

1 TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
2 SUBTITLE D: RETIREMENT SYSTEMS  
3 CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS  
4

5 PART 1650  
6 THE ADMINISTRATION AND OPERATION OF THE  
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269 AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code  
 270 [40 ILCS 5]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 U.S.C. 1 et  
 271 seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100].

272

273 SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective  
 274 November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March  
 275 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17,  
 276 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305,  
 277 effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991;  
 278 amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective  
 279 April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a  
 280 maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg.  
 281 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996;  
 282 emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150  
 283 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844,  
 284 effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9,  
 285 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998;  
 286 emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days;  
 287 emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days;  
 288 emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency  
 289 amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended  
 290 at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective  
 291 October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill.  
 292 Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27,  
 293 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203,  
 294 effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002;  
 295 amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective  
 296 January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg.  
 297 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005;  
 298 amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective  
 299 December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30  
 300 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18,  
 301 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073,

302 effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32  
303 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009;  
304 amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900,  
305 effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35  
306 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25,  
307 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541,  
308 effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at  
309 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4,  
310 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259,  
311 effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015; amended  
312 at 40 Ill. Reg. 14099, effective September 28, 2016; amended at 41 Ill. Reg. 718, effective  
313 January 11, 2017; amended at 41 Ill. Reg. 14256, effective November 8, 2017; amended at 42 Ill.  
314 Reg. 13666, effective June 29, 2018; amended at 42 Ill. Reg. 22238, effective November 20,  
315 2018; amended at 43 Ill. Reg. 5115, effective April 22, 2019; amended at 43 Ill. Reg. 10791,  
316 effective September 23, 2019; amended at 44 Ill. Reg. 7905, effective April 24, 2020; amended  
317 at 47 Ill. Reg. 9473, effective June 22, 2023; amended at 48 Ill. Reg. 6116, effective April 5,  
318 2024; amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

319  
320 **SUBPART B: BASIC RECORDS AND ACCOUNTS**

321  
322 **Section 1650.110 Membership Records**

- 323
- 324 a) Every member shall provide information with respect to his or her date of birth,  
325 Social Security number and home address including a facsimile of his or her  
326 signature.
  - 327
  - 328 b) Creditable service and salary is established by submission of ~~annual~~ reports (filed  
329 by the member's employer), an affidavit of a school official based upon existing  
330 school records, or copies of contracts, board minutes, memoranda, payroll records  
331 and other materials as requested by the System for assistance in making the  
332 necessary determinations. If the preceding documentation is unavailable, the  
333 member shall submit at least one of the following types of documentation in the  
334 following order of priority:  
335
    - 336 1) Certified records of the Chief Educational Officer of the County in which  
337 the member was employed.
    - 338
    - 339 2) Income tax records for the entire time period showing employment as a  
340 teacher.
    - 341
    - 342 3) Certified records of another retirement system.
    - 343
    - 344 4) Other contemporaneous documentation that reliably supports the service



345 credit to be established while eliminating the possibility of mistake or  
346 fraud.

347  
348 (Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
349

350 SUBPART D: MEMBERSHIP AND SERVICE CREDITS

351  
352 **Section 1650.320 Method of Calculating Service Credits**

- 353
- 354 a) No more than one year's service credit shall be granted for total service rendered  
355 between July 1 of one year through June 30 of the following year.  
356
  - 357 b) If the service rendered on a full-time basis, substitute basis, or part-time basis  
358 after June 30, 1990 is less than 170 days between July 1 of one year through June  
359 30 of the following year, then credit for service shall be at a ratio of the actual  
360 number of days of service to 170 days.  
361
  - 362 c) Service credit for service rendered on a permanent and continuous part-time basis  
363 prior to July 1, 1990, between July 1 of one year through June 30 of the following  
364 year, shall be at the ratio of creditable earnings to the annual salary rate. Provided,  
365 however, that for service after June 30, 1959, if that ratio equals or exceeds the  
366 ratio of 170 days to the days in the legal school term, one year of service credit  
367 shall be granted.  
368
  - 369 d) If service prior to July 1, 1990 is rendered partially on a full-time basis and  
370 partially on a permanent and continuous part-time basis between July 1 of one  
371 year through June 30 of the following year, then credit for service shall be at the  
372 ratio of creditable earnings to the annual salary rate. Provided, however, that for  
373 service after June 30, 1959, if that ratio equals or exceeds the ratio of 170 days to  
374 the days in the legal school term, one year of service credit shall be granted.  
375
  - 376 e) Whenever the actual number of days of service is unavailable because of lack of  
377 employer records, the number of days the System uses to grant service credit shall  
378 be equal to the actual number of hours for which the member was paid, divided by  
379 four.  
380
  - 381 f) Days of service shall include any weekday, Monday through Friday, for which  
382 periodic payment is made to the member for:  
383
    - 384 1) Service rendered that requires teacher certification under the School Code;  
385
    - 386 2) Attendance, during the work week, at teacher's institutes, workshops and  
387 parent/teacher conferences scheduled in the school calendar;

