

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8 (a) Any member who has withdrawn from service with not  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10 attained age 55, and any member who has withdrawn from  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

18 (i) for periods of service as a noncovered  
19 employee, 2 1/4% of final average compensation for each  
20 of the first 10 years of creditable service, 2 1/2% for  
21 each year above 10 years to and including 20 years of  
22 creditable service, and 2 3/4% for each year of  
23 creditable service above 20 years; and

24 (ii) for periods of eligible creditable service as  
25 a covered employee, 1.67% of final average compensation  
26 for each of the first 10 years of such service, 1.90% for  
27 each of the next 10 years of such service, 2.10% for each  
28 year of such service in excess of 20 but not exceeding  
29 30, and 2.30% for each year in excess of 30.

30 Such annuity shall be subject to a maximum of 75% of  
31 final average compensation. These rates shall not be

1 applicable to any service performed by a member as a covered  
2 employee which is not eligible creditable service. Service  
3 as a covered employee which is not eligible creditable  
4 service shall be subject to the rates and provisions of  
5 Section 14-108.

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

- 9 (1) State policeman;
- 10 (2) fire fighter in the fire protection service of  
11 a department;
- 12 (3) air pilot;
- 13 (4) special agent;
- 14 (5) investigator for the Secretary of State;
- 15 (6) conservation police officer;
- 16 (7) investigator for the Department of Revenue;
- 17 (8) security employee of the Department of Human  
18 Services;
- 19 (9) Central Management Services security police  
20 officer;
- 21 (10) security employee of the Department of  
22 Corrections;
- 23 (11) dangerous drugs investigator;
- 24 (12) investigator for the Department of State  
25 Police;
- 26 (13) investigator for the Office of the Attorney  
27 General;
- 28 (14) controlled substance inspector;
- 29 (15) investigator for the Office of the State's  
30 Attorneys Appellate Prosecutor;
- 31 (16) Commerce Commission police officer;
- 32 (17) arson investigator;
- 33 (18) State highway maintenance worker.

34 A person employed in one of the positions specified in

1 this subsection is entitled to eligible creditable service  
2 for service credit earned under this Article while undergoing  
3 the basic police training course approved by the Illinois Law  
4 Enforcement Training Standards Board, if completion of that  
5 training is required of persons serving in that position.  
6 For the purposes of this Code, service during the required  
7 basic police training course shall be deemed performance of  
8 the duties of the specified position, even though the person  
9 is not a sworn peace officer at the time of the training.

10 (c) For the purposes of this Section:

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

15 (2) The term "fire fighter in the fire protection  
16 service of a department" includes all officers in such  
17 fire protection service including fire chiefs and  
18 assistant fire chiefs.

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

29 (4) The term "special agent" means any person who  
30 by reason of employment by the Division of Narcotic  
31 Control, the Bureau of Investigation or, after July 1,  
32 1977, the Division of Criminal Investigation, the  
33 Division of Internal Investigation, the Division of  
34 Operations, or any other Division or organizational

1           entity in the Department of State Police is vested by law  
2           with duties to maintain public order, investigate  
3           violations of the criminal law of this State, enforce the  
4           laws of this State, make arrests and recover property.  
5           The term "special agent" includes any title or position  
6           in the Department of State Police that is held by an  
7           individual employed under the State Police Act.

8           (5) The term "investigator for the Secretary of  
9           State" means any person employed by the Office of the  
10          Secretary of State and vested with such investigative  
11          duties as render him ineligible for coverage under the  
12          Social Security Act by reason of Sections 218(d)(5)(A),  
13          218(d)(8)(D) and 218(1)(1) of that Act.

14          A person who became employed as an investigator for  
15          the Secretary of State between January 1, 1967 and  
16          December 31, 1975, and who has served as such until  
17          attainment of age 60, either continuously or with a  
18          single break in service of not more than 3 years  
19          duration, which break terminated before January 1, 1976,  
20          shall be entitled to have his retirement annuity  
21          calculated in accordance with subsection (a),  
22          notwithstanding that he has less than 20 years of credit  
23          for such service.

24          (6) The term "Conservation Police Officer" means  
25          any person employed by the Division of Law Enforcement of  
26          the Department of Natural Resources and vested with such  
27          law enforcement duties as render him ineligible for  
28          coverage under the Social Security Act by reason of  
29          Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of  
30          that Act. The term "Conservation Police Officer"  
31          includes the positions of Chief Conservation Police  
32          Administrator and Assistant Conservation Police  
33          Administrator.

