



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4903

Introduced 1/19/2006, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-110

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

40 ILCS 5/14-152.1

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. Exempts the changes from the provisions of the Article concerning new benefit increases. Effective immediately.

LRB094 16385 AMC 51638 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 Sections 14-110 and 14-152.1 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 (Text of Section before amendment by P.A. 94-696)

8 Sec. 14-110. Alternative retirement annuity.

9 (a) Any member who has withdrawn from service with not less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11 age 55, and any member who has withdrawn from service with not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

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

26 (ii) for periods of eligible creditable service as a
27 covered employee: if retirement occurs on or after January
28 1, 2001, 2.5% of final average compensation for each year
29 of creditable service; if retirement occurs before January
30 1, 2001, 1.67% of final average compensation for each of
31 the first 10 years of such service, 1.90% for each of the
32 next 10 years of such service, 2.10% for each year of such

1 service in excess of 20 but not exceeding 30, and 2.30% for
2 each year in excess of 30.

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

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

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

- 15 (1) State policeman;
- 16 (2) fire fighter in the fire protection service of a
17 department;
- 18 (3) air pilot;
- 19 (4) special agent;
- 20 (5) investigator for the Secretary of State;
- 21 (6) conservation police officer;
- 22 (7) investigator for the Department of Revenue;
- 23 (8) security employee of the Department of Human
24 Services;
- 25 (9) Central Management Services security police
26 officer;
- 27 (10) security employee of the Department of
28 Corrections;
- 29 (11) dangerous drugs investigator;
- 30 (12) investigator for the Department of State Police;
- 31 (13) investigator for the Office of the Attorney
32 General;
- 33 (14) controlled substance inspector;
- 34 (15) investigator for the Office of the State's
35 Attorneys Appellate Prosecutor;
- 36 (16) Commerce Commission police officer;

- 1 (17) arson investigator;
- 2 (18) State highway maintenance worker;~~;~~
- 3 (19) automotive mechanic;
- 4 (20) maintenance equipment operator.

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

15 (c) For the purposes of this Section:

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

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

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

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

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

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

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

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

33 (7) The term "investigator for the Department of
34 Revenue" means any person employed by the Department of
35 Revenue and vested with such investigative duties as render
36 him ineligible for coverage under the Social Security Act

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

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

29 The changes made to this subdivision (c)(8) by Public
30 Act 92-14 apply to persons who retire on or after January
31 1, 2001, notwithstanding Section 1-103.1.

32 (9) "Central Management Services security police
33 officer" means any person employed by the Department of
34 Central Management Services who is vested with such law
35 enforcement duties as render him ineligible for coverage
36 under the Social Security Act by reason of Sections

1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

2 (10) For a member who first became an employee under
3 this Article before July 1, 2005, the term "security
4 employee of the Department of Corrections" means any
5 employee of the Department of Corrections or the former
6 Department of Personnel, and any member or employee of the
7 Prisoner Review Board, who has daily contact with inmates
8 by working within a correctional facility or who is a
9 parole officer or an employee who has direct contact with
10 committed persons in the performance of his or her job
11 duties. For a member who first becomes an employee under
12 this Article on or after July 1, 2005, the term means an
13 employee of the Department of Corrections who is any of the
14 following: (i) officially headquartered at a correctional
15 facility, (ii) a parole officer, (iii) a member of the
16 apprehension unit, (iv) a member of the intelligence unit,
17 (v) a member of the sort team, or (vi) an investigator.

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

21 (12) The term "investigator for the Department of State
22 Police" means a person employed by the Department of State
23 Police who is vested under Section 4 of the Narcotic
24 Control Division Abolition Act with such law enforcement
25 powers as render him ineligible for coverage under the
26 Social Security Act by reason of Sections 218(d)(5)(A),
27 218(d)(8)(D) and 218(1)(1) of that Act.

28 (13) "Investigator for the Office of the Attorney
29 General" means any person who is employed as such by the
30 Office of the Attorney General and is vested with such
31 investigative duties as render him ineligible for coverage
32 under the Social Security Act by reason of Sections
33 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
34 the period before January 1, 1989, the term includes all
35 persons who were employed as investigators by the Office of
36 the Attorney General, without regard to social security

1 status.

