



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5262

Introduced 2/3/2010, by Rep. Kay Hatcher

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-104

from Ch. 108 1/2, par. 14-104

Amends the State Employee Article of the Illinois Pension Code. Allows an employee who was laid off but returned to any State employment to establish creditable service for the period of the layoff, provided that (1) the applicant applies for the creditable service within 6 months after the effective date of the amendatory Act, (2) the applicant does not receive credit for that period under any other provision of this Code, (3) at the time of the layoff, the applicant is not in an initial probationary status consistent with the rules of the Department of Central Management Services, and (4) the total amount of creditable service established by the applicant under the provisions does not exceed 3 years. Provides that the funding for any new benefit increase created will be provided by employee contributions. Effective immediately.

LRB096 18396 AMC 33774 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 14-104 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
17 include regular interest from the date an employee last became
18 a member of the System to the date of payment.

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

22 (a) Any member may make contributions as required in this
23 Section for any period of service, subsequent to the date of

1 establishment, but prior to the date of membership.

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

7 (c) An employee of the Department of Insurance who, after
8 January 1, 1944 but prior to becoming eligible for membership,
9 received salary from funds of insurance companies in the
10 process of rehabilitation, liquidation, conservation or
11 dissolution, may elect to make contributions as required in
12 this Section for such service.

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

21 (e) Any person employed by the United States government or
22 any instrumentality or agency thereof from January 1, 1942
23 through November 15, 1946 as the result of a transfer from
24 State service by executive order of the President of the United
25 States shall be entitled to prior service credit covering the
26 period from January 1, 1942 through December 31, 1943 as

1 provided for in this Article and to membership service credit
2 for the period from January 1, 1944 through November 15, 1946
3 by making the contributions required in this Section. A person
4 so employed on January 1, 1944 but whose employment began after
5 January 1, 1942 may qualify for prior service and membership
6 service credit under the same conditions.

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

23 (g) Any employee who executed a waiver of membership within
24 60 days prior to January 1, 1944 may, at any time while in the
25 service of a department, file with the board a rescission of
26 such waiver. Upon making the contributions required by this

1 Section, the member shall be granted the creditable service
2 that would have been received if the waiver had not been
3 executed.

4 (h) Until May 1, 1990, an employee who was employed on a
5 full-time basis by a regional planning commission for at least
6 5 continuous years may establish creditable service for such
7 employment by making the contributions required under this
8 Section, provided that any credits earned by the employee in
9 the commission's retirement plan have been terminated.

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

15 (j) By paying the contributions otherwise required under
16 this Section, plus an amount determined by the Board to be
17 equal to the employer's normal cost of the benefit plus
18 interest, but with all of the interest calculated from the date
19 the employee last became a member of the System or November 19,
20 1991, whichever is later, to the date of payment, an employee
21 may establish service credit for a period of up to 4 years
22 spent in active military service for which he does not qualify
23 for credit under Section 14-105, provided that (1) he was not
24 dishonorably discharged from such military service, and (2) the
25 amount of service credit established by a member under this
26 subsection (j), when added to the amount of military service

1 credit granted to the member under subsection (b) of Section
2 14-105, shall not exceed 5 years. The change in the manner of
3 calculating interest under this subsection (j) made by this
4 amendatory Act of the 92nd General Assembly applies to credit
5 purchased by an employee on or after its effective date and
6 does not entitle any person to a refund of contributions or
7 interest already paid. In compliance with Section 14-152.1 of
8 this Act concerning new benefit increases, any new benefit
9 increase as a result of the changes to this subsection (j) made
10 by Public Act 95-483 is funded through the employee
11 contributions provided for in this subsection (j). Any new
12 benefit increase as a result of the changes made to this
13 subsection (j) by Public Act 95-483 is exempt from the
14 provisions of subsection (d) of Section 14-152.1.

15 (k) An employee who was employed on a full-time basis by
16 the Illinois State's Attorneys Association Statewide Appellate
17 Assistance Service LEAA-ILEC grant project prior to the time
18 that project became the State's Attorneys Appellate Service
19 Commission, now the Office of the State's Attorneys Appellate
20 Prosecutor, an agency of State government, may establish
21 creditable service for not more than 60 months service for such
22 employment by making contributions required under this
23 Section.

24 (l) By paying the contributions otherwise required under
25 this Section, plus an amount determined by the Board to be
26 equal to the employer's normal cost of the benefit plus

1 interest, a member may establish service credit for periods of
2 less than one year spent on authorized leave of absence from
3 service, provided that (1) the period of leave began on or
4 after January 1, 1982 and (2) any credit established by the
5 member for the period of leave in any other public employee
6 retirement system has been terminated. A member may establish
7 service credit under this subsection for more than one period
8 of authorized leave, and in that case the total period of
9 service credit established by the member under this subsection
10 may exceed one year. In determining the contributions required
11 for establishing service credit under this subsection, the
12 interest shall be calculated from the beginning of the leave of
13 absence to the date of payment.

14 (1-5) By paying the contributions otherwise required under
15 this Section, plus an amount determined by the Board to be
16 equal to the employer's normal cost of the benefit plus
17 interest, a member may establish service credit for periods of
18 up to 2 years spent on authorized leave of absence from
19 service, provided that during that leave the member represented
20 or was employed as an officer or employee of a statewide labor
21 organization that represents members of this System. In
22 determining the contributions required for establishing
23 service credit under this subsection, the interest shall be
24 calculated from the beginning of the leave of absence to the
25 date of payment.

