

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 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not
9 less than 20 years of eligible creditable service and has
10 attained age 55, and any member who has withdrawn from
11 service with not less than 25 years of eligible creditable
12 service and has attained age 50, regardless of whether the
13 attainment of either of the specified ages occurs while the
14 member is still in service, shall be entitled to receive at
15 the option of the member, in lieu of the regular or minimum
16 retirement annuity, a retirement annuity computed as
17 follows:

18 (i) for periods of service as a noncovered
19 employee: if retirement occurs on or after January 1,
20 2001, 3% of final average compensation for each year of
21 creditable service; if retirement occurs before January
22 1, 2001, 2 1/4% of final average compensation for each of
23 the first 10 years of creditable service, 2 1/2% for each
24 year above 10 years to and including 20 years of
25 creditable service, and 2 3/4% for each year of
26 creditable service above 20 years; and

27 (ii) for periods of eligible creditable service as
28 a covered employee: if retirement occurs on or after
29 January 1, 2001, 2.5% of final average compensation for
30 each year of creditable service; if retirement occurs
31 before January 1, 2001, 1.67% of final average

1 compensation for each of the first 10 years of such
2 service, 1.90% for each of the next 10 years of such
3 service, 2.10% for each year of such service in excess of
4 20 but not exceeding 30, and 2.30% for each year in
5 excess of 30.

6 Such annuity shall be subject to a maximum of 75% of
7 final average compensation if retirement occurs before
8 January 1, 2001 or to a maximum of 80% of final average
9 compensation if retirement occurs on or after January 1,
10 2001.

11 These rates shall not be applicable to any service
12 performed by a member as a covered employee which is not
13 eligible creditable service. Service as a covered employee
14 which is not eligible creditable service shall be subject to
15 the rates and provisions of Section 14-108.

16 (b) For the purpose of this Section, "eligible
17 creditable service" means creditable service resulting from
18 service in one or more of the following positions:

- 19 (1) State policeman;
- 20 (2) fire fighter in the fire protection service of
21 a department;
- 22 (3) air pilot;
- 23 (4) special agent;
- 24 (5) investigator for the Secretary of State;
- 25 (6) conservation police officer;
- 26 (7) investigator for the Department of Revenue;
- 27 (8) security employee of the Department of Human
28 Services;
- 29 (9) Central Management Services security police
30 officer;
- 31 (10) security employee of the Department of
32 Corrections;
- 33 (11) dangerous drugs investigator;
- 34 (12) investigator for the Department of State

1 Police;

2 (13) investigator for the Office of the Attorney
3 General;

4 (14) controlled substance inspector;

5 (15) investigator for the Office of the State's
6 Attorneys Appellate Prosecutor;

7 (16) Commerce Commission police officer;

8 (17) arson investigator;

9 (18) State highway maintenance worker;

10 (19) forensic services employee.

11 A person employed in one of the positions specified in
12 this subsection is entitled to eligible creditable service
13 for service credit earned under this Article while undergoing
14 the basic police training course approved by the Illinois Law
15 Enforcement Training Standards Board, if completion of that
16 training is required of persons serving in that position. For
17 the purposes of this Code, service during the required basic
18 police training course shall be deemed performance of the
19 duties of the specified position, even though the person is
20 not a sworn peace officer at the time of the training.

21 (c) For the purposes of this Section:

22 (1) The term "state policeman" includes any title
23 or position in the Department of State Police that is
24 held by an individual employed under the State Police
25 Act.

26 (2) The term "fire fighter in the fire protection
27 service of a department" includes all officers in such
28 fire protection service including fire chiefs and
29 assistant fire chiefs.

30 (3) The term "air pilot" includes any employee
31 whose official job description on file in the Department
32 of Central Management Services, or in the department by
33 which he is employed if that department is not covered by
34 the Personnel Code, states that his principal duty is the

1 operation of aircraft, and who possesses a pilot's
2 license; however, the change in this definition made by
3 this amendatory Act of 1983 shall not operate to exclude
4 any noncovered employee who was an "air pilot" for the
5 purposes of this Section on January 1, 1984.

