



1 of the United States, or under the auspices of any agency  
2 or department of any other State, and service during any  
3 period of professional speech correction or special  
4 education experience for a public agency within this  
5 State or any other State, territory, dependency or  
6 possession of the United States, and service prior to  
7 February 1, 1951 as a recreation worker for the Illinois  
8 Department of Public Safety, for a period not exceeding  
9 the lesser of 2/5 of the total creditable service of the  
10 member or 10 years. The maximum service of 10 years  
11 which is allowable under this paragraph shall be reduced  
12 by the service credit which is validated by other  
13 retirement systems under paragraph (i) of Section 15-113  
14 and paragraph 1 of Section 17-133. Credit granted under  
15 this paragraph may not be used in determination of a  
16 retirement annuity or disability benefits unless the  
17 member has at least 5 years of creditable service earned  
18 subsequent to this employment with one or more of the  
19 following systems: Teachers' Retirement System of the  
20 State of Illinois, State Universities Retirement System,  
21 and the Public School Teachers' Pension and Retirement  
22 Fund of Chicago. Whenever such service credit exceeds  
23 the maximum allowed for all purposes of this Article, the  
24 first service rendered in point of time shall be  
25 considered. The changes to this subdivision (b)(2) made  
26 by Public Act 86-272 shall apply not only to persons who  
27 on or after its effective date (August 23, 1989) are in  
28 service as a teacher under the System, but also to  
29 persons whose status as such a teacher terminated prior  
30 to such effective date, whether or not such person is an  
31 annuitant on that date.

32 (3) Any periods immediately following teaching  
33 service, under this System or under Article 17, (or  
34 immediately following service prior to February 1, 1951

1 as a recreation worker for the Illinois Department of  
2 Public Safety) spent in active service with the military  
3 forces of the United States; periods spent in educational  
4 programs that prepare for return to teaching sponsored by  
5 the federal government following such active military  
6 service; if a teacher returns to teaching service within  
7 one calendar year after discharge or after the completion  
8 of the educational program, a further period, not  
9 exceeding one calendar year, between time spent in  
10 military service or in such educational programs and the  
11 return to employment as a teacher under this System; and  
12 a period of up to 2 years of active military service not  
13 immediately following employment as a teacher.

14 The changes to this Section and Section 16-128  
15 relating to military service made by P.A. 87-794 shall  
16 apply not only to persons who on or after its effective  
17 date are in service as a teacher under the System, but  
18 also to persons whose status as a teacher terminated  
19 prior to that date, whether or not the person is an  
20 annuitant on that date. In the case of an annuitant who  
21 applies for credit allowable under this Section for a  
22 period of military service that did not immediately  
23 follow employment, and who has made the required  
24 contributions for such credit, the annuity shall be  
25 recalculated to include the additional service credit,  
26 with the increase taking effect on the date the System  
27 received written notification of the annuitant's intent  
28 to purchase the credit, if payment of all the required  
29 contributions is made within 60 days of such notice, or  
30 else on the first annuity payment date following the date  
31 of payment of the required contributions. In calculating  
32 the automatic annual increase for an annuity that has  
33 been recalculated under this Section, the increase  
34 attributable to the additional service allowable under

1 P.A. 87-794 shall be included in the calculation of  
2 automatic annual increases accruing after the effective  
3 date of the recalculation.

4 Credit for military service shall be determined as  
5 follows: if entry occurs during the months of July,  
6 August, or September and the member was a teacher at the  
7 end of the immediately preceding school term, credit  
8 shall be granted from July 1 of the year in which he or  
9 she entered service; if entry occurs during the school  
10 term and the teacher was in teaching service at the  
11 beginning of the school term, credit shall be granted  
12 from July 1 of such year. In all other cases where credit  
13 for military service is allowed, credit shall be granted  
14 from the date of entry into the service.

15 The total period of military service for which  
16 credit is granted shall not exceed 5 years for any member  
17 unless the service: (A) is validated before July 1,  
18 1964, and (B) does not extend beyond July 1, 1963.  
19 Credit for military service shall be granted under this  
20 Section only if not more than 5 years of the military  
21 service for which credit is granted under this Section is  
22 used by the member to qualify for a military retirement  
23 allotment from any branch of the armed forces of the  
24 United States. The changes to this subdivision (b)(3)  
25 made by Public Act 86-272 shall apply not only to persons  
26 who on or after its effective date (August 23, 1989) are  
27 in service as a teacher under the System, but also to  
28 persons whose status as such a teacher terminated prior  
29 to such effective date, whether or not such person is an  
30 annuitant on that date.

31 (4) Any periods served as a member of the General  
32 Assembly.