2 (14) "Controlled substance inspector" means any person
3 who is employed as such by the Department of Professional
4 Regulation and is vested with such law enforcement duties
5 as render him ineligible for coverage under the Social
6 Security Act by reason of Sections 218(d)(5)(A),
7 218(d)(8)(D) and 218(1)(1) of that Act. The term
8 "controlled substance inspector" includes the Program
9 Executive of Enforcement and the Assistant Program
10 Executive of Enforcement.

11 (15) The term "investigator for the Office of the
12 State's Attorneys Appellate Prosecutor" means a person
13 employed in that capacity on a full time basis under the
14 authority of Section 7.06 of the State's Attorneys
15 Appellate Prosecutor's Act.

16 (16) "Commerce Commission police officer" means any
17 person employed by the Illinois Commerce Commission who is
18 vested with such law enforcement duties as render him
19 ineligible for coverage under the Social Security Act by
20 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
21 218(1)(1) of that Act.

22 (17) "Arson investigator" means any person who is
23 employed as such by the Office of the State Fire Marshal
24 and is vested with such law enforcement duties as render
25 the person ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),
27 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
28 employed as an arson investigator on January 1, 1995 and is
29 no longer in service but not yet receiving a retirement
30 annuity may convert his or her creditable service for
31 employment as an arson investigator into eligible
32 creditable service by paying to the System the difference
33 between the employee contributions actually paid for that
34 service and the amounts that would have been contributed if
35 the applicant were contributing at the rate applicable to
36 persons with the same social security status earning

1 eligible creditable service on the date of application.

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

4 (i) A person employed on a full-time basis by the
5 Illinois Department of Transportation in the position
6 of highway maintainer, highway maintenance lead
7 worker, highway maintenance lead/lead worker, heavy
8 construction equipment operator, power shovel
9 operator, or bridge mechanic; and whose principal
10 responsibility is to perform, on the roadway, the
11 actual maintenance necessary to keep the highways that
12 form a part of the State highway system in serviceable
13 condition for vehicular traffic.

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

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

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

36 (d) A security employee of the Department of Corrections,

1 and a security employee of the Department of Human Services who
2 is not a mental health police officer, shall not be eligible
3 for the alternative retirement annuity provided by this Section
4 unless he or she meets the following minimum age and service
5 requirements at the time of retirement:

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

7 or

8 (ii) beginning January 1, 1987, 25 years of eligible
9 creditable service and age 54, or 24 years of eligible
10 creditable service and age 55; or

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

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

17 (v) beginning January 1, 1990, 25 years of eligible
18 creditable service and age 51, or 21 years of eligible
19 creditable service and age 55; or

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

23 Persons who have service credit under Article 16 of this
24 Code for service as a security employee of the Department of
25 Corrections or the Department of Human Services in a position
26 requiring certification as a teacher may count such service
27 toward establishing their eligibility under the service
28 requirements of this Section; but such service may be used only
29 for establishing such eligibility, and not for the purpose of
30 increasing or calculating any benefit.

31 (e) If a member enters military service while working in a
32 position in which eligible creditable service may be earned,
33 and returns to State service in the same or another such
34 position, and fulfills in all other respects the conditions
35 prescribed in this Article for credit for military service,
36 such military service shall be credited as eligible creditable

1 service for the purposes of the retirement annuity prescribed
2 in this Section.

3 (f) For purposes of calculating retirement annuities under
4 this Section, periods of service rendered after December 31,
5 1968 and before October 1, 1975 as a covered employee in the
6 position of special agent, conservation police officer, mental
7 health police officer, or investigator for the Secretary of
8 State, shall be deemed to have been service as a noncovered
9 employee, provided that the employee pays to the System prior
10 to retirement an amount equal to (1) the difference between the
11 employee contributions that would have been required for such
12 service as a noncovered employee, and the amount of employee
13 contributions actually paid, plus (2) if payment is made after
14 July 31, 1987, regular interest on the amount specified in item
15 (1) from the date of service to the date of payment.

