

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 17-134 as follows:

6 (40 ILCS 5/17-134) (from Ch. 108 1/2, par. 17-134)

7 Sec. 17-134. Contributions for leaves of absence;
8 military service; computing service. In computing service
9 for pension purposes the following periods of service shall
10 stand in lieu of a like number of years of teaching service
11 upon payment therefor in the manner hereinafter provided: (a)
12 time spent on sabbatical leaves of absence, sick leaves or
13 maternity or paternity leaves; (b) service with teacher or
14 labor organizations based upon special leaves of absence
15 therefor granted by an Employer; (c) a maximum of 5 years
16 spent in the military service of the United States, of which
17 up to 2 years may have been served outside the pension
18 period; (d) unused sick days at termination of service to a
19 maximum of 315 244 days; (e) time lost due to layoff and
20 curtailment of the school term from June 6 through June 21,
21 1976; and (f) time spent after June 30, 1982 as a member of
22 the Board of Education, if required to resign from an
23 administrative or teaching position in order to qualify as a
24 member of the Board of Education.

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

30 (2) For time spent on sabbatical or sick leaves
31 commencing on or after September 1, 1961, and for time

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

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

22 (4) For service with teacher or labor organizations
23 authorized by special leaves of absence, for which no
24 payroll deductions are made by an Employer, teachers
25 desiring service credit therefor shall contribute to the
26 Fund upon the basis of the actual salary received from
27 such organizations at the percentage rates in effect
28 during such periods for certified positions with such
29 Employer. To the extent the actual salary exceeds the
30 regular salary, which shall be defined as the salary
31 rate, as calculated by the Board, in effect for the
32 teacher's regular position in teaching service on
33 September 1, 1983 or on the effective date of the leave
34 with the organization, whichever is later, the

1 organization shall pay to the Fund the employer's normal
2 cost as set by the Board on the increment.

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

20 The changes to this Section made by Public Act
21 87-795 shall apply not only to persons who on or after
22 its effective date are in service under the Fund, but
23 also to persons whose status as a teacher terminated
24 prior to that date, whether or not the person is an
25 annuitant on that date. In the case of an annuitant who
26 applies for credit allowable under this Section for a
27 period of military service that did not immediately
28 follow employment, and who has made the required
29 contributions for such credit, the annuity shall be
30 recalculated to include the additional service credit,
31 with the increase taking effect on the date the Fund
32 received written notification of the annuitant's intent
33 to purchase the credit, if payment of all the required
34 contributions is made within 60 days of such notice, or

1 else on the first annuity payment date following the date
2 of payment of the required contributions. In calculating
3 the automatic annual increase for an annuity that has
4 been recalculated under this Section, the increase
5 attributable to the additional service allowable under
6 this amendatory Act of 1991 shall be included in the
7 calculation of automatic annual increases accruing after
8 the effective date of the recalculation.

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

14 (6) A maximum of 315 ~~244~~ unused sick days credited
15 to his account by an Employer on the date of termination
16 of employment. Members, upon verification of unused sick
17 days, may add this service time to total creditable
18 service.

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

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

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

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

12 Effective September 1, 1974, the interest charged for
13 validation of service described in paragraphs (2) through (5)
14 of this Section shall be compounded annually at a rate of 5%
15 commencing one year after the termination of the leave or
16 return to service.

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

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.25 as follows:

20 (30 ILCS 805/8.25 new)

21 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
22 and 8 of this Act, no reimbursement by the State is required
23 for the implementation of any mandate created by this
24 amendatory Act of the 92nd General Assembly.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.