as a security employee of the Department of

1 Corrections or the Department of Human Services in a position
2 requiring certification as a teacher may count such service
3 toward establishing their eligibility under the service
4 requirements of this Section; but such service may be used
5 only for establishing such eligibility, and not for the
6 purpose of increasing or calculating any benefit.

7 (e) If a member enters military service while working in
8 a position in which eligible creditable service may be
9 earned, and returns to State service in the same or another
10 such position, and fulfills in all other respects the
11 conditions prescribed in this Article for credit for military
12 service, such military service shall be credited as eligible
13 creditable service for the purposes of the retirement annuity
14 prescribed in this Section.

15 (f) For purposes of calculating retirement annuities
16 under this Section, periods of service rendered after
17 December 31, 1968 and before October 1, 1975 as a covered
18 employee in the position of special agent, conservation
19 police officer, mental health police officer, or investigator
20 for the Secretary of State, shall be deemed to have been
21 service as a noncovered employee, provided that the employee
22 pays to the System prior to retirement an amount equal to (1)
23 the difference between the employee contributions that would
24 have been required for such service as a noncovered employee,
25 and the amount of employee contributions actually paid, plus
26 (2) if payment is made after July 31, 1987, regular interest
27 on the amount specified in item (1) from the date of service
28 to the date of payment.

29 For purposes of calculating retirement annuities under
30 this Section, periods of service rendered after December 31,
31 1968 and before January 1, 1982 as a covered employee in the
32 position of investigator for the Department of Revenue shall
33 be deemed to have been service as a noncovered employee,
34 provided that the employee pays to the System prior to

1 retirement an amount equal to (1) the difference between the
2 employee contributions that would have been required for such
3 service as a noncovered employee, and the amount of employee
4 contributions actually paid, plus (2) if payment is made
5 after January 1, 1990, regular interest on the amount
6 specified in item (1) from the date of service to the date of
7 payment.

8 (g) A State policeman may elect, not later than January
9 1, 1990, to establish eligible creditable service for up to
10 10 years of his service as a policeman under Article 3, by
11 filing a written election with the Board, accompanied by
12 payment of an amount to be determined by the Board, equal to
13 (i) the difference between the amount of employee and
14 employer contributions transferred to the System under
15 Section 3-110.5, and the amounts that would have been
16 contributed had such contributions been made at the rates
17 applicable to State policemen, plus (ii) interest thereon at
18 the effective rate for each year, compounded annually, from
19 the date of service to the date of payment.

20 Subject to the limitation in subsection (i), a State
21 policeman may elect, not later than July 1, 1993, to
22 establish eligible creditable service for up to 10 years of
23 his service as a member of the County Police Department under
24 Article 9, by filing a written election with the Board,
25 accompanied by payment of an amount to be determined by the
26 Board, equal to (i) the difference between the amount of
27 employee and employer contributions transferred to the System
28 under Section 9-121.10 and the amounts that would have been
29 contributed had those contributions been made at the rates
30 applicable to State policemen, plus (ii) interest thereon at
31 the effective rate for each year, compounded annually, from
32 the date of service to the date of payment.

33 (h) Subject to the limitation in subsection (i), a State
34 policeman or investigator for the Secretary of State may

1 elect to establish eligible creditable service for up to 12
2 years of his service as a policeman under Article 5, by
3 filing a written election with the Board on or before January
4 31, 1992, and paying to the System by January 31, 1994 an
5 amount to be determined by the Board, equal to (i) the
6 difference between the amount of employee and employer
7 contributions transferred to the System under Section 5-236,
8 and the amounts that would have been contributed had such
9 contributions been made at the rates applicable to State
10 policemen, plus (ii) interest thereon at the effective rate
11 for each year, compounded annually, from the date of service
12 to the date of payment.

13 Subject to the limitation in subsection (i), a State
14 policeman, conservation police officer, or investigator for
15 the Secretary of State may elect to establish eligible
16 creditable service for up to 10 years of service as a
17 sheriff's law enforcement employee under Article 7, by filing
18 a written election with the Board on or before January 31,
19 1993, and paying to the System by January 31, 1994 an amount
20 to be determined by the Board, equal to (i) the difference
21 between the amount of employee and employer contributions
22 transferred to the System under Section 7-139.7, and the
23 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 (i) The total amount of eligible creditable service
29 established by any person under subsections (g), (h), (j),
30 (k), and (l) of this Section shall not exceed 12 years.

31 (j) Subject to the limitation in subsection (i), an
32 investigator for the Office of the State's Attorneys
33 Appellate Prosecutor or a controlled substance inspector may
34 elect to establish eligible creditable service for up to 10

1 years of his service as a policeman under Article 3 or a
2 sheriff's law enforcement employee under Article 7, by filing
3 a written election with the Board, accompanied by payment of
4 an amount to be determined by the Board, equal to (1) the
5 difference between the amount of employee and employer
6 contributions transferred to the System under Section 3-110.6
7 or 7-139.8, and the amounts that would have been contributed
8 had such contributions been made at the rates applicable to
9 State policemen, plus (2) interest thereon at the effective
10 rate for each year, compounded annually, from the date of
11 service to the date of payment.

12 (k) Subject to the limitation in subsection (i) of this
13 Section, an alternative formula employee may elect to
14 establish eligible creditable service for periods spent as a
15 full-time law enforcement officer or full-time corrections
16 officer employed by the federal government or by a state or
17 local government located outside of Illinois, for which
18 credit is not held in any other public employee pension fund
19 or retirement system. To obtain this credit, the applicant
20 must file a written application with the Board by March 31,
21 1998, accompanied by evidence of eligibility acceptable to
22 the Board and payment of an amount to be determined by the
23 Board, equal to (1) employee contributions for the credit
24 being established, based upon the applicant's salary on the
25 first day as an alternative formula employee after the
26 employment for which credit is being established and the
27 rates then applicable to alternative formula employees, plus
28 (2) an amount determined by the Board to be the employer's
29 normal cost of the benefits accrued for the credit being
30 established, plus (3) regular interest on the amounts in
31 items (1) and (2) from the first day as an alternative
32 formula employee after the employment for which credit is
33 being established to the date of payment.

34 (l) Subject to the limitation in subsection (i), a

1 security employee of the Department of Corrections may elect,
2 not later than July 1, 1998, to establish eligible creditable
3 service for up to 10 years of his or her service as a
4 policeman under Article 3, by filing a written election with
5 the Board, accompanied by payment of an amount to be
6 determined by the Board, equal to (i) the difference between
7 the amount of employee and employer contributions transferred
8 to the System under Section 3-110.5, and the amounts that
9 would have been contributed had such contributions been made
10 at the rates applicable to security employees of the
11 Department of Corrections, plus (ii) interest thereon at the
12 effective rate for each year, compounded annually, from the
13 date of service to the date of payment.

14 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;
15 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; revised 9-10-01.)

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