6 (4) The term "special agent" means any person who
7 by reason of employment by the Division of Narcotic
8 Control, the Bureau of Investigation or, after July 1,
9 1977, the Division of Criminal Investigation, the
10 Division of Internal Investigation, the Division of
11 Operations, or any other Division or organizational
12 entity in the Department of State Police is vested by law
13 with duties to maintain public order, investigate
14 violations of the criminal law of this State, enforce the
15 laws of this State, make arrests and recover property.
16 The term "special agent" includes any title or position
17 in the Department of State Police that is held by an
18 individual employed under the State Police Act.

19 (5) The term "investigator for the Secretary of
20 State" means any person employed by the Office of the
21 Secretary of State and vested with such investigative
22 duties as render him ineligible for coverage under the
23 Social Security Act by reason of Sections 218(d)(5)(A),
24 218(d)(8)(D) and 218(1)(1) of that Act.

25 A person who became employed as an investigator for
26 the Secretary of State between January 1, 1967 and
27 December 31, 1975, and who has served as such until
28 attainment of age 60, either continuously or with a
29 single break in service of not more than 3 years
30 duration, which break terminated before January 1, 1976,
31 shall be entitled to have his retirement annuity
32 calculated in accordance with subsection (a),
33 notwithstanding that he has less than 20 years of credit
34 for such service.

1 (6) The term "Conservation Police Officer" means
2 any person employed by the Division of Law Enforcement of
3 the Department of Natural Resources and vested with such
4 law enforcement duties as render him ineligible for
5 coverage under the Social Security Act by reason of
6 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of
7 that Act. The term "Conservation Police Officer"
8 includes the positions of Chief Conservation Police
9 Administrator and Assistant Conservation Police
10 Administrator.

11 (7) The term "investigator for the Department of
12 Revenue" means any person employed by the Department of
13 Revenue and vested with such investigative duties as
14 render him ineligible for coverage under the Social
15 Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D) and 218(1)(1) of that Act.

17 (8) The term "security employee of the Department
18 of Human Services" means any person employed by the
19 Department of Human Services who (i) is employed at the
20 Chester Mental Health Center and has daily contact with
21 the residents thereof, (ii) is employed within a security
22 unit at a facility operated by the Department and has
23 daily contact with the residents of the security unit,
24 (iii) is employed at a facility operated by the
25 Department that includes a security unit and is regularly
26 scheduled to work at least 50% of his or her working
27 hours within that security unit, or (iv) is a mental
28 health police officer. "Mental health police officer"
29 means any person employed by the Department of Human
30 Services in a position pertaining to the Department's
31 mental health and developmental disabilities functions
32 who is vested with such law enforcement duties as render
33 the person ineligible for coverage under the Social
34 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
2 means that portion of a facility that is devoted to the
3 care, containment, and treatment of persons committed to
4 the Department of Human Services as sexually violent
5 persons, persons unfit to stand trial, or persons not
6 guilty by reason of insanity. With respect to past
7 employment, references to the Department of Human
8 Services include its predecessor, the Department of
9 Mental Health and Developmental Disabilities.

10 The changes made to this subdivision (c)(8) by
11 Public Act 92-14 apply to persons who retire on or after
12 January 1, 2001, notwithstanding Section 1-103.1.

13 (9) "Central Management Services security police
14 officer" means any person employed by the Department of
15 Central Management Services who is vested with such law
16 enforcement duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

19 (10) The term "security employee of the Department
20 of Corrections" means any employee of the Department of
21 Corrections or the former Department of Personnel, and
22 any member or employee of the Prisoner Review Board, who
23 has daily contact with inmates by working within a
24 correctional facility or who is a parole officer or an
25 employee who has direct contact with committed persons in
26 the performance of his or her job duties.

27 (11) The term "dangerous drugs investigator" means
28 any person who is employed as such by the Department of
29 Human Services.