34          (7) The term "investigator for the Department of

1 Revenue" means any person employed by the Department of  
2 Revenue and vested with such investigative duties as  
3 render him ineligible for coverage under the Social  
4 Security Act by reason of Sections 218(d)(5)(A),  
5 218(d)(8)(D) and 218(1)(1) of that Act.

6 (8) The term "security employee of the Department  
7 of Human Services" means any person employed by the  
8 Department of Human Services who is employed at the  
9 Chester Mental Health Center and has daily contact with  
10 the residents thereof, or who is a mental health police  
11 officer. "Mental health police officer" means any person  
12 employed by the Department of Human Services in a  
13 position pertaining to the Department's mental health and  
14 developmental disabilities functions who is vested with  
15 such law enforcement duties as render the person  
16 ineligible for coverage under the Social Security Act by  
17 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
18 218(1)(1) of that Act.

19 (9) "Central Management Services security police  
20 officer" means any person employed by the Department of  
21 Central Management Services who is vested with such law  
22 enforcement duties as render him ineligible for coverage  
23 under the Social Security Act by reason of Sections  
24 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

25 (10) The term "security employee of the Department  
26 of Corrections" means any employee of the Department of  
27 Corrections or the former Department of Personnel, and  
28 any member or employee of the Prisoner Review Board, who  
29 has daily contact with inmates by working within a  
30 correctional facility or who is a parole officer or an  
31 employee who has direct contact with committed persons in  
32 the performance of his or her job duties.

33 (11) The term "dangerous drugs investigator" means  
34 any person who is employed as such by the Department of

1 Human Services.

2 (12) The term "investigator for the Department of  
3 State Police" means a person employed by the Department  
4 of State Police who is vested under Section 4 of the  
5 Narcotic Control Division Abolition Act with such law  
6 enforcement powers as render him ineligible for coverage  
7 under the Social Security Act by reason of Sections  
8 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

19 (14) "Controlled substance inspector" means any  
20 person who is employed as such by the Department of  
21 Professional Regulation and is vested with such law  
22 enforcement duties as render him ineligible for coverage  
23 under the Social Security Act by reason of Sections  
24 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.  
25 The term "controlled substance inspector" includes the  
26 Program Executive of Enforcement and the Assistant  
27 Program Executive of Enforcement.

28 (15) The term "investigator for the Office of the  
29 State's Attorneys Appellate Prosecutor" means a person  
30 employed in that capacity on a full time basis under the  
31 authority of Section 7.06 of the State's Attorneys  
32 Appellate Prosecutor's Act.

33 (16) "Commerce Commission police officer" means any  
34 person employed by the Illinois Commerce Commission who

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

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

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

24 (i) A person employed on a full-time basis by  
25 the Illinois Department of Transportation in the  
26 position of highway maintainer, highway maintenance  
27 lead worker, highway maintenance lead/lead worker,  
28 heavy construction equipment operator, power shovel  
29 operator, or bridge mechanic; and whose principal  
30 responsibility is to perform, on the roadway, the  
31 actual maintenance necessary to keep the highways  
32 that form a part of the State highway system in  
33 serviceable condition for vehicular traffic.

34 (ii) A person employed on a full-time basis by

1           the Illinois State Toll Highway Authority in the  
2           position of equipment operator/laborer H-4,  
3           equipment operator/laborer H-6, welder H-4,  
4           welder H-6, mechanical/electrical H-4,  
5           mechanical/electrical H-6, water/sewer H-4,  
6           water/sewer H-6, sign maker/hanger H-4, sign  
7           maker/hanger H-6, roadway lighting H-4, roadway  
8           lighting H-6, structural H-4, structural H-6,  
9           painter H-4, or painter H-6; and whose principal  
10           responsibility is to perform, on the roadway, the  
11           actual maintenance necessary to keep the Authority's  
12           tollways in serviceable condition for vehicular  
13           traffic.

