



Rep. Raymond Poe

Filed: 11/12/2010

09600HB1565ham001

LRB096 05112 JDS 43829 a

1 AMENDMENT TO HOUSE BILL 1565

2 AMENDMENT NO. _____. Amend House Bill 1565 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 14-104 as follows:

6 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

7 Sec. 14-104. Service for which contributions permitted.
8 Contributions provided for in this Section shall cover the
9 period of service granted. Except as otherwise provided in this
10 Section, the contributions shall be based upon the employee's
11 compensation and contribution rate in effect on the date he
12 last became a member of the System; provided that for all
13 employment prior to January 1, 1969 the contribution rate shall
14 be that in effect for a noncovered employee on the date he last
15 became a member of the System. Except as otherwise provided in
16 this Section, contributions permitted under this Section shall

1 include regular interest from the date an employee last became
2 a member of the System to the date of payment.

3 These contributions must be paid in full before retirement
4 either in a lump sum or in installment payments in accordance
5 with such rules as may be adopted by the board.

6 (a) Any member may make contributions as required in this
7 Section for any period of service, subsequent to the date of
8 establishment, but prior to the date of membership.

9 (b) Any employee who had been previously excluded from
10 membership because of age at entry and subsequently became
11 eligible may elect to make contributions as required in this
12 Section for the period of service during which he was
13 ineligible.

14 (c) An employee of the Department of Insurance who, after
15 January 1, 1944 but prior to becoming eligible for membership,
16 received salary from funds of insurance companies in the
17 process of rehabilitation, liquidation, conservation or
18 dissolution, may elect to make contributions as required in
19 this Section for such service.

20 (d) Any employee who rendered service in a State office to
21 which he was elected, or rendered service in the elective
22 office of Clerk of the Appellate Court prior to the date he
23 became a member, may make contributions for such service as
24 required in this Section. Any member who served by appointment
25 of the Governor under the Civil Administrative Code of Illinois
26 and did not participate in this System may make contributions

1 as required in this Section for such service.

2 (e) Any person employed by the United States government or
3 any instrumentality or agency thereof from January 1, 1942
4 through November 15, 1946 as the result of a transfer from
5 State service by executive order of the President of the United
6 States shall be entitled to prior service credit covering the
7 period from January 1, 1942 through December 31, 1943 as
8 provided for in this Article and to membership service credit
9 for the period from January 1, 1944 through November 15, 1946
10 by making the contributions required in this Section. A person
11 so employed on January 1, 1944 but whose employment began after
12 January 1, 1942 may qualify for prior service and membership
13 service credit under the same conditions.

14 (f) An employee of the Department of Labor of the State of
15 Illinois who performed services for and under the supervision
16 of that Department prior to January 1, 1944 but who was
17 compensated for those services directly by federal funds and
18 not by a warrant of the Auditor of Public Accounts paid by the
19 State Treasurer may establish credit for such employment by
20 making the contributions required in this Section. An employee
21 of the Department of Agriculture of the State of Illinois, who
22 performed services for and under the supervision of that
23 Department prior to June 1, 1963, but was compensated for those
24 services directly by federal funds and not paid by a warrant of
25 the Auditor of Public Accounts paid by the State Treasurer, and
26 who did not contribute to any other public employee retirement

1 system for such service, may establish credit for such
2 employment by making the contributions required in this
3 Section.

4 (g) Any employee who executed a waiver of membership within
5 60 days prior to January 1, 1944 may, at any time while in the
6 service of a department, file with the board a rescission of
7 such waiver. Upon making the contributions required by this
8 Section, the member shall be granted the creditable service
9 that would have been received if the waiver had not been
10 executed.

11 (h) Until May 1, 1990, an employee who was employed on a
12 full-time basis by a regional planning commission for at least
13 5 continuous years may establish creditable service for such
14 employment by making the contributions required under this
15 Section, provided that any credits earned by the employee in
16 the commission's retirement plan have been terminated.

17 (i) Any person who rendered full time contractual services
18 to the General Assembly as a member of a legislative staff may
19 establish service credit for up to 8 years of such services by
20 making the contributions required under this Section, provided
21 that application therefor is made not later than July 1, 1991.

22 (j) By paying the contributions otherwise required under
23 this Section, plus an amount determined by the Board to be
24 equal to the employer's normal cost of the benefit plus
25 interest, but with all of the interest calculated from the date
26 the employee last became a member of the System or November 19,

1 1991, whichever is later, to the date of payment, an employee
2 may establish service credit for a period of up to 4 years
3 spent in active military service for which he does not qualify
4 for credit under Section 14-105, provided that (1) he was not
5 dishonorably discharged from such military service, and (2) the
6 amount of service credit established by a member under this
7 subsection (j), when added to the amount of military service
8 credit granted to the member under subsection (b) of Section
9 14-105, shall not exceed 5 years. The change in the manner of
10 calculating interest under this subsection (j) made by this
11 amendatory Act of the 92nd General Assembly applies to credit
12 purchased by an employee on or after its effective date and
13 does not entitle any person to a refund of contributions or
14 interest already paid. In compliance with Section 14-152.1 of
15 this Act concerning new benefit increases, any new benefit
16 increase as a result of the changes to this subsection (j) made
17 by Public Act 95-483 is funded through the employee
18 contributions provided for in this subsection (j). Any new
19 benefit increase as a result of the changes made to this
20 subsection (j) by Public Act 95-483 is exempt from the
21 provisions of subsection (d) of Section 14-152.1.

