

SB2178



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2178

Introduced 1/4/2006, by Sen. Carol Ronen

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. Makes a technical change in a Section relating to the alternative (State Police) formula.

LRB094 15927 AMC 51153 b

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning 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 (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9 (a) Any member who has withdrawn from service with not less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 ~~and~~ has
11 attained age 55, and any member who has withdrawn from service
12 with not less than 25 years of eligible creditable service and
13 has attained age 50, regardless of whether the attainment of
14 either of the specified ages occurs while the member is still
15 in 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 A person employed in one of the positions specified in this
4 subsection is entitled to eligible creditable service for
5 service credit earned under this Article while undergoing the
6 basic police training course approved by the Illinois Law
7 Enforcement Training Standards Board, if completion of that
8 training is required of persons serving in that position. For
9 the purposes of this Code, service during the required basic
10 police training course shall be deemed performance of the
11 duties of the specified position, even though the person is not
12 a sworn peace officer at the time of the training.

13 (c) For the purposes of this Section:

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

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

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

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

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

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

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

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

31 (7) The term "investigator for the Department of
32 Revenue" means any person employed by the Department of
33 Revenue and vested with such investigative duties as render
34 him ineligible for coverage under the Social Security Act
35 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
36 218(1)(1) of that Act.

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

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

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

36 (10) For a member who first became an employee under

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

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

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

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

36 (14) "Controlled substance inspector" means any person

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

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

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

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

36 (18) The term "State highway maintenance worker" means

1 a person who is either of the following:

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

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

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

31 (i) 25 years of eligible creditable service and age 55;
32 or

33 (ii) beginning January 1, 1987, 25 years of eligible
34 creditable service and age 54, or 24 years of eligible
35 creditable service and age 55; or

36 (iii) beginning January 1, 1988, 25 years of eligible

1 creditable service and age 53, or 23 years of eligible
2 creditable service and age 55; or

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

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

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

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

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

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

1 service as a noncovered employee, and the amount of employee
2 contributions actually paid, plus (2) if payment is made after
3 July 31, 1987, regular interest on the amount specified in item
4 (1) from the date of service to the date of payment.

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

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

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

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

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

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

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

36 (j) Subject to the limitation in subsection (i), an

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

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

36 (l) Subject to the limitation in subsection (i), a security

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

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

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

16 Sec. 14-110. Alternative retirement annuity.

17 (a) Any member who has withdrawn from service with not less
18 than 20 years of eligible creditable service and ~~and~~ has
19 attained age 55, and any member who has withdrawn from service
20 with not less than 25 years of eligible creditable service and
21 has attained age 50, regardless of whether the attainment of
22 either of the specified ages occurs while the member is still
23 in service, shall be entitled to receive at the option of the
24 member, in lieu of the regular or minimum retirement annuity, a
25 retirement annuity computed as follows:

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

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

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

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

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

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

- 20 (1) State policeman;
- 21 (2) fire fighter in the fire protection service of a
22 department;
- 23 (3) air pilot;
- 24 (4) special agent;
- 25 (5) investigator for the Secretary of State;
- 26 (6) conservation police officer;
- 27 (7) investigator for the Department of Revenue;
- 28 (8) security employee of the Department of Human
29 Services;
- 30 (9) Central Management Services security police
31 officer;
- 32 (10) security employee of the Department of
33 Corrections or the Department of Juvenile Justice;
- 34 (11) dangerous drugs investigator;
- 35 (12) investigator for the Department of State Police;
- 36 (13) investigator for the Office of the Attorney

- 1 General;
- 2 (14) controlled substance inspector;
- 3 (15) investigator for the Office of the State's
- 4 Attorneys Appellate Prosecutor;
- 5 (16) Commerce Commission police officer;
- 6 (17) arson investigator;
- 7 (18) State highway maintenance worker.

8 A person employed in one of the positions specified in this

9 subsection is entitled to eligible creditable service for

10 service credit earned under this Article while undergoing the

11 basic police training course approved by the Illinois Law

12 Enforcement Training Standards Board, if completion of that

13 training is required of persons serving in that position. For

14 the purposes of this Code, service during the required basic

15 police training course shall be deemed performance of the

16 duties of the specified position, even though the person is not

17 a sworn peace officer at the time of the training.

18 (c) For the purposes of this Section:

19 (1) The term "state policeman" includes any title or

20 position in the Department of State Police that is held by

21 an individual employed under the State Police Act.

22 (2) The term "fire fighter in the fire protection

23 service of a department" includes all officers in such fire

24 protection service including fire chiefs and assistant

25 fire chiefs.

26 (3) The term "air pilot" includes any employee whose

27 official job description on file in the Department of

28 Central Management Services, or in the department by which

29 he is employed if that department is not covered by the

30 Personnel Code, states that his principal duty is the

31 operation of aircraft, and who possesses a pilot's license;

32 however, the change in this definition made by this

33 amendatory Act of 1983 shall not operate to exclude any

34 noncovered employee who was an "air pilot" for the purposes

35 of this Section on January 1, 1984.

36 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,
2 the Bureau of Investigation or, after July 1, 1977, the
3 Division of Criminal Investigation, the Division of
4 Internal Investigation, the Division of Operations, or any
5 other Division or organizational entity in the Department
6 of State Police is vested by law with duties to maintain
7 public order, investigate violations of the criminal law of
8 this State, enforce the laws of this State, make arrests
9 and recover property. The term "special agent" includes any
10 title or position in the Department of State Police that is
11 held by an individual employed under the State Police Act.