30 (12) The term "investigator for the Department of
31 State Police" means a person employed by the Department
32 of State Police who is vested under Section 4 of the
33 Narcotic Control Division Abolition Act with such law
34 enforcement powers as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

3 (13) "Investigator for the Office of the Attorney
4 General" means any person who is employed as such by the
5 Office of the Attorney General and is vested with such
6 investigative duties as render him ineligible for
7 coverage under the Social Security Act by reason of
8 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
9 Act. For the period before January 1, 1989, the term
10 includes all persons who were employed as investigators
11 by the Office of the Attorney General, without regard to
12 social security status.

13 (14) "Controlled substance inspector" means any
14 person who is employed as such by the Department of
15 Professional Regulation and is vested with such law
16 enforcement duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
19 The term "controlled substance inspector" includes the
20 Program Executive of Enforcement and the Assistant
21 Program Executive of Enforcement.

22 (15) The term "investigator for the Office of the
23 State's Attorneys Appellate Prosecutor" means a person
24 employed in that capacity on a full time basis under the
25 authority of Section 7.06 of the State's Attorneys
26 Appellate Prosecutor's Act.

27 (16) "Commerce Commission police officer" means any
28 person employed by the Illinois Commerce Commission who
29 is vested with such law enforcement duties as render him
30 ineligible for coverage under the Social Security Act by
31 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
32 218(1)(1) of that Act.

33 (17) "Arson investigator" means any person who is
34 employed as such by the Office of the State Fire Marshal

1 and is vested with such law enforcement duties as render
2 the person ineligible for coverage under the Social
3 Security Act by reason of Sections 218(d)(5)(A),
4 218(d)(8)(D), and 218(1)(1) of that Act. A person who
5 was employed as an arson investigator on January 1, 1995
6 and is no longer in service but not yet receiving a
7 retirement annuity may convert his or her creditable
8 service for employment as an arson investigator into
9 eligible creditable service by paying to the System the
10 difference between the employee contributions actually
11 paid for that service and the amounts that would have
12 been contributed if the applicant were contributing at
13 the rate applicable to persons with the same social
14 security status earning eligible creditable service on
15 the date of application.

16 (18) The term "State highway maintenance worker"
17 means a person who is either of the following:

18 (i) A person employed on a full-time basis by
19 the Illinois Department of Transportation in the
20 position of highway maintainer, highway maintenance
21 lead worker, highway maintenance lead/lead worker,
22 heavy construction equipment operator, power shovel
23 operator, or bridge mechanic; and whose principal
24 responsibility is to perform, on the roadway, the
25 actual maintenance necessary to keep the highways
26 that form a part of the State highway system in
27 serviceable condition for vehicular traffic.

28 (ii) A person employed on a full-time basis by
29 the Illinois State Toll Highway Authority in the
30 position of equipment operator/laborer H-4,
31 equipment operator/laborer H-6, welder H-4,
32 welder H-6, mechanical/electrical H-4,
33 mechanical/electrical H-6, water/sewer H-4,
34 water/sewer H-6, sign maker/hanger H-4, sign

1 maker/hanger H-6, roadway lighting H-4, roadway
 2 lighting H-6, structural H-4, structural H-6,
 3 painter H-4, or painter H-6; and whose principal
 4 responsibility is to perform, on the roadway, the
 5 actual maintenance necessary to keep the Authority's
 6 tollways in serviceable condition for vehicular
 7 traffic.

8 (19) "Forensic services employee" means any person
 9 employed by the Department of State Police (or a
 10 predecessor agency) in its crime laboratory system.