33 (5)(i) Any periods for which a teacher, as defined  
34 in Section 16-106, is granted a leave of absence,

1 provided he or she returns to teaching service creditable  
2 under this System or the State Universities Retirement  
3 System following the leave; (ii) periods during which a  
4 teacher is involuntarily laid off from teaching, provided  
5 he or she returns to teaching following the lay-off;  
6 (iii) periods prior to July 1, 1983 during which a  
7 teacher ceased covered employment due to pregnancy,  
8 provided that the teacher returned to teaching service  
9 creditable under this System or the State Universities  
10 Retirement System following the pregnancy and submits  
11 evidence satisfactory to the Board documenting that the  
12 employment ceased due to pregnancy; and (iv) periods  
13 prior to July 1, 1983 during which a teacher ceased  
14 covered employment for the purpose of adopting an infant  
15 under 3 years of age or caring for a newly adopted infant  
16 under 3 years of age, provided that the teacher returned  
17 to teaching service creditable under this System or the  
18 State Universities Retirement System following the  
19 adoption and submits evidence satisfactory to the Board  
20 documenting that the employment ceased for the purpose of  
21 adopting an infant under 3 years of age or caring for a  
22 newly adopted infant under 3 years of age. However,  
23 total credit under this paragraph (5) may not exceed 3  
24 years.

25 Any qualified member or annuitant may apply for  
26 credit under item (iii) or (iv) of this paragraph (5)  
27 without regard to whether service was terminated before  
28 the effective date of this amendatory Act of 1997. In  
29 the case of an annuitant who establishes credit under  
30 item (iii) or (iv), the annuity shall be recalculated to  
31 include the additional service credit. The increase in  
32 annuity shall take effect on the date the System receives  
33 written notification of the annuitant's intent to  
34 purchase the credit, if the required evidence is

1 submitted and the required contribution paid within 60  
2 days of that notification, otherwise on the first annuity  
3 payment date following the System's receipt of the  
4 required evidence and contribution. The increase in an  
5 annuity recalculated under this provision shall be  
6 included in the calculation of automatic annual increases  
7 in the annuity accruing after the effective date of the  
8 recalculation.

9 Optional credit may be purchased under this  
10 subsection (b)(5) for periods during which a teacher has  
11 been granted a leave of absence pursuant to Section 24-13  
12 of the School Code. A teacher whose service under this  
13 Article terminated prior to the effective date of P.A.  
14 86-1488 shall be eligible to purchase such optional  
15 credit. If a teacher who purchases this optional credit  
16 is already receiving a retirement annuity under this  
17 Article, the annuity shall be recalculated as if the  
18 annuitant had applied for the leave of absence credit at  
19 the time of retirement. The difference between the  
20 entitled annuity and the actual annuity shall be credited  
21 to the purchase of the optional credit. The remainder of  
22 the purchase cost of the optional credit shall be paid on  
23 or before April 1, 1992.

24 The change in this paragraph made by Public Act  
25 86-273 shall be applicable to teachers who retire after  
26 June 1, 1989, as well as to teachers who are in service  
27 on that date.

28 (6) Any days of unused and uncompensated  
29 accumulated sick leave earned by a teacher. The service  
30 credit granted under this paragraph shall be the ratio of  
31 the number of unused and uncompensated accumulated sick  
32 leave days to 170 days, subject to a maximum of 2 years  
33 one-year of service credit. Prior to the member's  
34 retirement, each former employer shall certify to the

1 System the number of unused and uncompensated accumulated  
2 sick leave days credited to the member at the time of  
3 termination of service. The period of unused sick leave  
4 shall not be considered in determining the effective date  
5 of retirement. A member is not required to make  
6 contributions in order to obtain service credit for  
7 unused sick leave.

8 Credit for sick leave shall, at retirement, be  
9 granted by the System for any retiring regional or  
10 assistant regional superintendent of schools at the rate  
11 of 6 days per year of creditable service or portion  
12 thereof established while serving as such superintendent  
13 or assistant superintendent.

14 (7) Periods prior to February 1, 1987 served as an  
15 employee of the Illinois Mathematics and Science Academy  
16 for which credit has not been terminated under Section  
17 15-113.9 of this Code.

18 (8) Service as a substitute teacher for work  
19 performed prior to July 1, 1990.

20 (9) Service as a part-time teacher for work  
21 performed prior to July 1, 1990.

22 (10) Up to 2 years of employment with Southern  
23 Illinois University - Carbondale from September 1, 1959  
24 to August 31, 1961, or with Governors State University  
25 from September 1, 1972 to August 31, 1974, for which the  
26 teacher has no credit under Article 15. To receive  
27 credit under this item (10), a teacher must apply in  
28 writing to the Board and pay the required contributions  
29 before May 1, 1993 and have at least 12 years of service  
30 credit under this Article.