16 For purposes of calculating retirement annuities under
17 this Section, periods of service rendered after December 31,
18 1968 and before January 1, 1982 as a covered employee in the
19 position of investigator for the Department of Revenue shall be
20 deemed to have been service as a noncovered employee, provided
21 that the employee pays to the System prior to retirement an
22 amount equal to (1) the difference between the employee
23 contributions that would have been required for such service as
24 a noncovered employee, and the amount of employee contributions
25 actually paid, plus (2) if payment is made after January 1,
26 1990, regular interest on the amount specified in item (1) from
27 the date of service to the date of payment.

28 (g) A State policeman may elect, not later than January 1,
29 1990, to establish eligible creditable service for up to 10
30 years of his service as a policeman under Article 3, by filing
31 a written election with the Board, accompanied by payment of an
32 amount to be determined by the Board, equal to (i) the
33 difference between the amount of employee and employer
34 contributions transferred to the System under Section 3-110.5,
35 and the amounts that would have been contributed had such
36 contributions been made at the rates applicable to State

1 policemen, plus (ii) interest thereon at the effective rate for
2 each year, compounded annually, from the date of service to the
3 date of payment.

4 Subject to the limitation in subsection (i), a State
5 policeman may elect, not later than July 1, 1993, to establish
6 eligible creditable service for up to 10 years of his service
7 as a member of the County Police Department under Article 9, by
8 filing a written election with the Board, accompanied by
9 payment of an amount to be determined by the Board, equal to
10 (i) the difference between the amount of employee and employer
11 contributions transferred to the System under Section 9-121.10
12 and the amounts that would have been contributed had those
13 contributions been made at the rates applicable to State
14 policemen, plus (ii) interest thereon at the effective rate for
15 each year, compounded annually, from the date of service to the
16 date of payment.

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

30 Subject to the limitation in subsection (i), a State
31 policeman, conservation police officer, or investigator for
32 the Secretary of State may elect to establish eligible
33 creditable service for up to 10 years of service as a sheriff's
34 law enforcement employee under Article 7, by filing a written
35 election with the Board on or before January 31, 1993, and
36 paying to the System by January 31, 1994 an amount to be

1 determined by the Board, equal to (i) the difference between
2 the amount of employee and employer contributions transferred
3 to the System under Section 7-139.7, and the amounts that would
4 have been contributed had such contributions been made at the
5 rates applicable to State policemen, plus (ii) interest thereon
6 at the effective rate for each year, compounded annually, from
7 the date of service to the date of payment.

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

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

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

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

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

25 (Source: P.A. 94-4, eff. 6-1-05.)

26 (Text of Section after amendment by P.A. 94-696)

27 Sec. 14-110. Alternative retirement annuity.

28 (a) Any member who has withdrawn from service with not less
29 than 20 years of eligible creditable service and has attained
30 age 55, and any member who has withdrawn from service with not
31 less than 25 years of eligible creditable service and has
32 attained age 50, regardless of whether the attainment of either
33 of the specified ages occurs while the member is still in
34 service, shall be entitled to receive at the option of the
35 member, in lieu of the regular or minimum retirement annuity, a

1 retirement annuity computed as follows:

2 (i) for periods of service as a noncovered employee: if
3 retirement occurs on or after January 1, 2001, 3% of final
4 average compensation for each year of creditable service;
5 if retirement occurs before January 1, 2001, 2 1/4% of
6 final average compensation for each of the first 10 years
7 of creditable service, 2 1/2% for each year above 10 years
8 to and including 20 years of creditable service, and 2 3/4%
9 for each year of creditable service above 20 years; and

10 (ii) for periods of eligible creditable service as a
11 covered employee: if retirement occurs on or after January
12 1, 2001, 2.5% of final average compensation for each year
13 of creditable service; if retirement occurs before January
14 1, 2001, 1.67% of final average compensation for each of
15 the first 10 years of such service, 1.90% for each of the
16 next 10 years of such service, 2.10% for each year of such
17 service in excess of 20 but not exceeding 30, and 2.30% for
18 each year in excess of 30.

19 Such annuity shall be subject to a maximum of 75% of final
20 average compensation if retirement occurs before January 1,
21 2001 or to a maximum of 80% of final average compensation if
22 retirement occurs on or after January 1, 2001.

