



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5472

Introduced 1/31/2022, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-118
40 ILCS 5/17-149

from Ch. 108 1/2, par. 16-118
from Ch. 108 1/2, par. 17-149

Amends the Illinois Pension Code. In the Downstate Teacher Article, provides that beginning July 1, 2021 through June 30, 2022, to assist with addressing the substitute teacher shortage that has been exacerbated by the ongoing COVID-19 global pandemic and public health emergency, an annuitant may accept employment as a teacher without impairing his or her retirement status if that employment is not within the school year during which service was terminated and does not exceed 140 paid days (rather than 120 paid days) or 700 paid hours (rather than 600 paid hours) in each school year, but not more than 100 paid days in the same classroom. In the Chicago Teacher Article, provides that the service retirement pension shall not be cancelled in the case of a service retirement pensioner who is re-employed as a teacher or administrator (rather than a teacher) on a temporary and non-annual basis or on an hourly basis, so long as the person (1) does not work as a teacher or administrator (rather than a teacher) for compensation on more than 120 days in a school year or (2) in the case of a person who retires with at least 5 years of service as a principal or administrator, does not work as a teacher or administrator for compensation on more than 140 days in a school year. Removes a limitation on the amount of gross compensation a service retirement pensioner may receive for such re-employment without having the service retirement pension cancelled. Effective immediately.

LRB102 26096 RPS 35576 b

1 AN ACT concerning 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 16-118 and 17-149 as follows:

6 (40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)

7 Sec. 16-118. Retirement. "Retirement": Entry upon a
8 retirement annuity or receipt of a single-sum retirement
9 benefit granted under this Article after termination of active
10 service as a teacher.

11 (a) An annuitant receiving a retirement annuity other than
12 a disability retirement annuity may accept employment as a
13 teacher from a school board or other employer specified in
14 Section 16-106 without impairing retirement status, if that
15 employment:

16 (1) is not within the school year during which service
17 was terminated; and

18 (2) does not exceed the following:

19 (i) before July 1, 2001, 100 paid days or 500 paid
20 hours in any school year;

21 (ii) during the period beginning July 1, 2001
22 through June 30, 2011, 120 paid days or 600 paid hours
23 in each school year;

1 (iii) during the period beginning July 1, 2011
2 through June 30, 2018, 100 paid days or 500 paid hours
3 in each school year;

4 (iv) beginning July 1, 2018 through June 30, 2021
5 ~~2023~~, 120 paid days or 600 paid hours in each school
6 year, but not more than 100 paid days in the same
7 classroom; ~~and~~

8 (v) beginning July 1, 2021 through June 30, 2022,
9 to assist with addressing the substitute teacher
10 shortage that has been exacerbated by the ongoing
11 COVID-19 global pandemic and public health emergency,
12 140 paid days or 700 paid hours in each school year,
13 but not more than 100 paid days in the same classroom;

14 (vi) beginning July 1, 2022 through June 30, 2023,
15 120 paid days or 600 paid hours in each school year,
16 but not more than 100 paid days in the same classroom;
17 and

18 (vii) ~~(v)~~ beginning July 1, 2023, 100 paid days or
19 500 paid hours in each school year.

20 Where such permitted employment is partly on a daily and
21 partly on an hourly basis, a day shall be considered as 5
22 hours.

23 (b) Subsection (a) does not apply to an annuitant who
24 returns to teaching under the program established in Section
25 16-150.1, for the duration of his or her participation in that
26 program.

1 (Source: P.A. 101-645, eff. 6-26-20; 102-537, eff. 8-20-21.)

2 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

3 Sec. 17-149. Cancellation of pensions.

4 (a) If any person receiving a disability retirement
5 pension from the Fund is re-employed as a teacher by an
6 Employer, the pension shall be cancelled on the date the
7 re-employment begins, or on the first day of a payroll period
8 for which service credit was validated, whichever is earlier.

9 (b) If any person receiving a service retirement pension
10 from the Fund is re-employed as a teacher on a permanent or
11 annual basis by an Employer, the pension shall be cancelled on
12 the date the re-employment begins, or on the first day of a
13 payroll period for which service credit was validated,
14 whichever is earlier. However, subject to the limitations and
15 requirements of subsection (c-5), the pension shall not be
16 cancelled in the case of a service retirement pensioner who is
17 re-employed on a temporary and non-annual basis or on an
18 hourly basis.

19 (c) If the date of re-employment on a permanent or annual
20 basis occurs within 5 school months after the date of previous
21 retirement, exclusive of any vacation period, the member shall
22 be deemed to have been out of service only temporarily and not
23 permanently retired. Such person shall be entitled to pension
24 payments for the time he could have been employed as a teacher
25 and received salary, but shall not be entitled to pension for

1 or during the summer vacation prior to his return to service.

