

1 AN ACT in relation to State employees.

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 changing
5 Sections 14-103.05 and 18-127 and by adding Section 1-123 as
6 follows:

7 (40 ILCS 5/1-123 new)

8 Sec. 1-123. Service as legal counsel. Notwithstanding any
9 provision in this Code to the contrary, if a person is a
10 participant under Article 18 and files a written election by
11 July 1, 2005 with the Judges Retirement System of Illinois,
12 then that person may serve either as legal counsel in the
13 Office of the Governor or as Chief Deputy Attorney General and
14 (A) no retirement annuity or other benefit of that person under
15 Article 18 is subject to forfeiture, diminishment, suspension,
16 or other impairment solely by virtue of that service and (B)
17 that person does not participate in any pension fund or
18 retirement system under this Code with respect to that service.
19 This Section applies without regard to whether the person is in
20 active service under Article 18 of this Code on or after the
21 effective date of this amendatory Act of the 93rd General
22 Assembly.

23 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

24 Sec. 14-103.05. Employee.

25 (a) Any person employed by a Department who receives salary
26 for personal services rendered to the Department on a warrant
27 issued pursuant to a payroll voucher certified by a Department
28 and drawn by the State Comptroller upon the State Treasurer,
29 including an elected official described in subparagraph (d) of
30 Section 14-104, shall become an employee for purpose of
31 membership in the Retirement System on the first day of such

1 employment.

2 A person entering service on or after January 1, 1972 and
3 prior to January 1, 1984 shall become a member as a condition
4 of employment and shall begin making contributions as of the
5 first day of employment.

6 A person entering service on or after January 1, 1984
7 shall, upon completion of 6 months of continuous service which
8 is not interrupted by a break of more than 2 months, become a
9 member as a condition of employment. Contributions shall begin
10 the first of the month after completion of the qualifying
11 period.

12 The qualifying period of 6 months of service is not
13 applicable to: (1) a person who has been granted credit for
14 service in a position covered by the State Universities
15 Retirement System, the Teachers' Retirement System of the State
16 of Illinois, the General Assembly Retirement System, or the
17 Judges Retirement System of Illinois unless that service has
18 been forfeited under the laws of those systems; (2) a person
19 entering service on or after July 1, 1991 in a noncovered
20 position; or (3) a person to whom Section 14-108.2a or
21 14-108.2b applies.

22 (b) The term "employee" does not include the following:

23 (1) members of the State Legislature, and persons
24 electing to become members of the General Assembly
25 Retirement System pursuant to Section 2-105;

26 (2) incumbents of offices normally filled by vote of
27 the people;

28 (3) except as otherwise provided in this Section, any
29 person appointed by the Governor with the advice and
30 consent of the Senate unless that person elects to
31 participate in this system;

32 (3.1) any person serving as a commissioner of an ethics
33 commission created under the State Officials and Employees
34 Ethics Act unless that person elects to participate in this
35 system with respect to that service as a commissioner;

36 (3.2) any person serving as a part-time employee in any

1 of the following positions: Legislative Inspector General,
2 Special Legislative Inspector General, employee of the
3 Office of the Legislative Inspector General, Executive
4 Director of the Legislative Ethics Commission, or staff of
5 the Legislative Ethics Commission, regardless of whether
6 he or she is in active service on or after July 8, 2004
7 (the effective date of Public Act 93-685) ~~this amendatory~~
8 ~~Act of the 93rd General Assembly~~, unless that person elects
9 to participate in this System with respect to that service;
10 in this item (3.2), a "part-time employee" is a person who
11 is not required to work at least 35 hours per week;

12 (3.3) any person who has made an election under Section
13 1-123 and who is serving either as legal counsel in the
14 Office of the Governor or as Chief Deputy Attorney General;

15 (4) except as provided in Section 14-108.2 or
16 14-108.2c, any person who is covered or eligible to be
17 covered by the Teachers' Retirement System of the State of
18 Illinois, the State Universities Retirement System, or the
19 Judges Retirement System of Illinois;

20 (5) an employee of a municipality or any other
21 political subdivision of the State;

22 (6) any person who becomes an employee after June 30,
23 1979 as a public service employment program participant
24 under the Federal Comprehensive Employment and Training
25 Act and whose wages or fringe benefits are paid in whole or
26 in part by funds provided under such Act;

27 (7) enrollees of the Illinois Young Adult Conservation
28 Corps program, administered by the Department of Natural
29 Resources, authorized grantee pursuant to Title VIII of the
30 "Comprehensive Employment and Training Act of 1973", 29 USC
31 993, as now or hereafter amended;

32 (8) enrollees and temporary staff of programs
33 administered by the Department of Natural Resources under
34 the Youth Conservation Corps Act of 1970;

35 (9) any person who is a member of any professional
36 licensing or disciplinary board created under an Act

