

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 16-127 as follows:

6 (40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)

7 Sec. 16-127. Computation of creditable service.

8 (a) Each member shall receive regular credit for all
9 service as a teacher from the date membership begins, for
10 which satisfactory evidence is supplied and all contributions
11 have been paid.

12 (b) The following periods of service shall earn optional
13 credit and each member shall receive credit for all such
14 service for which satisfactory evidence is supplied and all
15 contributions have been paid as of the date specified:

16 (1) Prior service as a teacher.

17 (2) Service in a capacity essentially similar or
18 equivalent to that of a teacher, in the public common
19 schools in school districts in this State not included
20 within the provisions of this System, or of any other
21 State, territory, dependency or possession of the United
22 States, or in schools operated by or under the auspices
23 of the United States, or under the auspices of any agency
24 or department of any other State, and service during any
25 period of professional speech correction or special
26 education experience for a public agency within this
27 State or any other State, territory, dependency or
28 possession of the United States, and service prior to
29 February 1, 1951 as a recreation worker for the Illinois
30 Department of Public Safety, for a period not exceeding
31 the lesser of 3/5 2/5 of the total creditable service of

1 the member or 15 10 years. The maximum service of 15 10
2 years which is allowable under this paragraph shall be
3 reduced by the service credit which is validated by other
4 retirement systems under paragraph (i) of Section 15-113
5 and paragraph 1 of Section 17-133. Credit granted under
6 this paragraph may not be used in determination of a
7 retirement annuity or disability benefits unless the
8 member has at least 5 years of creditable service earned
9 subsequent to this employment with one or more of the
10 following systems: Teachers' Retirement System of the
11 State of Illinois, State Universities Retirement System,
12 and the Public School Teachers' Pension and Retirement
13 Fund of Chicago. Whenever such service credit exceeds
14 the maximum allowed for all purposes of this Article, the
15 first service rendered in point of time shall be
16 considered. The changes to this subdivision (b)(2) made
17 by Public Act 86-272 shall apply not only to persons who
18 on or after its effective date (August 23, 1989) are in
19 service as a teacher under the System, but also to
20 persons whose status as such a teacher terminated prior
21 to such effective date, whether or not such person is an
22 annuitant on that date.

23 (3) Any periods immediately following teaching
24 service, under this System or under Article 17, (or
25 immediately following service prior to February 1, 1951
26 as a recreation worker for the Illinois Department of
27 Public Safety) spent in active service with the military
28 forces of the United States; periods spent in educational
29 programs that prepare for return to teaching sponsored by
30 the federal government following such active military
31 service; if a teacher returns to teaching service within
32 one calendar year after discharge or after the completion
33 of the educational program, a further period, not
34 exceeding one calendar year, between time spent in

1 military service or in such educational programs and the
2 return to employment as a teacher under this System; and
3 a period of up to 2 years of active military service not
4 immediately following employment as a teacher.

5 The changes to this Section and Section 16-128
6 relating to military service made by P.A. 87-794 shall
7 apply not only to persons who on or after its effective
8 date are in service as a teacher under the System, but
9 also to persons whose status as a teacher terminated
10 prior to that date, whether or not the person is an
11 annuitant on that date. In the case of an annuitant who
12 applies for credit allowable under this Section for a
13 period of military service that did not immediately
14 follow employment, and who has made the required
15 contributions for such credit, the annuity shall be
16 recalculated to include the additional service credit,
17 with the increase taking effect on the date the System
18 received written notification of the annuitant's intent
19 to purchase the credit, if payment of all the required
20 contributions is made within 60 days of such notice, or
21 else on the first annuity payment date following the date
22 of payment of the required contributions. In calculating
23 the automatic annual increase for an annuity that has
24 been recalculated under this Section, the increase
25 attributable to the additional service allowable under
26 P.A. 87-794 shall be included in the calculation of
27 automatic annual increases accruing after the effective
28 date of the recalculation.

29 Credit for military service shall be determined as
30 follows: if entry occurs during the months of July,
31 August, or September and the member was a teacher at the
32 end of the immediately preceding school term, credit
33 shall be granted from July 1 of the year in which he or
34 she entered service; if entry occurs during the school

1 term and the teacher was in teaching service at the
2 beginning of the school term, credit shall be granted
3 from July 1 of such year. In all other cases where credit
4 for military service is allowed, credit shall be granted
5 from the date of entry into the service.

6 The total period of military service for which
7 credit is granted shall not exceed 5 years for any member
8 unless the service: (A) is validated before July 1,
9 1964, and (B) does not extend beyond July 1, 1963.
10 Credit for military service shall be granted under this
11 Section only if not more than 5 years of the military
12 service for which credit is granted under this Section is
13 used by the member to qualify for a military retirement
14 allotment from any branch of the armed forces of the
15 United States. The changes to this subdivision (b)(3)
16 made by Public Act 86-272 shall apply not only to persons
17 who on or after its effective date (August 23, 1989) are
18 in service as a teacher under the System, but also to
19 persons whose status as such a teacher terminated prior
20 to such effective date, whether or not such person is an
21 annuitant on that date.

22 (4) Any periods served as a member of the General
23 Assembly.