2 When the member again retires on pension, the time of
3 service and the money contributed by him during re-employment
4 shall be added to the time and money previously credited. Such
5 person must acquire 3 consecutive years of additional
6 contributing service before he may retire again on a pension
7 at a rate and under conditions other than those in force or
8 attained at the time of his previous retirement.

9 (c-5) For school years beginning on or after July 1, 2019,
10 the service retirement pension shall not be cancelled in the
11 case of a service retirement pensioner who is re-employed as a
12 teacher or administrator on a temporary and non-annual basis
13 or on an hourly basis, so long as the person (1) does not work
14 as a teacher or administrator for compensation on more than
15 120 days in a school year or (2) ~~does not accept gross~~
16 ~~compensation for the re-employment in a school year in excess~~
17 ~~of (i) \$30,000 or (ii) in the case of a person who retires with~~
18 ~~at least 5 years of service as a principal or administrator,~~
19 ~~does not work as a teacher or administrator for compensation~~
20 ~~on more than 140 days in a school year, an amount that is equal~~
21 ~~to the daily rate normally paid to retired principals~~
22 ~~multiplied by 100. These limitations apply only to school~~
23 ~~years that begin on or after July 1, 2019.~~ Such re-employment
24 does not require contributions, result in service credit, or
25 constitute active membership in the Fund.

26 The service retirement pension shall not be cancelled in

1 the case of a service retirement pensioner who is re-employed
2 as a teacher on a temporary and non-annual basis or on an
3 hourly basis, so long as the person (1) does not work as a
4 teacher for compensation on more than 100 days in a school year
5 or (2) does not accept gross compensation for the
6 re-employment in a school year in excess of (i) \$30,000 or (ii)
7 in the case of a person who retires with at least 5 years of
8 service as a principal, an amount that is equal to the daily
9 rate normally paid to retired principals multiplied by 100.
10 These limitations apply only to school years that begin on or
11 after August 8, 2012 (the effective date of Public Act 97-912)
12 and before July 1, 2019. Such re-employment does not require
13 contributions, result in service credit, or constitute active
14 membership in the Fund.

15 Notwithstanding the 120-day limit set forth in item (1) of
16 this subsection (c-5), the service retirement pension shall
17 not be cancelled in the case of a service retirement pensioner
18 who teaches only driver education courses after regular school
19 hours and does not teach any other subject area, so long as the
20 person does not work as a teacher for compensation for more
21 than 900 hours in a school year. The \$30,000 limit set forth in
22 subitem (i) of item (2) of this subsection (c-5) shall apply to
23 a service retirement pensioner who teaches only driver
24 education courses after regular school hours and does not
25 teach any other subject area.

26 To be eligible for such re-employment without cancellation

1 of pension, the pensioner must notify the Fund and the Board of
2 Education of his or her intention to accept re-employment
3 under this subsection (c-5) before beginning that
4 re-employment (or if the re-employment began before the
5 effective date of this amendatory Act, then within 30 days
6 after that effective date).

7 An Employer must certify to the Fund the temporary and
8 non-annual or hourly status and the compensation of each
9 pensioner re-employed under this subsection at least
10 quarterly, and when the pensioner is approaching the earnings
11 limitation under this subsection.

12 If the pensioner works more than 100 days or accepts
13 excess gross compensation for such re-employment in any school
14 year that begins on or after August 8, 2012 (the effective date
15 of Public Act 97-912), the service retirement pension shall
16 thereupon be cancelled.

17 If the pensioner who only teaches drivers education
18 courses after regular school hours works more than 900 hours
19 or accepts excess gross compensation for such re-employment in
20 any school year that begins on or after the effective date of
21 this amendatory Act of the 99th General Assembly, the service
22 retirement pension shall thereupon be cancelled.

23 If the pensioner works more than 120 days or accepts
24 excess gross compensation for such re-employment in any school
25 year that begins on or after July 1, 2019, the service
26 retirement pension shall thereupon be cancelled.

1 The Board of the Fund shall adopt rules for the
2 implementation and administration of this subsection.

3 (d) Notwithstanding Sections 1-103.1 and 17-157, the
4 changes to this Section made by Public Act 90-32 apply without
5 regard to whether termination of service occurred before the
6 effective date of that Act and apply retroactively to August
7 23, 1989.

8 Notwithstanding Sections 1-103.1 and 17-157, the changes
9 to this Section and Section 17-106 made by Public Act 92-599
10 apply without regard to whether termination of service
11 occurred before the effective date of that Act.

12 Notwithstanding Sections 1-103.1 and 17-157, the changes
13 to this Section made by this amendatory Act of the 97th General
14 Assembly apply without regard to whether termination of
15 service occurred before the effective date of this amendatory
16 Act.

17 (Source: P.A. 101-340, eff. 8-9-19.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.