

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 Section 17-149 as follows:

6 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

7 Sec. 17-149. Cancellation of pensions.

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

13 (b) If any person receiving a service retirement pension
14 from the Fund is re-employed as a teacher on a permanent or
15 annual basis by an Employer, the pension shall be cancelled on
16 the date the re-employment begins, or on the first day of a
17 payroll period for which service credit was validated,
18 whichever is earlier. However, subject to the limitations and
19 requirements of subsections ~~subsection~~ (c-5), (c-6), and
20 (c-7), the pension shall not be cancelled in the case of a
21 service retirement pensioner who is re-employed on a temporary
22 and non-annual basis or on an hourly basis.

23 (c) If the date of re-employment on a permanent or annual

1 basis occurs within 5 school months after the date of previous
2 retirement, exclusive of any vacation period, the member shall
3 be deemed to have been out of service only temporarily and not
4 permanently retired. Such person shall be entitled to pension
5 payments for the time he could have been employed as a teacher
6 and received salary, but shall not be entitled to pension for
7 or during the summer vacation prior to his return to service.

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

15 (c-5) For school years beginning on or after July 1, 2019
16 and before July 1, 2022, the service retirement pension shall
17 not be cancelled in the case of a service retirement pensioner
18 who is re-employed as a teacher on a temporary and non-annual
19 basis or on an hourly basis, so long as the person (1) does not
20 work as a teacher for compensation on more than 120 days in a
21 school year or (2) does not accept gross compensation for the
22 re-employment in a school year in excess of (i) \$30,000 or (ii)
23 in the case of a person who retires with at least 5 years of
24 service as a principal, an amount that is equal to the daily
25 rate normally paid to retired principals multiplied by 100.
26 These limitations apply only to school years that begin on or

1 after July 1, 2019 and before July 1, 2022. Such re-employment
2 does not require contributions, result in service credit, or
3 constitute active membership in the Fund.

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

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

1 a service retirement pensioner who teaches only driver
2 education courses after regular school hours and does not
3 teach any other subject area.

4 To be eligible for such re-employment without cancellation
5 of pension, the pensioner must notify the Fund and the Board of
6 Education of his or her intention to accept re-employment
7 under this subsection (c-5) before beginning that
8 re-employment (or if the re-employment began before the
9 effective date of this amendatory Act, then within 30 days
10 after that effective date).

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

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

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

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

5 The Board of the Fund shall adopt rules for the
6 implementation and administration of this subsection.

7 (c-6) For school years beginning on or after July 1, 2022
8 and before July 1, 2024, the service retirement pension shall
9 not be cancelled in the case of a service retirement pensioner
10 who is re-employed as a teacher or an administrator on a
11 temporary and non-annual basis or on an hourly bases, so long
12 as the person does not work as a teacher or an administrator
13 for compensation on more than 140 days in a school year. Such
14 re-employment does not require contributions, result in
15 service credit, or constitute active membership in the Fund.

16 (c-7) For school years beginning on or after July 1, 2024,
17 the service retirement pension shall not be cancelled in the
18 case of a service retirement pensioner who is re-employed as a
19 teacher or an administrator on a temporary and non-annual
20 basis or on an hourly basis, so long as the person does not
21 work as a teacher or an administrator for compensation on more
22 than 120 days in a school year. Such re-employment does not
23 require contributions, result in service credit, or constitute
24 active membership in the Fund.

25 (d) Notwithstanding Sections 1-103.1 and 17-157, the
26 changes to this Section made by Public Act 90-32 apply without

1 regard to whether termination of service occurred before the
2 effective date of that Act and apply retroactively to August
3 23, 1989.

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

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

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

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