22 (k) An employee who was employed on a full-time basis by
23 the Illinois State's Attorneys Association Statewide Appellate
24 Assistance Service LEAA-ILEC grant project prior to the time
25 that project became the State's Attorneys Appellate Service
26 Commission, now the Office of the State's Attorneys Appellate

1 Prosecutor, an agency of State government, may establish
2 creditable service for not more than 60 months service for such
3 employment by making contributions required under this
4 Section.

5 (1) By paying the contributions otherwise required under
6 this Section, plus an amount determined by the Board to be
7 equal to the employer's normal cost of the benefit plus
8 interest, a member may establish service credit for periods of
9 less than one year spent on authorized leave of absence from
10 service, provided that (1) the period of leave began on or
11 after January 1, 1982 and (2) any credit established by the
12 member for the period of leave in any other public employee
13 retirement system has been terminated. A member may establish
14 service credit under this subsection for more than one period
15 of authorized leave, and in that case the total period of
16 service credit established by the member under this subsection
17 may exceed one year. In determining the contributions required
18 for establishing service credit under this subsection, the
19 interest shall be calculated from the beginning of the leave of
20 absence to the date of payment.

21 (1-5) By paying the contributions otherwise required under
22 this Section, plus an amount determined by the Board to be
23 equal to the employer's normal cost of the benefit plus
24 interest, a member may establish service credit for periods of
25 up to 2 years spent on authorized leave of absence from
26 service, provided that during that leave the member represented

1 or was employed as an officer or employee of a statewide labor
2 organization that represents members of this System. In
3 determining the contributions required for establishing
4 service credit under this subsection, the interest shall be
5 calculated from the beginning of the leave of absence to the
6 date of payment.

7 (m) Any person who rendered contractual services to a
8 member of the General Assembly as a worker in the member's
9 district office may establish creditable service for up to 3
10 years of those contractual services by making the contributions
11 required under this Section. The System shall determine a
12 full-time salary equivalent for the purpose of calculating the
13 required contribution. To establish credit under this
14 subsection, the applicant must apply to the System by March 1,
15 1998.

16 (n) Any person who rendered contractual services to a
17 member of the General Assembly as a worker providing
18 constituent services to persons in the member's district may
19 establish creditable service for up to 8 years of those
20 contractual services by making the contributions required
21 under this Section. The System shall determine a full-time
22 salary equivalent for the purpose of calculating the required
23 contribution. To establish credit under this subsection, the
24 applicant must apply to the System by March 1, 1998.

25 (o) A member who participated in the Illinois Legislative
26 Staff Internship Program may establish creditable service for

1 up to one year of that participation by making the contribution
2 required under this Section. The System shall determine a
3 full-time salary equivalent for the purpose of calculating the
4 required contribution. Credit may not be established under this
5 subsection for any period for which service credit is
6 established under any other provision of this Code.

7 (p) By paying the contributions otherwise required under
8 this Section, plus an amount determined by the Board to be
9 equal to the employer's normal cost of the benefit plus
10 interest, a member may establish service credit for a period of
11 up to 8 years during which he or she was employed by the
12 Visually Handicapped Managers of Illinois in a vending program
13 operated under a contractual agreement with the Department of
14 Rehabilitation Services or its successor agency.

15 This subsection (p) applies without regard to whether the
16 person was in service on or after the effective date of this
17 amendatory Act of the 94th General Assembly. In the case of a
18 person who is receiving a retirement annuity on that effective
19 date, the increase, if any, shall begin to accrue on the first
20 annuity payment date following receipt by the System of the
21 contributions required under this subsection (p).

22 (q) By paying the required contributions under this
23 Section, plus an amount determined by the Board to be equal to
24 the employer's normal cost of the benefit plus interest, an
25 employee who was laid off but returned to any State employment
26 may establish creditable service for the period of the layoff,

1 provided that (1) the applicant applies for the creditable
2 service under this subsection (q) within 6 months after July
3 27, 2010 (the effective date of Public Act 96-1320) ~~this~~
4 ~~amendatory Act of the 96th General Assembly~~, (2) the applicant
5 does not receive credit for that period under any other
6 provision of this Code, (3) at the time of the layoff, the
7 applicant is not in an initial probationary status consistent
8 with the rules of the Department of Central Management
9 Services, and (4) the total amount of creditable service
10 established by the applicant under this subsection (q) does not
11 exceed 3 years. For service established under this subsection
12 (q), the required employee contribution shall be based on the
13 rate of compensation earned by the employee on the date of
14 returning to employment after the layoff and the contribution
15 rate then in effect, and the required interest shall be
16 calculated at the actuarially assumed rate from the date of
17 returning to employment after the layoff to the date of
18 payment. Funding for any new benefit increase, as defined in
19 Section 14-152.1 of this Act, that is created under this
20 subsection (q) will be provided by the employee contributions
21 required under this subsection (q).