23 These rates shall not be applicable to any service
24 performed by a member as a covered employee which is not
25 eligible creditable service. Service as a covered employee
26 which is not eligible creditable service shall be subject to
27 the rates and provisions of Section 14-108.

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

31 (1) State policeman;

32 (2) fire fighter in the fire protection service of a
33 department;

34 (3) air pilot;

35 (4) special agent;

36 (5) investigator for the Secretary of State;

- 1 (6) conservation police officer;
- 2 (7) investigator for the Department of Revenue;
- 3 (8) security employee of the Department of Human
4 Services;
- 5 (9) Central Management Services security police
6 officer;
- 7 (10) security employee of the Department of
8 Corrections or the Department of Juvenile Justice;
- 9 (11) dangerous drugs investigator;
- 10 (12) investigator for the Department of State Police;
- 11 (13) investigator for the Office of the Attorney
12 General;
- 13 (14) controlled substance inspector;
- 14 (15) investigator for the Office of the State's
15 Attorneys Appellate Prosecutor;
- 16 (16) Commerce Commission police officer;
- 17 (17) arson investigator;
- 18 (18) State highway maintenance worker;
- 19 (19) automotive mechanic;
- 20 (20) maintenance equipment operator.

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

31 (c) For the purposes of this Section:

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

35 (2) The term "fire fighter in the fire protection
36 service of a department" includes all officers in such fire

1 protection service including fire chiefs and assistant
2 fire chiefs.

3 (3) The term "air pilot" includes any employee whose
4 official job description on file in the Department of
5 Central Management Services, or in the department by which
6 he is employed if that department is not covered by the
7 Personnel Code, states that his principal duty is the
8 operation of aircraft, and who possesses a pilot's license;
9 however, the change in this definition made by this
10 amendatory Act of 1983 shall not operate to exclude any
11 noncovered employee who was an "air pilot" for the purposes
12 of this Section on January 1, 1984.

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

25 (5) The term "investigator for the Secretary of State"
26 means any person employed by the Office of the Secretary of
27 State and vested with such investigative duties as render
28 him ineligible for coverage under the Social Security Act
29 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
30 218(1)(1) of that Act.

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

1 retirement annuity calculated in accordance with
2 subsection (a), notwithstanding that he has less than 20
3 years of credit for such service.

4 (6) The term "Conservation Police Officer" means any
5 person employed by the Division of Law Enforcement of the
6 Department of Natural Resources and vested with such law
7 enforcement duties as render him ineligible for coverage
8 under the Social Security Act by reason of Sections
9 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
10 term "Conservation Police Officer" includes the positions
11 of Chief Conservation Police Administrator and Assistant
12 Conservation Police 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 render
16 him ineligible for coverage under the Social Security Act
17 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
18 218(1)(1) of that Act.

19 (8) The term "security employee of the Department of
20 Human Services" means any person employed by the Department
21 of Human Services who (i) is employed at the Chester Mental
22 Health Center and has daily contact with the residents
23 thereof, (ii) is employed within a security unit at a
24 facility operated by the Department and has daily contact
25 with the residents of the security unit, (iii) is employed
26 at a facility operated by the Department that includes a
27 security unit and is regularly scheduled to work at least
28 50% of his or her working hours within that security unit,
29 or (iv) is a mental health police officer. "Mental health
30 police officer" means any person employed by the Department
31 of Human Services in a position pertaining to the
32 Department's mental health and developmental disabilities
33 functions who is vested with such law enforcement duties as
34 render the person ineligible for coverage under the Social
35 Security Act by reason of Sections 218(d)(5)(A),
36 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"

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

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

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

18 (10) For a member who first became an employee under
19 this Article before July 1, 2005, the term "security
20 employee of the Department of Corrections or the Department
21 of Juvenile Justice" means any employee of the Department
22 of Corrections or the Department of Juvenile Justice or the
23 former Department of Personnel, and any member or employee
24 of the Prisoner Review Board, who has daily contact with
25 inmates or youth by working within a correctional facility
26 or Juvenile facility operated by the Department of Juvenile
27 Justice or who is a parole officer or an employee who has
28 direct contact with committed persons in the performance of
29 his or her job duties. For a member who first becomes an
30 employee under this Article on or after July 1, 2005, the
31 term means an employee of the Department of Corrections or
32 the Department of Juvenile Justice who is any of the
33 following: (i) officially headquartered at a correctional
34 facility or Juvenile facility operated by the Department of
35 Juvenile Justice, (ii) a parole officer, (iii) a member of
36 the apprehension unit, (iv) a member of the intelligence

1 unit, (v) a member of the sort team, or (vi) an
2 investigator.