26 (m) Any person who rendered contractual services to a

1 member of the General Assembly as a worker in the member's
2 district office may establish creditable service for up to 3
3 years of those contractual services by making the contributions
4 required under this Section. The System shall determine a
5 full-time salary equivalent for the purpose of calculating the
6 required contribution. To establish credit under this
7 subsection, the applicant must apply to the System by March 1,
8 1998.

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

18 (o) A member who participated in the Illinois Legislative
19 Staff Internship Program may establish creditable service for
20 up to one year of that participation by making the contribution
21 required under this Section. The System shall determine a
22 full-time salary equivalent for the purpose of calculating the
23 required contribution. Credit may not be established under this
24 subsection for any period for which service credit is
25 established under any other provision of this Code.

26 (p) By paying the contributions otherwise required under

1 this Section, plus an amount determined by the Board to be
2 equal to the employer's normal cost of the benefit plus
3 interest, a member may establish service credit for a period of
4 up to 8 years during which he or she was employed by the
5 Visually Handicapped Managers of Illinois in a vending program
6 operated under a contractual agreement with the Department of
7 Rehabilitation Services or its successor agency.

8 This subsection (p) applies without regard to whether the
9 person was in service on or after the effective date of this
10 amendatory Act of the 94th General Assembly. In the case of a
11 person who is receiving a retirement annuity on that effective
12 date, the increase, if any, shall begin to accrue on the first
13 annuity payment date following receipt by the System of the
14 contributions required under this subsection (p).

15 (q) By paying the required contributions under this
16 Section, plus an amount determined by the Board to be equal to
17 the employer's normal cost of the benefit plus interest, an
18 employee who was laid off but returned to any State employment
19 ~~under circumstances in which the employee is considered to have~~
20 ~~been in continuous service for purposes of determining~~
21 ~~seniority~~ may establish creditable service for the period of
22 the layoff, provided that (1) the applicant applies for the
23 creditable service under this subsection (q) within 6 months
24 after the effective date of this amendatory Act of the 96th
25 ~~94th~~ General Assembly, (2) the applicant does not receive
26 credit for that period under any other provision of this Code,

1 (3) at the time of the layoff, the applicant is not in an
2 initial probationary status consistent with the rules of the
3 Department of Central Management Services, and (4) the total
4 amount of creditable service established by the applicant under
5 this subsection (q) does not exceed 3 years. For service
6 established under this subsection (q), the required employee
7 contribution shall be based on the rate of compensation earned
8 by the employee on the date of returning to employment after
9 the layoff and the contribution rate then in effect, and the
10 required interest shall be calculated at the actuarially
11 assumed rate from the date of returning to employment after the
12 layoff to the date of payment. Funding for any new benefit
13 increase, as defined in Section 14-152.1 of this Act, that is
14 created under this subsection (q) will be provided by the
15 employee contributions required under this subsection (q).

16 (r) A member who participated in the University of Illinois
17 Government Public Service Internship Program (GPSI) may
18 establish creditable service for up to 2 years of that
19 participation by making the contribution required under this
20 Section, plus an amount determined by the Board to be equal to
21 the employer's normal cost of the benefit plus interest. The
22 System shall determine a full-time salary equivalent for the
23 purpose of calculating the required contribution. Credit may
24 not be established under this subsection for any period for
25 which service credit is established under any other provision
26 of this Code.

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

11 The Department of Human Services shall pay an employer
12 contribution based upon an amount determined by the Board to be
13 equal to the employer's normal cost of the benefit, plus
14 interest.

15 In compliance with Section 14-152.1 added by Public Act
16 94-4, the cost of the benefits provided by Public Act 95-583
17 are offset by the required employee and employer contributions.

18 (t) Any person who rendered contractual services on a
19 full-time basis to the Illinois Institute of Natural Resources
20 and the Illinois Department of Energy and Natural Resources may
21 establish creditable service for up to 4 years of those
22 contractual services by making the contributions required
23 under this Section, plus an amount determined by the Board to
24 be equal to the employer's normal cost of the benefit plus
25 interest at the actuarially assumed rate from the first day of
26 the service for which credit is being established to the date

1 of payment. To establish credit under this subsection (t), the
2 applicant must apply to the System within 6 months after August
3 28, 2009 (the effective date of Public Act 96-775) ~~this~~
4 ~~amendatory Act of the 96th General Assembly.~~

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

15 (v) ~~(t)~~ Any member who rendered full-time contractual
16 services to an Illinois Veterans Home operated by the
17 Department of Veterans' Affairs may establish service credit
18 for up to 8 years of such services by making the contributions
19 required under this Section, plus an amount determined by the
20 Board to be equal to the employer's normal cost of the benefit,
21 plus interest at the actuarially assumed rate. To establish
22 credit under this subsection, the applicant must apply to the
23 System no later than 6 months after July 27, 2009 (the
24 effective date of Public Act 96-97) ~~this amendatory Act of the~~
25 ~~96th General Assembly.~~

26 (Source: P.A. 95-483, eff. 8-28-07; 95-583, eff. 8-31-07;

1 95-652, eff. 10-11-07; 95-876, eff. 8-21-08; 96-97, eff.
2 7-27-09; 96-718, eff. 8-25-09; 96-775, eff. 8-28-09; revised
3 9-9-09.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.