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- 3) Legal school holidays;
  - 4) Vacation, sick or personal leave days (except when the payment is for severance pay);
  - 5) Sabbatical leaves meeting the requirements of Section 24-6.1 of the School Code [105 ILCS 5/24-6.1];
  - 6) Absence from duty, as documented in a contract, collective bargaining agreement, employment policy(ies), or other employer-provided documentation reflecting the employer's approval of the absence, without loss of pay and benefits and without use of accrued time until the member resumes active employment or until the resignation date, whichever occurs first; or
  - 7) Service rendered on e-learning days authorized by Section 10-20.56 of the School Code [105 ILCS 5].
- g) A day of service may be credited for Saturday service if that day would otherwise qualify as a day of service and the service was required due to a lawful day of attendance.

(Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.351 Employer Contribution for Excess Sick Leave**

- a) The phrase "normal annual sick leave allotment" shall mean the amount of annual sick leave granted by a TRS employer under a collective bargaining agreement, contract or employment policies, including any business, personal or other non-vacation leave days that may be used as sick leave.
- b) If an employer grants sick leave days in excess of the normal annual sick leave allotment as defined in subsection (a) in the last four school years prior to retirement, the employer is subject to the employer contribution provided in Section 16-128(d-10) of the Code.
- c) The employer contribution required in Section 16-128(d-10) shall be computed as follows:  
  
The member's highest salary rate reported by the granting employer during the four-year sick leave review period in subsection (c) x the total normal cost rate (the employer's normal cost as defined in Section 1650.183 plus the member contribution required under Section 16-152 of the Code) applicable to the last

431 fiscal year of contributing service x the portion of sick leave service credit  
432 attributed to sick days in excess of the normal annual allotment granted by that  
433 specific employer = employer's contribution.  
434

435 d) If more than one employer in the last four school years prior to retirement grants  
436 sick leave days in excess of the normal annual sick leave allotment, the  
437 contribution from each employer will be determined from sick leave days granted  
438 earliest to latest.  
439

440 e) An award of sick days as part of a retirement incentive shall not constitute a  
441 normal annual sick leave allotment.  
442

443 f) When determining the employer's cost for sick leave granted in excess of the  
444 normal annual allotment, when a member uses sick leave or is compensated for  
445 sick leave, the System will deduct sick leave days on the member's record from  
446 the oldest sick leave day to the newest sick leave day.  
447

448 (Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
449

450 SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS  
451

452 **Section 1650.450 Compensation Recognized As "Salary"**  
453

454 a) "Salary" means any form of creditable compensation received by a member in  
455 consideration of services rendered as a teacher, subject to all applicable limits and  
456 restrictions imposed on qualified plans under the Internal Revenue Code.  
457 "Salary" directly related to specific work performed during a school year is  
458 recognized on an accrual basis. Other creditable compensation is recognized on a  
459 cash basis. The System reserves the right to determine the year of salary  
460 recognition. The following common examples are for illustration only and do not  
461 limit the System's right to evaluate and determine other forms of creditable and  
462 non-creditable compensation.  
463

464 b) Examples of creditable compensation recognized as "salary":  
465

466 1) The gross amount of compensation earned or accruing to the member  
467 during the school year in a function requiring certification as a teacher.  
468

469 2) Additional compensation earned during the school year for the  
470 performance of extra duties, not requiring teacher licensure, but which  
471 involve the supervision of students or are related to the academic program,  
472 provided the member ~~is employed during the~~ ~~has established active service~~  
473 ~~credit with the System in the same~~ school year at a TRS-covered employer

474 [in a position requiring licensure.](#)

475  
476 3) The amount of back salary awarded to a member as a result of a settlement  
477 or judgment obtained due to a disputed dismissal, suspension or demotion.  
478 Court costs, attorney's fees, other compensatory damages and punitive  
479 damages shall not be reportable as salary. The back salary amount  
480 reported to the System under this Section shall be equal to the amount the  
481 member would have earned had the dispute not occurred, regardless of the  
482 actual amount paid.

483  
484 4) Lump-sum payments (e.g., retirement incentives, bonuses, payments for  
485 unused vacation and sick days) becoming due and payable to the member  
486 prior to or concurrent with receipt of final paycheck for regular earnings or  
487 last paid day of work, whichever occurs last.

488  
489 5) Contributions made by or on behalf of the member to qualified deferred  
490 compensation plans (sections 401(a) and 457(b) of the Internal Revenue  
491 Code), salary reduction plans or tax sheltered annuities under section  
492 403(b) of the Internal Revenue Code, [and savings plans under section 529](#)  
493 [of the Internal Revenue Code.](#)

494  
495 6) Amounts that would otherwise qualify as salary under subsections (b)(1)  
496 through (b)(5) but are not received directly by the member because they  
497 are used to finance benefit options in a flexible benefit plan; provided,  
498 however, that to be reportable, a flexible benefit plan cannot include non-  
499 qualifying deferred compensation. For the System's purposes, a flexible  
500 benefit plan is an option offered by an employer to its employees covered  
501 under the System to receive an alternative form of creditable  
502 compensation in lieu of employer-provided insurance.