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

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

13 (13) "Investigator for the Office of the Attorney
14 General" means any person who is employed as such by the
15 Office of the Attorney General and is vested with such
16 investigative 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. For
19 the period before January 1, 1989, the term includes all
20 persons who were employed as investigators by the Office of
21 the Attorney General, without regard to social security
22 status.

23 (14) "Controlled substance inspector" means any person
24 who is employed as such by the Department of Professional
25 Regulation and is vested with such law enforcement duties
26 as render him ineligible for coverage under the Social
27 Security Act by reason of Sections 218(d)(5)(A),
28 218(d)(8)(D) and 218(1)(1) of that Act. The term
29 "controlled substance inspector" includes the Program
30 Executive of Enforcement and the Assistant Program
31 Executive of Enforcement.

32 (15) The term "investigator for the Office of the
33 State's Attorneys Appellate Prosecutor" means a person
34 employed in that capacity on a full time basis under the
35 authority of Section 7.06 of the State's Attorneys
36 Appellate Prosecutor's Act.

1 (16) "Commerce Commission police officer" means any
2 person employed by the Illinois Commerce Commission who is
3 vested with such law enforcement duties as render him
4 ineligible for coverage under the Social Security Act by
5 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
6 218(1)(1) of that Act.

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

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

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

35 (ii) A person employed on a full-time basis by the
36 Illinois State Toll Highway Authority in the position

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

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

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

21 (d) A security employee of the Department of Corrections or
22 the Department of Juvenile Justice, and a security employee of
23 the Department of Human Services who is not a mental health
24 police officer, shall not be eligible for the alternative
25 retirement annuity provided by this Section unless he or she
26 meets the following minimum age and service requirements at the
27 time of retirement:

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

29 or

30 (ii) beginning January 1, 1987, 25 years of eligible
31 creditable service and age 54, or 24 years of eligible
32 creditable service and age 55; or

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

36 (iv) beginning January 1, 1989, 25 years of eligible

1 creditable service and age 52, or 22 years of eligible
2 creditable service and age 55; or

3 (v) beginning January 1, 1990, 25 years of eligible
4 creditable service and age 51, or 21 years of eligible
5 creditable service and age 55; or

6 (vi) beginning January 1, 1991, 25 years of eligible
7 creditable service and age 50, or 20 years of eligible
8 creditable service and age 55.

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

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

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

1 July 31, 1987, regular interest on the amount specified in item
2 (1) from the date of service 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 be
7 deemed to have been service as a noncovered employee, provided
8 that the employee pays to the System prior to retirement an
9 amount equal to (1) the difference between the employee
10 contributions that would have been required for such service as
11 a noncovered employee, and the amount of employee contributions
12 actually paid, plus (2) if payment is made after January 1,
13 1990, regular interest on the amount specified in item (1) from
14 the date of service to the date of payment.

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

27 Subject to the limitation in subsection (i), a State
28 policeman may elect, not later than July 1, 1993, to establish
29 eligible creditable service for up to 10 years of his service
30 as a member of the County Police Department under Article 9, by
31 filing a written election with the Board, accompanied by
32 payment of an amount to be determined by the Board, equal to
33 (i) the difference between the amount of employee and employer
34 contributions transferred to the System under Section 9-121.10
35 and the amounts that would have been contributed had those
36 contributions been made at the rates applicable to State

1 policemen, plus (ii) interest thereon at the effective rate for
2 each year, compounded annually, from the date of service to the
3 date of payment.

