



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1376

Introduced 2/9/2005, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-110

from Ch. 108 1/2, par. 14-110

Amends the State Employee Article of the Illinois Pension Code. Provides the alternative (State police) retirement formula for certain automotive mechanics employed by the Illinois State Toll Highway Authority who are assigned to retrieve or repair State vehicles on State highways or tollways and for certain maintenance equipment operators employed by the Department of Human Services or its predecessor department. Effective immediately.

LRB094 08358 AMC 38551 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 changing
5 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8 (a) Any member who has withdrawn from service with not less
9 than 20 years of eligible creditable service and has attained
10 age 55, and any member who has withdrawn from service with not
11 less than 25 years of eligible creditable service and has
12 attained age 50, regardless of whether the attainment of either
13 of the specified ages occurs while the member is still in
14 service, shall be entitled to receive at the option of the
15 member, in lieu of the regular or minimum retirement annuity, a
16 retirement annuity computed as follows:

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

25 (ii) for periods of eligible creditable service as a
26 covered employee: if retirement occurs on or after January
27 1, 2001, 2.5% of final average compensation for each year
28 of creditable service; if retirement occurs before January
29 1, 2001, 1.67% of final average compensation for each of
30 the first 10 years of such service, 1.90% for each of the
31 next 10 years of such service, 2.10% for each year of such
32 service in excess of 20 but not exceeding 30, and 2.30% for

1 each year in excess of 30.

2 Such annuity shall be subject to a maximum of 75% of final
3 average compensation if retirement occurs before January 1,
4 2001 or to a maximum of 80% of final average compensation if
5 retirement occurs on or after January 1, 2001.

6 These rates shall not be applicable to any service
7 performed by a member as a covered employee which is not
8 eligible creditable service. Service as a covered employee
9 which is not eligible creditable service shall be subject to
10 the rates and provisions of Section 14-108.

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

14 (1) State policeman;

15 (2) fire fighter in the fire protection service of a
16 department;

17 (3) air pilot;

18 (4) special agent;

19 (5) investigator for the Secretary of State;

20 (6) conservation police officer;

21 (7) investigator for the Department of Revenue;

22 (8) security employee of the Department of Human
23 Services;

24 (9) Central Management Services security police
25 officer;

26 (10) security employee of the Department of
27 Corrections;

28 (11) dangerous drugs investigator;

29 (12) investigator for the Department of State Police;

30 (13) investigator for the Office of the Attorney
31 General;

32 (14) controlled substance inspector;

33 (15) investigator for the Office of the State's
34 Attorneys Appellate Prosecutor;

35 (16) Commerce Commission police officer;

36 (17) arson investigator;

- 1 (18) State highway maintenance worker;
- 2 (19) automotive mechanic;
- 3 (20) maintenance equipment operator.

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

14 (c) For the purposes of this Section:

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

18 (2) The term "fire fighter in the fire protection
19 service of a department" includes all officers in such fire
20 protection service including fire chiefs and assistant
21 fire chiefs.

22 (3) The term "air pilot" includes any employee whose
23 official job description on file in the Department of
24 Central Management Services, or in the department by which
25 he is employed if that department is not covered by the
26 Personnel Code, states that his principal duty is the
27 operation of aircraft, and who possesses a pilot's license;
28 however, the change in this definition made by this
29 amendatory Act of 1983 shall not operate to exclude any
30 noncovered employee who was an "air pilot" for the purposes
31 of this Section on January 1, 1984.

32 (4) The term "special agent" means any person who by
33 reason of employment by the Division of Narcotic Control,
34 the Bureau of Investigation or, after July 1, 1977, the
35 Division of Criminal Investigation, the Division of
36 Internal Investigation, the Division of Operations, or any

1 other Division or organizational entity in the Department
2 of State Police is vested by law with duties to maintain
3 public order, investigate violations of the criminal law of
4 this State, enforce the laws of this State, make arrests
5 and recover property. The term "special agent" includes any
6 title or position in the Department of State Police that is
7 held by an individual employed under the State Police Act.

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

14 A person who became employed as an investigator for the
15 Secretary of State between January 1, 1967 and December 31,
16 1975, and who has served as such until attainment of age
17 60, either continuously or with a single break in service
18 of not more than 3 years duration, which break terminated
19 before January 1, 1976, shall be entitled to have his
20 retirement annuity calculated in accordance with
21 subsection (a), notwithstanding that he has less than 20
22 years of credit for such service.

23 (6) The term "Conservation Police Officer" means any
24 person employed by the Division of Law Enforcement of the
25 Department of Natural Resources and vested with such law
26 enforcement duties as render him ineligible for coverage
27 under the Social Security Act by reason of Sections
28 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
29 term "Conservation Police Officer" includes the positions
30 of Chief Conservation Police Administrator and Assistant
31 Conservation Police Administrator.