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

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

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

36 (7) The term "investigator for the Department of

1 Revenue" means any person employed by the Department of
2 Revenue and vested with such investigative duties as render
3 him ineligible for coverage under the Social Security Act
4 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
5 218(1)(1) of that Act.

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

32 The changes made to this subdivision (c)(8) by Public
33 Act 92-14 apply to persons who retire on or after January
34 1, 2001, notwithstanding Section 1-103.1.

35 (9) "Central Management Services security police
36 officer" means any person employed by the Department of

1 Central Management Services who is vested with such law
2 enforcement duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

29 (12) The term "investigator for the Department of State
30 Police" means a person employed by the Department of State
31 Police who is vested under Section 4 of the Narcotic
32 Control Division Abolition Act with such law enforcement
33 powers as render him ineligible for coverage under the
34 Social Security Act by reason of Sections 218(d)(5)(A),
35 218(d)(8)(D) and 218(1)(1) of that Act.

36 (13) "Investigator for the Office of the Attorney

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

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

19 (15) The term "investigator for the Office of the
20 State's Attorneys Appellate Prosecutor" means a person
21 employed in that capacity on a full time basis under the
22 authority of Section 7.06 of the State's Attorneys
23 Appellate Prosecutor's Act.

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

30 (17) "Arson investigator" means any person who is
31 employed as such by the Office of the State Fire Marshal
32 and is vested with such law enforcement duties as render
33 the person ineligible for coverage under the Social
34 Security Act by reason of Sections 218(d)(5)(A),
35 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
36 employed as an arson investigator on January 1, 1995 and is

1 no longer in service but not yet receiving a retirement
2 annuity may convert his or her creditable service for
3 employment as an arson investigator into eligible
4 creditable service by paying to the System the difference
5 between the employee contributions actually paid for that
6 service and the amounts that would have been contributed if
7 the applicant were contributing at the rate applicable to
8 persons with the same social security status earning
9 eligible creditable service on the date of application.

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

12 (i) A person employed on a full-time basis by the
13 Illinois Department of Transportation in the position
14 of highway maintainer, highway maintenance lead
15 worker, highway maintenance lead/lead worker, heavy
16 construction equipment operator, power shovel
17 operator, or bridge mechanic; and whose principal
18 responsibility is to perform, on the roadway, the
19 actual maintenance necessary to keep the highways that
20 form a part of the State highway system in serviceable
21 condition for vehicular traffic.

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

35 (d) A security employee of the Department of Corrections or
36 the Department of Juvenile Justice, and a security employee of

1 the Department of Human Services who is not a mental health
2 police officer, shall not be eligible for the alternative
3 retirement annuity provided by this Section unless he or she
4 meets the following minimum age and service requirements at the
5 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 Juvenile Justice, or the
26 Department of Human Services in a position requiring
27 certification as a teacher may count such service toward
28 establishing their eligibility under the service requirements
29 of this Section; but such service may be used only for
30 establishing such eligibility, and not for the purpose of
31 increasing or calculating any benefit.

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

1 such military service shall be credited as eligible creditable
2 service for the purposes of the retirement annuity prescribed
3 in this Section.

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

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

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

1 contributions been made at the rates applicable to State
2 policemen, plus (ii) interest thereon at the effective rate for
3 each year, compounded annually, from the date of service to the
4 date of payment.

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

18 (h) Subject to the limitation in subsection (i), a State
19 policeman or investigator for the Secretary of State may elect
20 to establish eligible creditable service for up to 12 years of
21 his service as a policeman under Article 5, by filing a written
22 election with the Board on or before January 31, 1992, 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 5-236, 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 Subject to the limitation in subsection (i), a State
32 policeman, conservation police officer, or investigator for
33 the Secretary of State may elect to establish eligible
34 creditable service for up to 10 years of service as a sheriff's
35 law enforcement employee under Article 7, by filing a written
36 election with the Board on or before January 31, 1993, and

1 paying to the System by January 31, 1994 an amount to be
2 determined by the Board, equal to (i) the difference between
3 the amount of employee and employer contributions transferred
4 to the System under Section 7-139.7, and the amounts that would
5 have been contributed had such contributions been made at the
6 rates applicable to State policemen, plus (ii) interest thereon
7 at the effective rate for each year, compounded annually, from
8 the date of service to the date of payment.

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

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

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

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

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

26 (m) The amendatory changes to this Section made by this
27 amendatory Act of the 94th General Assembly apply only to: (1)
28 security employees of the Department of Juvenile Justice
29 employed by the Department of Corrections before the effective
30 date of this amendatory Act of the 94th General Assembly and
31 transferred to the Department of Juvenile Justice by this
32 amendatory Act of the 94th General Assembly; and (2) persons
33 employed by the Department of Juvenile Justice on or after the
34 effective date of this amendatory Act of the 94th General
35 Assembly who are required by subsection (b) of Section 3-2.5-15
36 of the Unified Code of Corrections to have a bachelor's or

1 advanced degree from an accredited college or university with a
2 specialization in criminal justice, education, psychology,
3 social work, or a closely related social science or, in the
4 case of persons who provide vocational training, who are
5 required to have adequate knowledge in the skill for which they
6 are providing the vocational training.

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

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