

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8 (a) Any member who has withdrawn from service with not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10 attained age 55, and any member who has withdrawn from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.