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

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

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

34 (j) Subject to the limitation in subsection (i), an
35 investigator for the Office of the State's Attorneys Appellate
36 Prosecutor or a controlled substance inspector may elect to

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

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

34 (l) Subject to the limitation in subsection (i), a security
35 employee of the Department of Corrections may elect, not later
36 than July 1, 1998, to establish eligible creditable service for

1 up to 10 years of his or her service as a policeman under
2 Article 3, by filing a written election with the Board,
3 accompanied by payment of an amount to be determined by the
4 Board, equal to (i) the difference between the amount of
5 employee and employer contributions transferred to the System
6 under Section 3-110.5, and the amounts that would have been
7 contributed had such contributions been made at the rates
8 applicable to security employees of the Department of
9 Corrections, plus (ii) interest thereon at the effective rate
10 for each year, compounded annually, from the date of service to
11 the date of payment.

12 (m) The amendatory changes to this Section made by this
13 amendatory Act of the 94th General Assembly apply only to: (1)
14 security employees of the Department of Juvenile Justice
15 employed by the Department of Corrections before the effective
16 date of this amendatory Act of the 94th General Assembly and
17 transferred to the Department of Juvenile Justice by this
18 amendatory Act of the 94th General Assembly; and (2) persons
19 employed by the Department of Juvenile Justice on or after the
20 effective date of this amendatory Act of the 94th General
21 Assembly who are required by subsection (b) of Section 3-2.5-15
22 of the Unified Code of Corrections to have a bachelor's or
23 advanced degree from an accredited college or university with a
24 specialization in criminal justice, education, psychology,
25 social work, or a closely related social science or, in the
26 case of persons who provide vocational training, who are
27 required to have adequate knowledge in the skill for which they
28 are providing the vocational training.

29 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

30 (40 ILCS 5/14-152.1)

31 Sec. 14-152.1. Application and expiration of new benefit
32 increases.

33 (a) As used in this Section, "new benefit increase" means
34 an increase in the amount of any benefit provided under this
35 Article, or an expansion of the conditions of eligibility for

1 any benefit under this Article, that results from an amendment
2 to this Code that takes effect after June 1, 2005 (the
3 effective date of Public Act 94-4) ~~this amendatory Act of the~~
4 ~~94th General Assembly~~. "New benefit increase", however, does
5 not include any benefit increase resulting from the changes
6 made to this Article by this amendatory Act of the 94th General
7 Assembly.

8 (b) Notwithstanding any other provision of this Code or any
9 subsequent amendment to this Code, every new benefit increase
10 is subject to this Section and shall be deemed to be granted
11 only in conformance with and contingent upon compliance with
12 the provisions of this Section.

13 (c) The Public Act enacting a new benefit increase must
14 identify and provide for payment to the System of additional
15 funding at least sufficient to fund the resulting annual
16 increase in cost to the System as it accrues.

17 Every new benefit increase is contingent upon the General
18 Assembly providing the additional funding required under this
19 subsection. The Commission on Government Forecasting and
20 Accountability shall analyze whether adequate additional
21 funding has been provided for the new benefit increase and
22 shall report its analysis to the Public Pension Division of the
23 Department of Financial and Professional Regulation. A new
24 benefit increase created by a Public Act that does not include
25 the additional funding required under this subsection is null
26 and void. If the Public Pension Division determines that the
27 additional funding provided for a new benefit increase under
28 this subsection is or has become inadequate, it may so certify
29 to the Governor and the State Comptroller and, in the absence
30 of corrective action by the General Assembly, the new benefit
31 increase shall expire at the end of the fiscal year in which
32 the certification is made.

33 (d) Every new benefit increase shall expire 5 years after
34 its effective date or on such earlier date as may be specified
35 in the language enacting the new benefit increase or provided
36 under subsection (c). This does not prevent the General

1 Assembly from extending or re-creating a new benefit increase
2 by law.

3 (e) Except as otherwise provided in the language creating
4 the new benefit increase, a new benefit increase that expires
5 under this Section continues to apply to persons who applied
6 and qualified for the affected benefit while the new benefit
7 increase was in effect and to the affected beneficiaries and
8 alternate payees of such persons, but does not apply to any
9 other person, including without limitation a person who
10 continues in service after the expiration date and did not
11 apply and qualify for the affected benefit while the new
12 benefit increase was in effect.

13 (Source: P.A. 94-4, eff. 6-1-05.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.