

SB2703



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2703

Introduced 1/20/2006, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

40 ILCS 5/15-106
40 ILCS 5/15-107

from Ch. 108 1/2, par. 15-106
from Ch. 108 1/2, par. 15-107

Amends State Universities Article of the Illinois Pension Code. In the definitions of "employer" and "employee", updates certain references to the Illinois Century Network, which is now part of the Bureau of Communication and Computer Services. Effective immediately.

LRB094 16646 AMC 51914 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 15-106 and 15-107 as follows:

6 (40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)

7 Sec. 15-106. Employer. "Employer": The University of
8 Illinois, Southern Illinois University, Chicago State
9 University, Eastern Illinois University, Governors State
10 University, Illinois State University, Northeastern Illinois
11 University, Northern Illinois University, Western Illinois
12 University, the State Board of Higher Education, the Illinois
13 Mathematics and Science Academy, the State Geological Survey
14 Division of the Department of Natural Resources, the State
15 Natural History Survey Division of the Department of Natural
16 Resources, the State Water Survey Division of the Department of
17 Natural Resources, the Waste Management and Research Center of
18 the Department of Natural Resources, the University Civil
19 Service Merit Board, the Board of Trustees of the State
20 Universities Retirement System, the Illinois Community College
21 Board, community college boards, any association of community
22 college boards organized under Section 3-55 of the Public
23 Community College Act, the Board of Examiners established under
24 the Illinois Public Accounting Act, and, only during the period
25 for which employer contributions required under Section 15-155
26 are paid, the following organizations: the alumni
27 associations, the foundations and the athletic associations
28 which are affiliated with the universities and colleges
29 included in this Section as employers.

30 A department as defined in Section 14-103.04 is an employer
31 for any person appointed by the Governor under the Civil
32 Administrative Code of Illinois who is a participating employee

1 as defined in Section 15-109. The Department of Central
2 Management Services is an employer with respect to persons
3 employed by the State Board of Higher Education in positions
4 with the Illinois Century Network as of June 30, 2004 who
5 remain continuously employed after that date by the Department
6 of Central Management Services in positions with the Illinois
7 Century Network or the Bureau of Communication and Computer
8 Services.

9 The cities of Champaign and Urbana shall be considered
10 employers, but only during the period for which contributions
11 are required to be made under subsection (b-1) of Section
12 15-155 and only with respect to individuals described in
13 subsection (h) of Section 15-107.

14 (Source: P.A. 93-839, eff. 7-30-04.)

15 (40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

16 Sec. 15-107. Employee.

17 (a) "Employee" means any member of the educational,
18 administrative, secretarial, clerical, mechanical, labor or
19 other staff of an employer whose employment is permanent and
20 continuous or who is employed in a position in which services
21 are expected to be rendered on a continuous basis for at least
22 4 months or one academic term, whichever is less, who (A)
23 receives payment for personal services on a warrant issued
24 pursuant to a payroll voucher certified by an employer and
25 drawn by the State Comptroller upon the State Treasurer or by
26 an employer upon trust, federal or other funds, or (B) is on a
27 leave of absence without pay. Employment which is irregular,
28 intermittent or temporary shall not be considered continuous
29 for purposes of this paragraph.

30 However, a person is not an "employee" if he or she:

31 (1) is a student enrolled in and regularly attending
32 classes in a college or university which is an employer,
33 and is employed on a temporary basis at less than full
34 time;

35 (2) is currently receiving a retirement annuity or a

1 disability retirement annuity under Section 15-153.2 from
2 this System;

3 (3) is on a military leave of absence;

4 (4) is eligible to participate in the Federal Civil
5 Service Retirement System and is currently making
6 contributions to that system based upon earnings paid by an
7 employer;

8 (5) is on leave of absence without pay for more than 60
9 days immediately following termination of disability
10 benefits under this Article;

11 (6) is hired after June 30, 1979 as a public service
12 employment program participant under the Federal
13 Comprehensive Employment and Training Act and receives
14 earnings in whole or in part from funds provided under that
15 Act; or

16 (7) is employed on or after July 1, 1991 to perform
17 services that are excluded by subdivision (a)(7)(f) or
18 (a)(19) of Section 210 of the federal Social Security Act
19 from the definition of employment given in that Section (42
20 U.S.C. 410).