22 (r) A member who participated in the University of Illinois
23 Government Public Service Internship Program (GPSI) may
24 establish creditable service for up to 2 years of that
25 participation by making the contribution required under this
26 Section, plus an amount determined by the Board to be equal to

1 the employer's normal cost of the benefit plus interest. The
2 System shall determine a full-time salary equivalent for the
3 purpose of calculating the required contribution. Credit may
4 not be established under this subsection for any period for
5 which service credit is established under any other provision
6 of this Code.

7 (s) A member who worked as a nurse under a contractual
8 agreement for the Department of Public Aid, or its successor
9 agency, the Department of Human Services, in the Client
10 Assessment Unit and was subsequently determined to be a State
11 employee by the United States Internal Revenue Service and the
12 Illinois Labor Relations Board may establish creditable
13 service for those contractual services by making the
14 contributions required under this Section. To establish credit
15 under this subsection, the applicant must apply to the System
16 by July 1, 2008.

17 The Department of Human Services shall pay an employer
18 contribution based upon an amount determined by the Board to be
19 equal to the employer's normal cost of the benefit, plus
20 interest.

21 In compliance with Section 14-152.1 added by Public Act
22 94-4, the cost of the benefits provided by Public Act 95-583
23 are offset by the required employee and employer contributions.

24 (t) Any person who rendered contractual services on a
25 full-time basis to the Illinois Institute of Natural Resources
26 and the Illinois Department of Energy and Natural Resources may

1 establish creditable service for up to 4 years of those
2 contractual services by making the contributions required
3 under this Section, plus an amount determined by the Board to
4 be equal to the employer's normal cost of the benefit plus
5 interest at the actuarially assumed rate from the first day of
6 the service for which credit is being established to the date
7 of payment. To establish credit under this subsection (t), the
8 applicant must apply to the System within 6 months after July
9 27, 2010 ~~August 28, 2009~~ (the effective date of Public Act
10 96-1320 ~~96-775~~) ~~this amendatory Act of the 96th General~~
11 ~~Assembly.~~

12 (u) By paying the required contributions under this
13 Section, plus an amount determined by the Board to be equal to
14 the employer's normal cost of the benefit, plus interest, a
15 member may establish creditable service and earnings credit for
16 periods of furlough beginning on or after July 1, 2008. To
17 receive this credit, the participant must (i) apply in writing
18 to the System before December 31, 2011 and (ii) not receive
19 compensation for the furlough period. For service established
20 under this subsection, the required employee contribution
21 shall be based on the rate of compensation earned by the
22 employee immediately following the date of the first furlough
23 day in the time period specified in this subsection (u), and
24 the required interest shall be calculated at the actuarially
25 assumed rate from the date of the furlough to the date of
26 payment. ~~A member may establish creditable service and earnings~~

1 ~~credit for a period of voluntary or involuntary furlough, not~~
2 ~~exceeding 5 days, beginning on or after July 1, 2008 and ending~~
3 ~~on or before June 30, 2009, that is utilized as a means of~~
4 ~~addressing a State fiscal emergency. To receive this credit,~~
5 ~~the member must apply in writing to the System before July 1,~~
6 ~~2012, and make contributions required under this Section, plus~~
7 ~~an amount determined by the Board to be equal to the employer's~~
8 ~~normal cost of the benefit, plus interest at the actuarially~~
9 ~~assumed rate.~~

10 ~~A member may establish creditable service and earnings~~
11 ~~credit for a period of voluntary or involuntary furlough, not~~
12 ~~exceeding 24 days, beginning on or after July 1, 2009 and~~
13 ~~ending on or before June 30, 2011, that is utilized as a means~~
14 ~~of addressing a State fiscal emergency. To receive this credit,~~
15 ~~the member must, before December 31, 2011, (i) apply in writing~~
16 ~~to the System and (ii) make the contributions required under~~
17 ~~this Section, plus an amount determined by the Board to be~~
18 ~~equal to the employer's normal cost of the benefit, plus~~
19 ~~interest at the actuarially assumed rate.~~

20 (v) Any member who rendered full-time contractual services
21 to an Illinois Veterans Home operated by the Department of
22 Veterans' Affairs may establish service credit for up to 8
23 years of such services by making the contributions required
24 under this Section, plus an amount determined by the Board to
25 be equal to the employer's normal cost of the benefit, plus
26 interest at the actuarially assumed rate. To establish credit

1 under this subsection, the applicant must apply to the System
2 no later than 6 months after July 27, 2010 ~~2009~~ (the effective
3 date of Public Act 96-1320 ~~96-97~~) ~~this amendatory Act of the~~
4 ~~96th General Assembly.~~

5 (Source: P.A. 95-483, eff. 8-28-07; 95-583, eff. 8-31-07;
6 95-652, eff. 10-11-07; 95-876, eff. 8-21-08; 96-97, eff.
7 7-27-09; 96-718, eff. 8-25-09; 96-775, eff. 8-28-09; 96-961,
8 eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1320, eff. 7-27-10;
9 revised 9-16-10.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".