24 (5)(i) Any periods for which a teacher, as defined
25 in Section 16-106, is granted a leave of absence,
26 provided he or she returns to teaching service creditable
27 under this System or the State Universities Retirement
28 System following the leave; (ii) periods during which a
29 teacher is involuntarily laid off from teaching, provided
30 he or she returns to teaching following the lay-off;
31 (iii) periods prior to July 1, 1983 during which a
32 teacher ceased covered employment due to pregnancy,
33 provided that the teacher returned to teaching service
34 creditable under this System or the State Universities

1 Retirement System following the pregnancy and submits
2 evidence satisfactory to the Board documenting that the
3 employment ceased due to pregnancy; and (iv) periods
4 prior to July 1, 1983 during which a teacher ceased
5 covered employment for the purpose of adopting an infant
6 under 3 years of age or caring for a newly adopted infant
7 under 3 years of age, provided that the teacher returned
8 to teaching service creditable under this System or the
9 State Universities Retirement System following the
10 adoption and submits evidence satisfactory to the Board
11 documenting that the employment ceased for the purpose of
12 adopting an infant under 3 years of age or caring for a
13 newly adopted infant under 3 years of age. However,
14 total credit under this paragraph (5) may not exceed 3
15 years.

16 Any qualified member or annuitant may apply for
17 credit under item (iii) or (iv) of this paragraph (5)
18 without regard to whether service was terminated before
19 the effective date of this amendatory Act of 1997. In
20 the case of an annuitant who establishes credit under
21 item (iii) or (iv), the annuity shall be recalculated to
22 include the additional service credit. The increase in
23 annuity shall take effect on the date the System receives
24 written notification of the annuitant's intent to
25 purchase the credit, if the required evidence is
26 submitted and the required contribution paid within 60
27 days of that notification, otherwise on the first annuity
28 payment date following the System's receipt of the
29 required evidence and contribution. The increase in an
30 annuity recalculated under this provision shall be
31 included in the calculation of automatic annual increases
32 in the annuity accruing after the effective date of the
33 recalculation.

34 Optional credit may be purchased under this

1 subsection (b)(5) for periods during which a teacher has
2 been granted a leave of absence pursuant to Section 24-13
3 of the School Code. A teacher whose service under this
4 Article terminated prior to the effective date of P.A.
5 86-1488 shall be eligible to purchase such optional
6 credit. If a teacher who purchases this optional credit
7 is already receiving a retirement annuity under this
8 Article, the annuity shall be recalculated as if the
9 annuitant had applied for the leave of absence credit at
10 the time of retirement. The difference between the
11 entitled annuity and the actual annuity shall be credited
12 to the purchase of the optional credit. The remainder of
13 the purchase cost of the optional credit shall be paid on
14 or before April 1, 1992.

15 The change in this paragraph made by Public Act
16 86-273 shall be applicable to teachers who retire after
17 June 1, 1989, as well as to teachers who are in service
18 on that date.

19 (6) Any days of unused and uncompensated
20 accumulated sick leave earned by a teacher. The service
21 credit granted under this paragraph shall be the ratio of
22 the number of unused and uncompensated accumulated sick
23 leave days to 170 days, subject to a maximum of 2 years
24 of service credit. Prior to the member's retirement,
25 each former employer shall certify to the System the
26 number of unused and uncompensated accumulated sick leave
27 days credited to the member at the time of termination of
28 service. The period of unused sick leave shall not be
29 considered in determining the effective date of
30 retirement. A member is not required to make
31 contributions in order to obtain service credit for
32 unused sick leave.

33 Credit for sick leave shall, at retirement, be
34 granted by the System for any retiring regional or

1 assistant regional superintendent of schools at the rate
2 of 6 days per year of creditable service or portion
3 thereof established while serving as such superintendent
4 or assistant superintendent.

5 (7) Periods prior to February 1, 1987 served as an
6 employee of the Illinois Mathematics and Science Academy
7 for which credit has not been terminated under Section
8 15-113.9 of this Code.

9 (8) Service as a substitute teacher for work
10 performed prior to July 1, 1990.

11 (9) Service as a part-time teacher for work
12 performed prior to July 1, 1990.

13 (10) Up to 2 years of employment with Southern
14 Illinois University - Carbondale from September 1, 1959
15 to August 31, 1961, or with Governors State University
16 from September 1, 1972 to August 31, 1974, for which the
17 teacher has no credit under Article 15. To receive
18 credit under this item (10), a teacher must apply in
19 writing to the Board and pay the required contributions
20 before May 1, 1993 and have at least 12 years of service
21 credit under this Article.

22 (b-1) A member may establish optional credit for up to 2
23 years of service as a teacher or administrator employed by a
24 private school recognized by the Illinois State Board of
25 Education, provided that the teacher (i) was certified under
26 the law governing the certification of teachers at the time
27 the service was rendered, (ii) applies in writing on or after
28 June 1, 2002 and on or before June 1, 2005, (iii) supplies
29 satisfactory evidence of the employment, (iv) completes at
30 least 10 years of contributing service as a teacher as
31 defined in Section 16-106, and (v) pays the contribution
32 required in subsection (d-5) of Section 16-128. The member
33 may apply for credit under this subsection and pay the
34 required contribution before completing the 10 years of

1 contributing service required under item (iv), but the credit
2 may not be used until the item (iv) contributing service
3 requirement has been met.

4 (c) The service credits specified in this Section shall
5 be granted only if: (1) such service credits are not used for
6 credit in any other statutory tax-supported public employee
7 retirement system other than the federal Social Security
8 program; and (2) the member makes the required contributions
9 as specified in Section 16-128. Except as provided in
10 subsection (b-1) of this Section, the service credit shall be
11 effective as of the date the required contributions are
12 completed.

13 Any service credits granted under this Section shall
14 terminate upon cessation of membership for any cause.

15 Credit may not be granted under this Section covering any
16 period for which an age retirement or disability retirement
17 allowance has been paid.

18 (Source: P.A. 92-867, eff. 1-3-03.)

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