32 (7) The term "investigator for the Department of
33 Revenue" means any person employed by the Department of
34 Revenue and vested with such investigative duties as render
35 him ineligible for coverage under the Social Security Act
36 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and

1 218(1)(1) of that Act.

2 (8) The term "security employee of the Department of
3 Human Services" means any person employed by the Department
4 of Human Services who (i) is employed at the Chester Mental
5 Health Center and has daily contact with the residents
6 thereof, (ii) is employed within a security unit at a
7 facility operated by the Department and has daily contact
8 with the residents of the security unit, (iii) is employed
9 at a facility operated by the Department that includes a
10 security unit and is regularly scheduled to work at least
11 50% of his or her working hours within that security unit,
12 or (iv) is a mental health police officer. "Mental health
13 police officer" means any person employed by the Department
14 of Human Services in a position pertaining to the
15 Department's mental health and developmental disabilities
16 functions who is vested with such law enforcement duties as
17 render the person ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
20 means that portion of a facility that is devoted to the
21 care, containment, and treatment of persons committed to
22 the Department of Human Services as sexually violent
23 persons, persons unfit to stand trial, or persons not
24 guilty by reason of insanity. With respect to past
25 employment, references to the Department of Human Services
26 include its predecessor, the Department of Mental Health
27 and Developmental Disabilities.

28 The changes made to this subdivision (c)(8) by Public
29 Act 92-14 apply to persons who retire on or after January
30 1, 2001, notwithstanding Section 1-103.1.

31 (9) "Central Management Services security police
32 officer" means any person employed by the Department of
33 Central Management Services who is vested with such law
34 enforcement duties as render him ineligible for coverage
35 under the Social Security Act by reason of Sections
36 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

1 (10) The term "security employee of the Department of
2 Corrections" means any employee of the Department of
3 Corrections or the former Department of Personnel, and any
4 member or employee of the Prisoner Review Board, who has
5 daily contact with inmates by working within a correctional
6 facility or who is a parole officer or an employee who has
7 direct contact with committed persons in the performance of
8 his or her job duties.

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

12 (12) The term "investigator for the Department of State
13 Police" means a person employed by the Department of State
14 Police who is vested under Section 4 of the Narcotic
15 Control Division Abolition Act with such law enforcement
16 powers as render him ineligible for coverage under the
17 Social Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

19 (13) "Investigator for the Office of the Attorney
20 General" means any person who is employed as such by the
21 Office of the Attorney General and is vested with such
22 investigative duties as render him ineligible for coverage
23 under the Social Security Act by reason of Sections
24 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
25 the period before January 1, 1989, the term includes all
26 persons who were employed as investigators by the Office of
27 the Attorney General, without regard to social security
28 status.

29 (14) "Controlled substance inspector" means any person
30 who is employed as such by the Department of Professional
31 Regulation and is vested with such law enforcement duties
32 as render him ineligible for coverage under the Social
33 Security Act by reason of Sections 218(d)(5)(A),
34 218(d)(8)(D) and 218(1)(1) of that Act. The term
35 "controlled substance inspector" includes the Program
36 Executive of Enforcement and the Assistant Program

1 Executive of Enforcement.

2 (15) The term "investigator for the Office of the
3 State's Attorneys Appellate Prosecutor" means a person
4 employed in that capacity on a full time basis under the
5 authority of Section 7.06 of the State's Attorneys
6 Appellate Prosecutor's Act.

7 (16) "Commerce Commission police officer" means any
8 person employed by the Illinois Commerce Commission who is
9 vested with such law enforcement duties as render him
10 ineligible for coverage under the Social Security Act by
11 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
12 218(1)(1) of that Act.

13 (17) "Arson investigator" means any person who is
14 employed as such by the Office of the State Fire Marshal
15 and is vested with such law enforcement duties as render
16 the person 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. A person who was
19 employed as an arson investigator on January 1, 1995 and is
20 no longer in service but not yet receiving a retirement
21 annuity may convert his or her creditable service for
22 employment as an arson investigator into eligible
23 creditable service by paying to the System the difference
24 between the employee contributions actually paid for that
25 service and the amounts that would have been contributed if
26 the applicant were contributing at the rate applicable to
27 persons with the same social security status earning
28 eligible creditable service on the date of application.

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

31 (i) A person employed on a full-time basis by the
32 Illinois Department of Transportation in the position
33 of highway maintainer, highway maintenance lead
34 worker, highway maintenance lead/lead worker, heavy
35 construction equipment operator, power shovel
36 operator, or bridge mechanic; and whose principal

1 responsibility is to perform, on the roadway, the
2 actual maintenance necessary to keep the highways that
3 form a part of the State highway system in serviceable
4 condition for vehicular traffic.