21 (b) Any employer may, by filing a written notice with the
22 board, exclude from the definition of "employee" all persons
23 employed pursuant to a federally funded contract entered into
24 after July 1, 1982 with a federal military department in a
25 program providing training in military courses to federal
26 military personnel on a military site owned by the United
27 States Government, if this exclusion is not prohibited by the
28 federally funded contract or federal laws or rules governing
29 the administration of the contract.

30 (c) Any person appointed by the Governor under the Civil
31 Administrative Code of the State is an employee, if he or she
32 is a participant in this system on the effective date of the
33 appointment.

34 (d) A participant on lay-off status under civil service
35 rules is considered an employee for not more than 120 days from
36 the date of the lay-off.

1 (e) A participant is considered an employee during (1) the
2 first 60 days of disability leave, (2) the period, not to
3 exceed one year, in which his or her eligibility for disability
4 benefits is being considered by the board or reviewed by the
5 courts, and (3) the period he or she receives disability
6 benefits under the provisions of Section 15-152, workers'
7 compensation or occupational disease benefits, or disability
8 income under an insurance contract financed wholly or partially
9 by the employer.

10 (f) Absences without pay, other than formal leaves of
11 absence, of less than 30 calendar days, are not considered as
12 an interruption of a person's status as an employee. If such
13 absences during any period of 12 months exceed 30 work days,
14 the employee status of the person is considered as interrupted
15 as of the 31st work day.

16 (g) A staff member whose employment contract requires
17 services during an academic term is to be considered an
18 employee during the summer and other vacation periods, unless
19 he or she declines an employment contract for the succeeding
20 academic term or his or her employment status is otherwise
21 terminated, and he or she receives no earnings during these
22 periods.

23 (h) An individual who was a participating employee employed
24 in the fire department of the University of Illinois's
25 Champaign-Urbana campus immediately prior to the elimination
26 of that fire department and who immediately after the
27 elimination of that fire department became employed by the fire
28 department of the City of Urbana or the City of Champaign shall
29 continue to be considered as an employee for purposes of this
30 Article for so long as the individual remains employed as a
31 firefighter by the City of Urbana or the City of Champaign. The
32 individual shall cease to be considered an employee under this
33 subsection (h) upon the first termination of the individual's
34 employment as a firefighter by the City of Urbana or the City
35 of Champaign.

36 (i) An individual who is employed on a full-time basis as

1 an officer or employee of a statewide teacher organization that
2 serves System participants or an officer of a national teacher
3 organization that serves System participants may participate
4 in the System and shall be deemed an employee, provided that
5 (1) the individual has previously earned creditable service
6 under this Article, (2) the individual files with the System an
7 irrevocable election to become a participant, and (3) the
8 individual does not receive credit for that employment under
9 any other Article of this Code. An employee under this
10 subsection (i) is responsible for paying to the System both (A)
11 employee contributions based on the actual compensation
12 received for service with the teacher organization and (B)
13 employer contributions equal to the normal costs (as defined in
14 Section 15-155) resulting from that service; all or any part of
15 these contributions may be paid on the employee's behalf or
16 picked up for tax purposes (if authorized under federal law) by
17 the teacher organization.

18 A person who is an employee as defined in this subsection
19 (i) may establish service credit for similar employment prior
20 to becoming an employee under this subsection by paying to the
21 System for that employment the contributions specified in this
22 subsection, plus interest at the effective rate from the date
23 of service to the date of payment. However, credit shall not be
24 granted under this subsection for any such prior employment for
25 which the applicant received credit under any other provision
26 of this Code, or during which the applicant was on a leave of
27 absence under Section 15-113.2.

28 (j) A person employed by the State Board of Higher
29 Education in a position with the Illinois Century Network as of
30 June 30, 2004 shall be considered to be an employee for so long
31 as he or she remains continuously employed after that date by
32 the Department of Central Management Services in a position
33 with the Illinois Century Network or the Bureau of
34 Communication and Computer Services and meets the requirements
35 of subsection (a).

36 (Source: P.A. 93-347, eff. 7-24-03; 93-839, eff. 7-30-04.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.