1 administered by the Department of Professional Regulation
2 or a successor agency or created or re-created after the
3 effective date of this amendatory Act of 1997, and who
4 receives per diem compensation rather than a salary,
5 notwithstanding that such per diem compensation is paid by
6 warrant issued pursuant to a payroll voucher; such persons
7 have never been included in the membership of this System,
8 and this amendatory Act of 1987 (P.A. 84-1472) is not
9 intended to effect any change in the status of such
10 persons;

11 (10) any person who is a member of the Illinois Health
12 Care Cost Containment Council, and receives per diem
13 compensation rather than a salary, notwithstanding that
14 such per diem compensation is paid by warrant issued
15 pursuant to a payroll voucher; such persons have never been
16 included in the membership of this System, and this
17 amendatory Act of 1987 is not intended to effect any change
18 in the status of such persons;

19 (11) any person who is a member of the Oil and Gas
20 Board created by Section 1.2 of the Illinois Oil and Gas
21 Act, and receives per diem compensation rather than a
22 salary, notwithstanding that such per diem compensation is
23 paid by warrant issued pursuant to a payroll voucher; or

24 (12) a person employed by the State Board of Higher
25 Education in a position with the Illinois Century Network
26 as of June 30, 2004, who remains continuously employed
27 after that date by the Department of Central Management
28 Services in a position with the Illinois Century Network
29 and participates in the Article 15 system with respect to
30 that employment.

31 (Source: P.A. 92-14, eff. 6-28-01; 93-685, eff. 7-8-04; 93-839,
32 eff. 7-30-04; revised 9-8-04.)

33 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

34 Sec. 18-127. Retirement annuity - suspension on
35 reemployment.

1 (a) A participant receiving a retirement annuity who is
2 regularly employed for compensation by an employer other than a
3 county, in any capacity, shall have his or her retirement
4 annuity payments suspended during such employment. Upon
5 termination of such employment, retirement annuity payments at
6 the previous rate shall be resumed.

7 If such a participant resumes service as a judge, he or she
8 shall receive credit for any additional service. Upon
9 subsequent retirement, his or her retirement annuity shall be
10 the amount previously granted, plus the amount earned by the
11 additional judicial service under the provisions in effect
12 during the period of such additional service. However, if the
13 participant was receiving the maximum rate of annuity at the
14 time of re-employment, he or she may elect, in a written
15 direction filed with the board, not to receive any additional
16 service credit during the period of re-employment. In such
17 case, contributions shall not be required during the period of
18 re-employment. Any such election shall be irrevocable.

19 (b) Beginning January 1, 1991, any participant receiving a
20 retirement annuity who accepts temporary employment from an
21 employer other than a county for a period not exceeding 75
22 working days in any calendar year shall not be deemed to be
23 regularly employed for compensation or to have resumed service
24 as a judge for the purposes of this Article. A day shall be
25 considered a working day if the annuitant performs on it any of
26 his duties under the temporary employment agreement.

27 (c) Except as provided in subsection (a), beginning January
28 1, 1993, retirement annuities shall not be subject to
29 suspension upon resumption of employment for an employer, and
30 any retirement annuity that is then so suspended shall be
31 reinstated on that date.

32 (d) The changes made in this Section by this amendatory Act
33 of 1993 shall apply to judges no longer in service on its
34 effective date, as well as to judges serving on or after that
35 date.

36 (e) A participant receiving a retirement annuity under this

1 Article who serves as a part-time employee in any of the
2 following positions: Legislative Inspector General, Special
3 Legislative Inspector General, employee of the Office of the
4 Legislative Inspector General, Executive Director of the
5 Legislative Ethics Commission, or staff of the Legislative
6 Ethics Commission, but has not elected to participate in the
7 Article 14 System with respect to that service, shall not be
8 deemed to be regularly employed for compensation by an employer
9 other than a county, nor to have resumed service as a judge, on
10 the basis of that service, and the retirement annuity payments
11 and other benefits of that person under this Code shall not be
12 suspended, diminished, or otherwise impaired solely as a
13 consequence of that service. This subsection (e) applies
14 without regard to whether the person is in service as a judge
15 under this Article on or after the effective date of this
16 amendatory Act of the 93rd General Assembly. In this
17 subsection, a "part-time employee" is a person who is not
18 required to work at least 35 hours per week.

19 (f) A participant receiving a retirement annuity under this
20 Article who has made an election under Section 1-123 and who is
21 servng either as legal counsel in the Office of the Governor
22 or as Chief Deputy Attorney General shall not be deemed to be
23 regularly employed for compensation by an employer other than a
24 county, nor to have resumed service as a judge, on the basis of
25 that service, and the retirement annuity payments and other
26 benefits of that person under this Code shall not be suspended,
27 diminished, or otherwise impaired solely as a consequence of
28 that service. This subsection (f) applies without regard to
29 whether the person is in service as a judge under this Article
30 on or after the effective date of this amendatory Act of the
31 93rd General Assembly.

32 (Source: P.A. 93-685, eff. 7-8-04.)

33 Section 99. Effective date. This Act takes effect upon
34 becoming law.