11 (d) A security employee of the Department of
 12 Corrections, and a security employee of the Department of
 13 Human Services who is not a mental health police officer,
 14 shall not be eligible for the alternative retirement annuity
 15 provided by this Section unless he or she meets the following
 16 minimum age and service requirements at the time of
 17 retirement:

18 (i) 25 years of eligible creditable service and age
 19 55; or

20 (ii) beginning January 1, 1987, 25 years of
 21 eligible creditable service and age 54, or 24 years of
 22 eligible creditable service and age 55; or

23 (iii) beginning January 1, 1988, 25 years of
 24 eligible creditable service and age 53, or 23 years of
 25 eligible creditable service and age 55; or

26 (iv) beginning January 1, 1989, 25 years of
 27 eligible creditable service and age 52, or 22 years of
 28 eligible creditable service and age 55; or

29 (v) beginning January 1, 1990, 25 years of eligible
 30 creditable service and age 51, or 21 years of eligible
 31 creditable service and age 55; or

32 (vi) beginning January 1, 1991, 25 years of
 33 eligible creditable service and age 50, or 20 years of
 34 eligible creditable service and age 55.

1 Persons who have service credit under Article 16 of this
2 Code for service as a security employee of the Department of
3 Corrections or the Department of Human Services in a position
4 requiring certification as a teacher may count such service
5 toward establishing their eligibility under the service
6 requirements of this Section; but such service may be used
7 only for establishing such eligibility, and not for the
8 purpose of increasing or calculating any benefit.

9 (e) If a member enters military service while working in
10 a position in which eligible creditable service may be
11 earned, and returns to State service in the same or another
12 such position, and fulfills in all other respects the
13 conditions prescribed in this Article for credit for military
14 service, such military service shall be credited as eligible
15 creditable service for the purposes of the retirement annuity
16 prescribed in this Section.

17 (f) For purposes of calculating retirement annuities
18 under this Section, periods of service rendered after
19 December 31, 1968 and before October 1, 1975 as a covered
20 employee in the position of special agent, conservation
21 police officer, mental health police officer, or investigator
22 for the Secretary of State, shall be deemed to have been
23 service as a noncovered employee, provided that the employee
24 pays to the System prior to retirement an amount equal to (1)
25 the difference between the employee contributions that would
26 have been required for such service as a noncovered employee,
27 and the amount of employee contributions actually paid, plus
28 (2) if payment is made after July 31, 1987, regular interest
29 on the amount specified in item (1) from the date of service
30 to the date of payment.

31 For purposes of calculating retirement annuities under
32 this Section, periods of service rendered after December 31,
33 1968 and before January 1, 1982 as a covered employee in the
34 position of investigator for the Department of Revenue shall

1 be deemed to have been service as a noncovered employee,
2 provided that the employee pays to the System prior to
3 retirement an amount equal to (1) the difference between the
4 employee contributions that would have been required for such
5 service as a noncovered employee, and the amount of employee
6 contributions actually paid, plus (2) if payment is made
7 after January 1, 1990, regular interest on the amount
8 specified in item (1) from the date of service to the date of
9 payment.

10 (g) A State policeman may elect, not later than January
11 1, 1990, to establish eligible creditable service for up to
12 10 years of his service as a policeman under Article 3, by
13 filing a written election with the Board, accompanied by
14 payment of an amount to be determined by the Board, equal to
15 (i) the difference between the amount of employee and
16 employer contributions transferred to the System under
17 Section 3-110.5, and the amounts that would have been
18 contributed had such contributions been made at the rates
19 applicable to State policemen, plus (ii) interest thereon at
20 the effective rate for each year, compounded annually, from
21 the date of service to the date of payment.

22 Subject to the limitation in subsection (i), a State
23 policeman may elect, not later than July 1, 1993, to
24 establish eligible creditable service for up to 10 years of
25 his service as a member of the County Police Department under
26 Article 9, by filing a written election with the Board,
27 accompanied by payment of an amount to be determined by the
28 Board, equal to (i) the difference between the amount of
29 employee and employer contributions transferred to the System
30 under Section 9-121.10 and the amounts that would have been
31 contributed had those contributions been made at the rates
32 applicable to State policemen, plus (ii) interest thereon at
33 the effective rate for each year, compounded annually, from
34 the date of service to the date of payment.

