



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2666

Introduced 2/20/2009, by Rep. Marlow H. Colvin

#### 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. Adds certain employees of the Department of Juvenile Justice whose position is equivalent to a parole officer to the alternative formula. Removes restrictions on the application of the alternative formula provisions to certain employees of the Department of Juvenile Justice. Effective immediately.

LRB096 11193 AMC 21585 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not less  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10 age 55, and any member who has withdrawn from service with not  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

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

1 for each year of creditable service above 20 years; and

2 (ii) for periods of eligible creditable service as a  
3 covered employee: if retirement occurs on or after January  
4 1, 2001, 2.5% of final average compensation for each year  
5 of creditable service; if retirement occurs before January  
6 1, 2001, 1.67% of final average compensation for each of  
7 the first 10 years of such service, 1.90% for each of the  
8 next 10 years of such service, 2.10% for each year of such  
9 service in excess of 20 but not exceeding 30, and 2.30% for  
10 each year in excess of 30.

11 Such annuity shall be subject to a maximum of 75% of final  
12 average compensation if retirement occurs before January 1,  
13 2001 or to a maximum of 80% of final average compensation if  
14 retirement occurs on or after January 1, 2001.

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

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

23 (1) State policeman;

24 (2) fire fighter in the fire protection service of a  
25 department;

26 (3) air pilot;

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

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

1 the purposes of this Code, service during the required basic  
2 police training course shall be deemed performance of the  
3 duties of the specified position, even though the person is not  
4 a sworn peace officer at the time of the training.

5 (c) For the purposes of this Section:

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

9 (2) The term "fire fighter in the fire protection  
10 service of a department" includes all officers in such fire  
11 protection service including fire chiefs and assistant  
12 fire chiefs.

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

23 (4) The term "special agent" means any person who by  
24 reason of employment by the Division of Narcotic Control,  
25 the Bureau of Investigation or, after July 1, 1977, the  
26 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

1 enforcement duties as render him ineligible for coverage  
2 under the Social Security Act by reason of Sections  
3 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
4 term "Conservation Police Officer" includes the positions  
5 of Chief Conservation Police Administrator and Assistant  
6 Conservation Police Administrator.

7 (7) The term "investigator for the Department of  
8 Revenue" means any person employed by the Department of  
9 Revenue 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 (8) The term "security employee of the Department of  
14 Human Services" means any person employed by the Department  
15 of Human Services who (i) is employed at the Chester Mental  
16 Health Center and has daily contact with the residents  
17 thereof, (ii) is employed within a security unit at a  
18 facility operated by the Department and has daily contact  
19 with the residents of the security unit, (iii) is employed  
20 at a facility operated by the Department that includes a  
21 security unit and is regularly scheduled to work at least  
22 50% of his or her working hours within that security unit,  
23 or (iv) is a mental health police officer. "Mental health  
24 police officer" means any person employed by the Department  
25 of Human Services in a position pertaining to the  
26 Department's mental health and developmental disabilities

1 functions who is vested with such law enforcement duties as  
2 render the person ineligible for coverage under the Social  
3 Security Act by reason of Sections 218(d)(5)(A),  
4 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
5 means that portion of a facility that is devoted to the  
6 care, containment, and treatment of persons committed to  
7 the Department of Human Services as sexually violent  
8 persons, persons unfit to stand trial, or persons not  
9 guilty by reason of insanity. With respect to past  
10 employment, references to the Department of Human Services  
11 include its predecessor, the Department of Mental Health  
12 and Developmental Disabilities.

13 The changes made to this subdivision (c)(8) by Public  
14 Act 92-14 apply to persons who retire on or after January  
15 1, 2001, notwithstanding Section 1-103.1.

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

22 (10) For a member who first became an employee under  
23 this Article before July 1, 2005, the term "security  
24 employee of the Department of Corrections or the Department  
25 of Juvenile Justice" means any employee of the Department  
26 of Corrections or the Department of Juvenile Justice or the



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

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

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

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

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

26 (16) "Commerce Commission police officer" means any

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

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

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

24 (i) A person employed on a full-time basis by the  
25 Illinois Department of Transportation in the position  
26 of highway maintainer, highway maintenance lead

1 worker, highway maintenance lead/lead worker, heavy  
2 construction equipment operator, power shovel  
3 operator, or bridge mechanic; and whose principal  
4 responsibility is to perform, on the roadway, the  
5 actual maintenance necessary to keep the highways that  
6 form a part of the State highway system in serviceable  
7 condition for vehicular traffic.

