



Sen. Adeline Jay Geo-Karis

Filed: 3/25/2004

09300SB2203sam001

LRB093 17675 LRD 49137 a

1 AMENDMENT TO SENATE BILL 2203

2 AMENDMENT NO. _____. Amend Senate Bill 2203 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 16-150.1 as follows:

6 (40 ILCS 5/16-150.1)

7 Sec. 16-150.1. Return to teaching in subject shortage area.

8 (a) As used in this Section, "eligible employment" means
9 employment beginning on or after July 1, 2003 and ending no
10 later than June 30, 2008, in a subject shortage area at a
11 qualified school, in a position requiring certification under
12 the law governing the certification of teachers.

13 As used in this Section, "qualified school" means a public
14 elementary or secondary school that meets all of the following
15 requirements:

16 (1) At the time of hiring a retired teacher under this
17 Section, the school is experiencing a shortage of teachers
18 in the subject shortage area for which the teacher is
19 hired.

20 (2) The school district to which the school belongs has
21 complied with the requirements of subsection (e), and the
22 regional superintendent has certified that compliance to
23 the System.

24 (3) If the school district to which the school belongs

1 provides group health benefits for its teachers generally,
2 substantially similar health benefits are made available
3 for teachers participating in the program under this
4 Section, without any limitations based on pre-existing
5 conditions.

6 (b) An annuitant receiving a retirement annuity under this
7 Article (other than a disability retirement annuity) may engage
8 in eligible employment at a qualified school without impairing
9 his or her retirement status or retirement annuity, subject to
10 the following conditions:

11 (1) the eligible employment does not begin within the
12 school year during which service was terminated;

13 (2) the annuitant has not received any early retirement
14 incentive under Section 16-133.3, 16-133.4, or 16-133.5;

15 (3) if the annuitant retired before age 60 and with
16 less than 34 years of service, the eligible employment does
17 not begin within the year following the effective date of
18 the retirement annuity;

19 (4) if the annuitant retired at age 60 or above or with
20 34 or more years of service, the eligible employment does
21 not begin within the 75 ~~90~~ days following the effective
22 date of the retirement annuity; and

23 (5) before the eligible employment begins, the
24 employer notifies the System in writing of the annuitant's
25 desire to participate in the program established under this
26 Section.

27 (c) An annuitant engaged in eligible employment in
28 accordance with subsection (b) shall be deemed a participant in
29 the program established under this Section for so long as he or
30 she remains employed in eligible employment.

31 (d) A participant in the program established under this
32 Section continues to be a retirement annuitant, rather than an
33 active teacher, for all of the purposes of this Code, but shall
34 be deemed an active teacher for other purposes, such as

1 inclusion in a collective bargaining unit, eligibility for
2 group health benefits, and compliance with the laws governing
3 the employment, regulation, certification, treatment, and
4 conduct of teachers.

5 With respect to an annuitant's eligible employment under
6 this Section, neither employee nor employer contributions
7 shall be made to the System and no additional service credit
8 shall be earned. Eligible employment does not affect the
9 annuitant's final average salary or the amount of the
10 retirement annuity.

11 (e) Before hiring a teacher under this Section, the school
12 district to which the school belongs must do the following:

13 (1) If the school district to which the school belongs
14 has honorably dismissed, within the calendar year
15 preceding the beginning of the school term for which it
16 seeks to employ a retired teacher under the program
17 established in this Section, any teachers who are legally
18 qualified to hold positions in the subject shortage area
19 and have not yet begun to receive their retirement
20 annuities under this Article, the vacant positions must
21 first be tendered to those teachers.

22 (2) For a period of at least 75 ~~90~~ days during the 6
23 months preceding the beginning of the school term for which
24 it seeks to employ a retired teacher under the program
25 established in this Section, the school district must, on
26 an ongoing basis, both (i) advertise its vacancies in the
27 subject shortage area in a newspaper of general circulation
28 in the area in which the school is located and in
29 employment bulletins published by college and university
30 placement offices located near the school; and (ii) search
31 for teachers legally qualified to fill those vacancies
32 through the Illinois Education Job Bank.

33 The school district must submit documentation of its
34 compliance with this subsection to the regional

1 superintendent. Upon receiving satisfactory documentation from
2 the school district, the regional superintendent shall certify
3 the district's compliance with this subsection to the System.

4 (f) This Section applies without regard to whether the
5 annuitant was in service on or after the effective date of this
6 amendatory Act of the 93rd General Assembly.

7 (Source: P.A. 93-320, eff. 7-23-03.)".