1 (h) Subject to the limitation in subsection (i), a State
2 policeman or investigator for the Secretary of State may
3 elect to establish eligible creditable service for up to 12
4 years of his service as a policeman under Article 5, by
5 filing a written election with the Board on or before January
6 31, 1992, and paying to the System by January 31, 1994 an
7 amount to be determined by the Board, equal to (i) the
8 difference between the amount of employee and employer
9 contributions transferred to the System under Section 5-236,
10 and the amounts that would have been contributed had such
11 contributions been made at the rates applicable to State
12 policemen, plus (ii) interest thereon at the effective rate
13 for each year, compounded annually, from the date of service
14 to the date of payment.

15 Subject to the limitation in subsection (i), a State
16 policeman, conservation police officer, or investigator for
17 the Secretary of State may elect to establish eligible
18 creditable service for up to 10 years of service as a
19 sheriff's law enforcement employee under Article 7, by filing
20 a written election with the Board on or before January 31,
21 1993, and paying to the System by January 31, 1994 an amount
22 to be determined by the Board, equal to (i) the difference
23 between the amount of employee and employer contributions
24 transferred to the System under Section 7-139.7, and the
25 amounts that would have been contributed had such
26 contributions been made at the rates applicable to State
27 policemen, plus (ii) interest thereon at the effective rate
28 for each year, compounded annually, from the date of service
29 to the date of payment.

30 (i) The total amount of eligible creditable service
31 established by any person under subsections (g), (h), (j),
32 (k), and (l) of this Section shall not exceed 12 years.

33 (j) Subject to the limitation in subsection (i), an
34 investigator for the Office of the State's Attorneys

1 Appellate Prosecutor or a controlled substance inspector may
2 elect to establish eligible creditable service for up to 10
3 years of his service as a policeman under Article 3 or a
4 sheriff's law enforcement employee under Article 7, by filing
5 a written election with the Board, accompanied by payment of
6 an amount to be determined by the Board, equal to (1) the
7 difference between the amount of employee and employer
8 contributions transferred to the System under Section 3-110.6
9 or 7-139.8, and the amounts that would have been contributed
10 had such contributions been made at the rates applicable to
11 State policemen, plus (2) interest thereon at the effective
12 rate for each year, compounded annually, from the date of
13 service to the date of payment.

14 (k) Subject to the limitation in subsection (i) of this
15 Section, an alternative formula employee may elect to
16 establish eligible creditable service for periods spent as a
17 full-time law enforcement officer or full-time corrections
18 officer employed by the federal government or by a state or
19 local government located outside of Illinois, for which
20 credit is not held in any other public employee pension fund
21 or retirement system. To obtain this credit, the applicant
22 must file a written application with the Board by March 31,
23 1998, accompanied by evidence of eligibility acceptable to
24 the Board and payment of an amount to be determined by the
25 Board, equal to (1) employee contributions for the credit
26 being established, based upon the applicant's salary on the
27 first day as an alternative formula employee after the
28 employment for which credit is being established and the
29 rates then applicable to alternative formula employees, plus
30 (2) an amount determined by the Board to be the employer's
31 normal cost of the benefits accrued for the credit being
32 established, plus (3) regular interest on the amounts in
33 items (1) and (2) from the first day as an alternative
34 formula employee after the employment for which credit is

1 being established to the date of payment.

2 (1) Subject to the limitation in subsection (i), a
3 security employee of the Department of Corrections may elect,
4 not later than July 1, 1998, to establish eligible creditable
5 service for up to 10 years of his or her service as a
6 policeman under Article 3, by filing a written election with
7 the Board, accompanied by payment of an amount to be
8 determined by the Board, equal to (i) the difference between
9 the amount of employee and employer contributions transferred
10 to the System under Section 3-110.5, and the amounts that
11 would have been contributed had such contributions been made
12 at the rates applicable to security employees of the
13 Department of Corrections, plus (ii) interest thereon at the
14 effective rate for each year, compounded annually, from the
15 date of service to the date of payment.

16 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;
17 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff.
18 7-11-02.)

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