

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

1 the Illinois Public Accounting Act, and, only during the period
2 for which employer contributions required under Section 15-155
3 are paid, the following organizations: the alumni
4 associations, the foundations and the athletic associations
5 which are affiliated with the universities and colleges
6 included in this Section as employers.

7 A department as defined in Section 14-103.04 is an employer
8 for any person appointed by the Governor under the Civil
9 Administrative Code of Illinois who is a participating employee
10 as defined in Section 15-109. The Department of Central
11 Management Services is an employer with respect to persons
12 employed by the State Board of Higher Education in positions
13 with the Illinois Century Network as of June 30, 2004 who
14 remain continuously employed after that date by the Department
15 of Central Management Services in positions with the Illinois
16 Century Network, the Bureau of Communication and Computer
17 Services, or, if applicable, any successor bureau.

18 The cities of Champaign and Urbana shall be considered
19 employers, but only during the period for which contributions
20 are required to be made under subsection (b-1) of Section
21 15-155 and only with respect to individuals described in
22 subsection (h) of Section 15-107.

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

24 (40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

25 Sec. 15-107. Employee.

1 (a) "Employee" means any member of the educational,
2 administrative, secretarial, clerical, mechanical, labor or
3 other staff of an employer whose employment is permanent and
4 continuous or who is employed in a position in which services
5 are expected to be rendered on a continuous basis for at least
6 4 months or one academic term, whichever is less, who (A)
7 receives payment for personal services on a warrant issued
8 pursuant to a payroll voucher certified by an employer and
9 drawn by the State Comptroller upon the State Treasurer or by
10 an employer upon trust, federal or other funds, or (B) is on a
11 leave of absence without pay. Employment which is irregular,
12 intermittent or temporary shall not be considered continuous
13 for purposes of this paragraph.

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

15 (1) is a student enrolled in and regularly attending
16 classes in a college or university which is an employer,
17 and is employed on a temporary basis at less than full
18 time;

19 (2) is currently receiving a retirement annuity or a
20 disability retirement annuity under Section 15-153.2 from
21 this System;

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

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

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

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

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

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

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

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

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

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

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

26 (h) An individual who was a participating employee employed

1 in the fire department of the University of Illinois's
2 Champaign-Urbana campus immediately prior to the elimination
3 of that fire department and who immediately after the
4 elimination of that fire department became employed by the fire
5 department of the City of Urbana or the City of Champaign shall
6 continue to be considered as an employee for purposes of this
7 Article for so long as the individual remains employed as a
8 firefighter by the City of Urbana or the City of Champaign. The
9 individual shall cease to be considered an employee under this
10 subsection (h) upon the first termination of the individual's
11 employment as a firefighter by the City of Urbana or the City
12 of Champaign.

13 (i) An individual who is employed on a full-time basis as
14 an officer or employee of a statewide teacher organization that
15 serves System participants or an officer of a national teacher
16 organization that serves System participants may participate
17 in the System and shall be deemed an employee, provided that
18 (1) the individual has previously earned creditable service
19 under this Article, (2) the individual files with the System an
20 irrevocable election to become a participant, and (3) the
21 individual does not receive credit for that employment under
22 any other Article of this Code. An employee under this
23 subsection (i) is responsible for paying to the System both (A)
24 employee contributions based on the actual compensation
25 received for service with the teacher organization and (B)
26 employer contributions equal to the normal costs (as defined in

1 Section 15-155) resulting from that service; all or any part of
2 these contributions may be paid on the employee's behalf or
3 picked up for tax purposes (if authorized under federal law) by
4 the teacher organization.

5 A person who is an employee as defined in this subsection
6 (i) may establish service credit for similar employment prior
7 to becoming an employee under this subsection by paying to the
8 System for that employment the contributions specified in this
9 subsection, plus interest at the effective rate from the date
10 of service to the date of payment. However, credit shall not be
11 granted under this subsection for any such prior employment for
12 which the applicant received credit under any other provision
13 of this Code, or during which the applicant was on a leave of
14 absence under Section 15-113.2.

15 (j) A person employed by the State Board of Higher
16 Education in a position with the Illinois Century Network as of
17 June 30, 2004 shall be considered to be an employee for so long
18 as he or she remains continuously employed after that date by
19 the Department of Central Management Services in a position
20 with the Illinois Century Network, the Bureau of Communication
21 and Computer Services, or, if applicable, any successor bureau
22 and meets the requirements of subsection (a).

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.