31 (b-1) A member may establish optional credit for up to 2  
32 years of service as a teacher or administrator employed by a  
33 private school recognized by the Illinois State Board of  
34 Education, provided that the teacher (i) was certified under

1 the law governing the certification of teachers at the time  
 2 the service was rendered, (ii) applies in writing on or after  
 3 June 1, 2002 and on or before June 1, 2005, (iii) supplies  
 4 satisfactory evidence of the employment, (iv) completes at  
 5 least 10 years of contributing service as a teacher as  
 6 defined in Section 16-106, and (v) pays the contribution  
 7 required in subsection (d-5) of Section 16-128. The member  
 8 may apply for credit under this subsection and pay the  
 9 required contribution before completing the 10 years of  
 10 contributing service required under item (iv), but the credit  
 11 may not be used until the item (iv) contributing service  
 12 requirement has been met.

13 (c) The service credits specified in this Section shall  
 14 be granted only if: (1) such service credits are not used for  
 15 credit in any other statutory tax-supported public employee  
 16 retirement system other than the federal Social Security  
 17 program; and (2) the member makes the required contributions  
 18 as specified in Section 16-128. Except as provided in  
 19 subsection (b-1) of this Section, the service credit shall be  
 20 effective as of the date the required contributions are  
 21 completed.

22 Any service credits granted under this Section shall  
 23 terminate upon cessation of membership for any cause.

24 Credit may not be granted under this Section covering any  
 25 period for which an age retirement or disability retirement  
 26 allowance has been paid.

27 (Source: P.A. 89-430, eff. 12-15-95; 90-32, eff. 6-27-97.)

28 (40 ILCS 5/16-128) (from Ch. 108 1/2, par. 16-128)  
 29 Sec. 16-128. Creditable service - required  
 30 contributions.

31 (a) In order to receive the creditable service specified  
 32 under subsection (b) of Section 16-127, a member is required  
 33 to make the following contributions: (i) an amount equal to



1 the contributions which would have been required had such  
2 service been rendered as a member under this System; (ii) for  
3 military service not immediately following employment and for  
4 service established under subdivision (b)(10) of Section  
5 16-127, an amount determined by the Board to be equal to the  
6 employer's normal cost of the benefits accrued for such  
7 service; and (iii) interest from the date the contributions  
8 would have been due (or, in the case of a person establishing  
9 credit for military service under subdivision (b)(3) of  
10 Section 16-127, the date of first membership in the System,  
11 if that date is later) to the date of payment, at the  
12 following rate of interest, compounded annually: for periods  
13 prior to July 1, 1965, regular interest; from July 1, 1965 to  
14 June 30, 1977, 4% per year; on and after July 1, 1977,  
15 regular interest.

16 (b) In order to receive creditable service under  
17 paragraph (2) of subsection (b) of Section 16-127 for those  
18 who were not members on June 30, 1963, the minimum required  
19 contribution shall be \$420 per year of service together with  
20 interest at 4% per year compounded annually from July 1,  
21 preceding the date of membership until June 30, 1977 and at  
22 regular interest compounded annually thereafter to the date  
23 of payment.

24 (c) In determining the contribution required in order to  
25 receive creditable service under paragraph (3) of subsection  
26 (b) of Section 16-127, the salary rate for the remainder of  
27 the school term in which a member enters military service  
28 shall be assumed to be equal to the member's salary rate at  
29 the time of entering military service. However, for military  
30 service not immediately following employment, the salary rate  
31 on the last date as a participating teacher prior to such  
32 military service, or on the first date as a participating  
33 teacher after such military service, whichever is greater,  
34 shall be assumed to be equal to the member's salary rate at

1 the time of entering military service. For each school term  
2 thereafter, the member's salary rate shall be assumed to be  
3 5% higher than the salary rate in the previous school term.

4 (d) In determining the contribution required in order to  
5 receive creditable service under paragraph (5) of subsection  
6 (b) of Section 16-127, a member's salary rate during the  
7 period for which credit is being established shall be assumed  
8 to be equal to the member's last salary rate immediately  
9 preceding that period.

10 (d-5) For each year of service credit to be established  
11 under subsection (b-1) of Section 16-127, a member is  
12 required to contribute to the System (i) 16.5% of the annual  
13 salary rate during the first year of full-time employment as  
14 a teacher under this Article following the private school  
15 service, plus (ii) interest thereon from the date of first  
16 full-time employment as a teacher under this Article  
17 following the private school service to the date of payment,  
18 compounded annually, at the rate of 8.5% per year for periods  
19 before the effective date of this amendatory Act of the 92nd  
20 General Assembly, and for subsequent periods at a rate equal  
21 to the System's actuarially assumed rate of return on  
22 investments.

23 (e) The contributions required under this Section may be  
24 made from the date the statement for such creditable service  
25 is issued until retirement date. All such required  
26 contributions must be made before any retirement annuity is  
27 granted.

28 (Source: P.A. 89-430, eff. 12-15-95.)

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law."