503  
504 c) Examples of non-creditable compensation not recognized as "salary":

505  
506 1) At termination, lump-sum payments (e.g., retirement incentives, bonuses,  
507 payments for unused vacation and sick days) becoming due and payable to  
508 the member subsequent to receipt of final paycheck for regular earnings or  
509 last paid day of work, whichever occurs last.

510  
511 2) Any lump sum payment made after the death of the member.

512  
513 3) Expense reimbursements, expense allowances, or fringe benefits unless  
514 included in a reportable flexible benefit plan.

515  
516 4) Any monies received by the member under the Workers' Compensation

- 517 Act or the Workers' Occupational Diseases Act.  
518  
519 5) Any amount paid in lieu of discontinued or decreased non-reportable  
520 benefits, or reported in lieu of previously non-reported compensation,  
521 where the conversion occurs in the member's final seven years of service.  
522 If any form of non-creditable or non-reported compensation in any of the  
523 member's last seven creditable school years of employment exceeds that  
524 of any other subsequent year, the System will presume the difference to  
525 have been converted into salary in the subsequent year. To overcome the  
526 presumption, the member must submit documentary evidence to the  
527 System that clearly and convincingly proves that the change in  
528 compensation structure was due to a change in a collectively bargained  
529 agreement applicable to all individuals covered by the agreement, a  
530 change in employer policies affecting a group of similarly situated  
531 members some of whom are not within seven years of retirement  
532 eligibility, or a change in family status, and not to increase final average  
533 salary.  
534  
535 6) Any amount paid by an employer as the employer's one time contribution  
536 (or on behalf of the employee as the employee's one-time contribution)  
537 required by the System as part of the statutory early retirement option in  
538 Section 16-133.2 of the Act.  
539  
540 7) Options to take salary in lieu of employment-related expense allowances  
541 or reimbursements.  
542  
543 8) Employer payment of the member's Teachers Health Insurance Security  
544 Fund contribution.  
545  
546 9) Commissions (i.e., payments to a member based upon a percentage  
547 formula).  
548  
549 10) Contributions to and distributions from nonqualified deferred  
550 compensation arrangements.  
551  
552 11) Employer contributions to and distributions from medical spending  
553 accounts.  
554

555 (Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
556

557 SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS  
558

559 **Section 1650.1115 Benefits Affected by a QILDRO**

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- a) A QILDRO may apply only to the following benefits administered by the System:
  - 1) A monthly retirement benefit;
  - 2) A single sum retirement benefit;
  - 3) A termination refund;
  - 4) A partial member's refund;~~or~~
  - 5) A return of accumulated contributions payable to a member's designated beneficiary upon death; or
  - 6) A survivor benefit, if and only if payable as a lump sum.
  
- b) If a QILDRO applies to any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the amount specified in the QILDRO. The QILDRO must not differentiate between the type of partial member's refund. The partial member's refund will be administered as follows:
  - 1) The alternate payee will always receive payment first, up to the full amount designated in the QILDRO, before the member receives any portion of a partial member's refund that becomes payable.
  - 2) If the first partial member's refund that becomes payable is less than or equal to the amount designated in the QILDRO, the alternate payee will receive the entire refund payable.
  - 3) If the first partial member's refund is insufficient to satisfy the full amount designated in the QILDRO, the next partial member's refunds that become payable will be paid first to the alternate payee, up to the full amount designated in the QILDRO, with any remaining balance paid to the member.
  
- c) A QILDRO shall not apply to any of the following:
  - 1) A monthly survivor benefit;
  - 2) A disability benefit as defined in Section 1650.1110(e) of this Subpart;
  - 3) A Teachers' Retirement Insurance Program ("TRIP") benefit or any other

- 603 health insurance benefit;~~or~~
- 604
- 605 4) An error refund as defined in Section 1650.1110(d) of this Subpart;~~or~~
- 606
- 607 5) A Supplemental Savings Plan (SSP) account; except as provided in a valid
- 608 SSP QILDRO duly issued by a court of competent jurisdiction.
- 609
- 610 d) If a benefit or refund subject to a QILDRO is also subject to tax lien or
- 611 withholding order, the System will deduct the amount due pursuant to the tax lien
- 612 or withholding order prior to deducting the amount due pursuant to the QILDRO,
- 613 until the System receives different instructions from the court that issued the
- 614 QILDRO. It is the member's or alternate payee's responsibility to obtain
- 615 clarification from the court if the QILDRO should take priority ahead of a
- 616 competing tax lien or withholding order.
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- 618

(Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)