14           (d) A security employee of the Department of  
15           Corrections, and a security employee of the Department of  
16           Human Services who is not a mental health police officer,  
17           shall not be eligible for the alternative retirement annuity  
18           provided by this Section unless he or she meets the following  
19           minimum age and service requirements at the time of  
20           retirement:

21                   (i) 25 years of eligible creditable service and age  
22                   55; or

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

26                   (iii) beginning January 1, 1988, 25 years of  
27                   eligible creditable service and age 53, or 23 years of  
28                   eligible creditable service and age 55; or

29                   (iv) beginning January 1, 1989, 25 years of  
30                   eligible creditable service and age 52, or 22 years of  
31                   eligible creditable service and age 55; or

32                   (v) beginning January 1, 1990, 25 years of eligible  
33                   creditable service and age 51, or 21 years of eligible  
34                   creditable service and age 55; or



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

4           Persons who have service credit under Article 16 of this  
5           Code for service as a security employee of the Department of  
6           Corrections in a position requiring certification as a  
7           teacher may count such service toward establishing their  
8           eligibility under the service requirements of this Section;  
9           but such service may be used only for establishing such  
10          eligibility, and not for the purpose of increasing or  
11          calculating any benefit.

12          (e) If a member enters military service while working in  
13          a position in which eligible creditable service may be  
14          earned, and returns to State service in the same or another  
15          such position, and fulfills in all other respects the  
16          conditions prescribed in this Article for credit for military  
17          service, such military service shall be credited as eligible  
18          creditable service for the purposes of the retirement annuity  
19          prescribed in this Section.

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

34          For purposes of calculating retirement annuities under

1 this Section, periods of service rendered after December 31,  
2 1968 and before January 1, 1982 as a covered employee in the  
3 position of investigator for the Department of Revenue shall  
4 be deemed to have been service as a noncovered employee,  
5 provided that the employee pays to the System prior to  
6 retirement an amount equal to (1) the difference between the  
7 employee contributions that would have been required for such  
8 service as a noncovered employee, and the amount of employee  
9 contributions actually paid, plus (2) if payment is made  
10 after January 1, 1990, regular interest on the amount  
11 specified in item (1) from the date of service to the date of  
12 payment.

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

25 Subject to the limitation in subsection (i), a State  
26 policeman may elect, not later than July 1, 1993, to  
27 establish eligible creditable service for up to 10 years of  
28 his service as a member of the County Police Department under  
29 Article 9, by filing a written election with the Board,  
30 accompanied by payment of an amount to be determined by the  
31 Board, equal to (i) the difference between the amount of  
32 employee and employer contributions transferred to the System  
33 under Section 9-121.10 and the amounts that would have been  
34 contributed had those contributions been made at the rates

1 applicable to State policemen, plus (ii) interest thereon at  
2 the effective rate for each year, compounded annually, from  
3 the date of service to the date of payment.

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

18 Subject to the limitation in subsection (i), a State  
19 policeman, conservation police officer, or investigator for  
20 the Secretary of State may elect to establish eligible  
21 creditable service for up to 10 years of service as a  
22 sheriff's law enforcement employee under Article 7, by filing  
23 a written election with the Board on or before January 31,  
24 1993, and paying to the System by January 31, 1994 an amount  
25 to be determined by the Board, equal to (i) the difference  
26 between the amount of employee and employer contributions  
27 transferred to the System under Section 7-139.7, and the  
28 amounts that would have been contributed had such  
29 contributions been made at the rates applicable to State  
30 policemen, plus (ii) interest thereon at the effective rate  
31 for each year, compounded annually, from the date of service  
32 to the date of payment.

33 (i) The total amount of eligible creditable service  
34 established by any person under subsections (g), (h), (j),

1 (k), and (l) of this Section shall not exceed 12 years.

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

17 (k) Subject to the limitation in subsection (i) of this  
18 Section, an alternative formula employee may elect to  
19 establish eligible creditable service for periods spent as a  
20 full-time law enforcement officer or full-time corrections  
21 officer employed by the federal government or by a state or  
22 local government located outside of Illinois, for which  
23 credit is not held in any other public employee pension fund  
24 or retirement system. To obtain this credit, the applicant  
25 must file a written application with the Board by March 31,  
26 1998, accompanied by evidence of eligibility acceptable to  
27 the Board and payment of an amount to be determined by the  
28 Board, equal to (1) employee contributions for the credit  
29 being established, based upon the applicant's salary on the  
30 first day as an alternative formula employee after the  
31 employment for which credit is being established and the  
32 rates then applicable to alternative formula employees, plus  
33 (2) an amount determined by the Board to be the employer's  
34 normal cost of the benefits accrued for the credit being

1 established, plus (3) regular interest on the amounts in  
2 items (1) and (2) from the first day as an alternative  
3 formula employee after the employment for which credit is  
4 being established to the date of payment.

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

19 (Source: P.A. 90-32, eff. 6-27-97; 91-357, eff. 7-29-99;  
20 91-760, eff. 1-1-01.)

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