5 (ii) A person employed on a full-time basis by the
6 Illinois State Toll Highway Authority in the position
7 of equipment operator/laborer H-4, equipment
8 operator/laborer H-6, welder H-4, welder H-6,
9 mechanical/electrical H-4, mechanical/electrical H-6,
10 water/sewer H-4, water/sewer H-6, sign maker/hanger
11 H-4, sign maker/hanger H-6, roadway lighting H-4,
12 roadway lighting H-6, structural H-4, structural H-6,
13 painter H-4, or painter H-6; and whose principal
14 responsibility is to perform, on the roadway, the
15 actual maintenance necessary to keep the Authority's
16 tollways in serviceable condition for vehicular
17 traffic.

18 (19) The term "automotive mechanic" means a person who
19 is employed as such on a full-time basis by the Illinois
20 State Toll Highway Authority and who is assigned to
21 retrieve or repair State vehicles on State highways or
22 tollways.

23 (20) The term "maintenance equipment operator" means a
24 person who is employed as such on a full-time basis by the
25 Department of Human Services or its predecessor
26 department.

27 (d) A security employee of the Department of Corrections,
28 and a security employee of the Department of Human Services who
29 is not a mental health police officer, shall not be eligible
30 for the alternative retirement annuity provided by this Section
31 unless he or she meets the following minimum age and service
32 requirements at the time of retirement:

33 (i) 25 years of eligible creditable service and age 55;

34 or

35 (ii) beginning January 1, 1987, 25 years of eligible
36 creditable service and age 54, or 24 years of eligible

1 creditable service and age 55; or

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

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

8 (v) beginning January 1, 1990, 25 years of eligible
9 creditable service and age 51, or 21 years of eligible
10 creditable service and age 55; or

11 (vi) beginning January 1, 1991, 25 years of eligible
12 creditable service and age 50, or 20 years of eligible
13 creditable service and age 55.

14 Persons who have service credit under Article 16 of this
15 Code for service as a security employee of the Department of
16 Corrections or the Department of Human Services in a position
17 requiring certification as a teacher may count such service
18 toward establishing their eligibility under the service
19 requirements of this Section; but such service may be used only
20 for establishing such eligibility, and not for the purpose of
21 increasing or calculating any benefit.

22 (e) If a member enters military service while working in a
23 position in which eligible creditable service may be earned,
24 and returns to State service in the same or another such
25 position, and fulfills in all other respects the conditions
26 prescribed in this Article for credit for military service,
27 such military service shall be credited as eligible creditable
28 service for the purposes of the retirement annuity prescribed
29 in this Section.

30 (f) For purposes of calculating retirement annuities under
31 this Section, periods of service rendered after December 31,
32 1968 and before October 1, 1975 as a covered employee in the
33 position of special agent, conservation police officer, mental
34 health police officer, or investigator for the Secretary of
35 State, shall be deemed to have been service as a noncovered
36 employee, provided that the employee pays to the System prior

1 to retirement an amount equal to (1) the difference between the
2 employee contributions that would have been required for such
3 service as a noncovered employee, and the amount of employee
4 contributions actually paid, plus (2) if payment is made after
5 July 31, 1987, regular interest on the amount specified in item
6 (1) from the date of service to the date of payment.

7 For purposes of calculating retirement annuities under
8 this Section, periods of service rendered after December 31,
9 1968 and before January 1, 1982 as a covered employee in the
10 position of investigator for the Department of Revenue shall be
11 deemed to have been service as a noncovered employee, provided
12 that the employee pays to the System prior to retirement an
13 amount equal to (1) the difference between the employee
14 contributions that would have been required for such service as
15 a noncovered employee, and the amount of employee contributions
16 actually paid, plus (2) if payment is made after January 1,
17 1990, regular interest on the amount specified in item (1) from
18 the date of service to the date of payment.

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

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

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

8 (h) Subject to the limitation in subsection (i), a State
9 policeman or investigator for the Secretary of State may elect
10 to establish eligible creditable service for up to 12 years of
11 his service as a policeman under Article 5, by filing a written
12 election with the Board on or before January 31, 1992, and
13 paying to the System by January 31, 1994 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 5-236, and the amounts that would
17 have been contributed had such contributions been made at the
18 rates applicable to State policemen, plus (ii) interest thereon
19 at the effective rate for each year, compounded annually, from
20 the date of service 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 sheriff's
25 law enforcement employee under Article 7, by filing a written
26 election with the Board on or before January 31, 1993, and
27 paying to the System by January 31, 1994 an amount to be
28 determined by the Board, equal to (i) the difference between
29 the amount of employee and employer contributions transferred
30 to the System under Section 7-139.7, and the amounts that would
31 have been contributed had such contributions been made at the
32 rates applicable to State policemen, plus (ii) interest thereon
33 at the effective rate for each year, compounded annually, from
34 the date of service to the date of payment.

35 (i) The total amount of eligible creditable service
36 established by any person under subsections (g), (h), (j), (k),

1 and (l) of this Section shall not exceed 12 years.

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

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

1 which credit is being established to the date of payment.

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

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

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