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

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

1 time of retirement:

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

3 or

4 (ii) beginning January 1, 1987, 25 years of eligible  
5 creditable service and age 54, or 24 years of eligible  
6 creditable service and age 55; or

7 (iii) beginning January 1, 1988, 25 years of eligible  
8 creditable service and age 53, or 23 years of eligible  
9 creditable service and age 55; or

10 (iv) beginning January 1, 1989, 25 years of eligible  
11 creditable service and age 52, or 22 years of eligible  
12 creditable service and age 55; or

13 (v) beginning January 1, 1990, 25 years of eligible  
14 creditable service and age 51, or 21 years of eligible  
15 creditable service and age 55; or

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

19 Persons who have service credit under Article 16 of this  
20 Code for service as a security employee of the Department of  
21 Corrections or the Department of Juvenile Justice, or the  
22 Department of Human Services in a position requiring  
23 certification as a teacher may count such service toward  
24 establishing their eligibility under the service requirements  
25 of this Section; but such service may be used only for  
26 establishing such eligibility, and not for the purpose of

1 increasing or calculating any benefit.

2 (e) If a member enters military service while working in a  
3 position in which eligible creditable service may be earned,  
4 and returns to State service in the same or another such  
5 position, and fulfills in all other respects the conditions  
6 prescribed in this Article for credit for military service,  
7 such military service shall be credited as eligible creditable  
8 service for the purposes of the retirement annuity prescribed  
9 in this Section.

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

23 For purposes of calculating retirement annuities under  
24 this Section, periods of service rendered after December 31,  
25 1968 and before January 1, 1982 as a covered employee in the  
26 position of investigator for the Department of Revenue shall be

1 deemed to have been service as a noncovered employee, provided  
2 that the employee pays to the System prior to retirement an  
3 amount equal to (1) the difference between the employee  
4 contributions that would have been required for such service as  
5 a noncovered employee, and the amount of employee contributions  
6 actually paid, plus (2) if payment is made after January 1,  
7 1990, regular interest on the amount specified in item (1) from  
8 the date of service to the date of payment.

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

21 Subject to the limitation in subsection (i), a State  
22 policeman may elect, not later than July 1, 1993, to establish  
23 eligible creditable service for up to 10 years of his service  
24 as a member of the County Police Department under Article 9, by  
25 filing a written election with the Board, accompanied by  
26 payment of an amount to be determined by the Board, equal to

1 (i) the difference between the amount of employee and employer  
2 contributions transferred to the System under Section 9-121.10  
3 and the amounts that would have been contributed had those  
4 contributions been made at the rates applicable to State  
5 policemen, plus (ii) interest thereon at the effective rate for  
6 each year, compounded annually, from the date of service to the  
7 date of payment.

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

21 Subject to the limitation in subsection (i), a State  
22 policeman, conservation police officer, or investigator for  
23 the Secretary of State may elect to establish eligible  
24 creditable service for up to 10 years of service as a sheriff's  
25 law enforcement employee under Article 7, by filing a written  
26 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 Subject to the limitation in subsection (i), a State  
10 policeman, conservation police officer, or investigator for  
11 the Secretary of State may elect to establish eligible  
12 creditable service for up to 5 years of service as a police  
13 officer under Article 3, a policeman under Article 5, a  
14 sheriff's law enforcement employee under Article 7, a member of  
15 the county police department under Article 9, or a police  
16 officer under Article 15 by filing a written election with the  
17 Board and paying to the System an amount to be determined by  
18 the Board, equal to (i) the difference between the amount of  
19 employee and employer contributions transferred to the System  
20 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
21 and the amounts that would have been contributed had such  
22 contributions been made at the rates applicable to State  
23 policemen, plus (ii) interest thereon at the effective rate for  
24 each year, compounded annually, from the date of service to the  
25 date of payment.

26 (i) The total amount of eligible creditable service

1 established by any person under subsections (g), (h), (j), (k),  
2 and (l) of this Section shall not exceed 12 years.

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

18 (k) Subject to the limitation in subsection (i) of this  
19 Section, an alternative formula employee may elect to establish  
20 eligible creditable service for periods spent as a full-time  
21 law enforcement officer or full-time corrections officer  
22 employed by the federal government or by a state or local  
23 government located outside of Illinois, for which credit is not  
24 held in any other public employee pension fund or retirement  
25 system. To obtain this credit, the applicant must file a  
26 written application with the Board by March 31, 1998,

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

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

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

18 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,  
19 eff. 8-28-07.)

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