

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8 (a) Any member who has withdrawn from service with not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10 attained age 55, and any member who has withdrawn from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14 member is still in service, and any member who has withdrawn
15 from service having established service sufficient to provide
16 an annuity under this Section equal to at least 80% of final
17 average compensation, regardless of age, shall be entitled to
18 receive at the option of the member, in lieu of the regular
19 or minimum retirement annuity, a retirement annuity computed
20 as follows:

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

30 (ii) for periods of eligible creditable service as
31 a covered employee: if retirement occurs on or after

1 January 1, 2001, 2.5% of final average compensation for
2 each year of creditable service; if retirement occurs
3 before January 1, 2001, 1.67% of final average
4 compensation for each of the first 10 years of such
5 service, 1.90% for each of the next 10 years of such
6 service, 2.10% for each year of such service in excess of
7 20 but not exceeding 30, and 2.30% for each year in
8 excess of 30.

9 Such annuity shall be subject to a maximum of 75% of
10 final average compensation if retirement occurs before
11 January 1, 2001 or to a maximum of 80% of final average
12 compensation if retirement occurs on or after January 1,
13 2001.

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

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

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

1 Corrections;

2 (11) dangerous drugs investigator;

3 (12) investigator for the Department of State
4 Police;

5 (13) investigator for the Office of the Attorney
6 General;

7 (14) controlled substance inspector;

8 (15) investigator for the Office of the State's
9 Attorneys Appellate Prosecutor;

10 (16) Commerce Commission police officer;

11 (17) arson investigator;

12 (18) State highway maintenance worker.

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

23 (c) For the purposes of this Section:

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

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

32 (3) The term "air pilot" includes any employee
33 whose official job description on file in the Department
34 of Central Management Services, or in the department by

1 which he is employed if that department is not covered by
2 the Personnel Code, states that his principal duty is the
3 operation of aircraft, and who possesses a pilot's
4 license; however, the change in this definition made by
5 this amendatory Act of 1983 shall not operate to exclude
6 any noncovered employee who was an "air pilot" for the
7 purposes of this Section on January 1, 1984.

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

21 (5) The term "investigator for the Secretary of
22 State" means any person employed by the Office of the
23 Secretary of State and vested with such investigative
24 duties as render him ineligible for coverage under the
25 Social Security Act by reason of Sections 218(d)(5)(A),
26 218(d)(8)(D) and 218(1)(1) of that Act.

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

1 notwithstanding that he has less than 20 years of credit
2 for such service.

3 (6) The term "Conservation Police Officer" means
4 any person employed by the Division of Law Enforcement of
5 the Department of Natural Resources and vested with such
6 law enforcement 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
9 that Act. The term "Conservation Police Officer"
10 includes the positions of Chief Conservation Police
11 Administrator and Assistant Conservation Police
12 Administrator.

13 (7) The term "investigator for the Department of
14 Revenue" means any person employed by the Department of
15 Revenue and vested with such investigative duties as
16 render him ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

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

15 (9) "Central Management Services security police
16 officer" means any person employed by the Department of
17 Central Management Services who is vested with such law
18 enforcement duties as render him ineligible for coverage
19 under the Social Security Act by reason of Sections
20 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

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

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

32 (12) The term "investigator for the Department of
33 State Police" means a person employed by the Department
34 of State Police who is vested under Section 4 of the

1 Narcotic Control Division Abolition Act with such law
2 enforcement powers as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

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

29 (16) "Commerce Commission police officer" means any
30 person employed by the Illinois Commerce Commission who
31 is vested with such law enforcement duties as render him
32 ineligible for coverage under the Social Security Act by
33 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
34 218(1)(1) of that Act.

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

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

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

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

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

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

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

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

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

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

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

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

34 (vii) beginning on the effective date of this

1 amendatory Act of the 93rd General Assembly, (A) 25 years
2 of eligible creditable service and age 50, (B) 20 years
3 of eligible creditable service and age 55, or (C) service
4 sufficient to provide an annuity under this Section equal
5 to at least 80% of final average compensation, regardless
6 of age.

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

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

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

1 on the amount specified in item (1) from the date of service
2 to the date of payment.

3 For purposes of calculating retirement annuities under
4 this Section, periods of service rendered after December 31,
5 1968 and before January 1, 1982 as a covered employee in the
6 position of investigator for the Department of Revenue shall
7 be deemed to have been service as a noncovered employee,
8 provided that the employee pays to the System prior to
9 retirement an amount equal to (1) the difference between the
10 employee contributions that would have been required for such
11 service as a noncovered employee, and the amount of employee
12 contributions actually paid, plus (2) if payment is made
13 after January 1, 1990, regular interest on the amount
14 specified in item (1) from the date of service to the date of
15 payment.

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

28 Subject to the limitation in subsection (i), a State
29 policeman may elect, not later than July 1, 1993, to
30 establish eligible creditable service for up to 10 years of
31 his service as a member of the County Police Department under
32 Article 9, by filing a written election with the Board,
33 accompanied by payment of an amount to be determined by the
34 Board, equal to (i) the difference between the amount of

1 employee and employer contributions transferred to the System
2 under Section 9-121.10 and the amounts that would have been
3 contributed had those contributions been made at the rates
4 applicable to State policemen, plus (ii) interest thereon at
5 the effective rate for each year, compounded annually, from
6 the date of service to the date of payment.

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

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

1 to the date of payment.

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

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

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

1 rates then applicable to alternative formula employees, plus
2 (2) an amount determined by the Board to be the employer's
3 normal cost of the benefits accrued for the credit being
4 established, plus (3) regular interest on the amounts in
5 items (1) and (2) from the first day as an alternative
6 formula employee after the employment for which credit is
7 being established to the date of payment.

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

22 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;
23 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff.
24 7-11-02.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.