

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 State Employees Group Insurance Act of
5 1971 is amended by adding Section 6.15 as follows:

6 (5 ILCS 375/6.15 new)

7 Sec. 6.15. Retired teacher returning to service in
8 shortage area. Notwithstanding any other provision of this
9 Act, the eligibility of an annuitant or TRS benefit recipient
10 to participate in the program of health benefits established
11 under Section 6 or 6.5 of this Act is suspended for any
12 period during which he or she is covered under a plan of
13 group health benefits for active teachers due to eligible
14 employment as defined in Section 16-150.1 of the Illinois
15 Pension Code. Upon termination of that coverage, eligibility
16 to participate in the program of health benefits established
17 under Section 6 or 6.5 shall be immediately restored, without
18 any interruption or delay in coverage or limitation as to
19 pre-existing medical condition.

20 Section 10. The Illinois Pension Code is amended by
21 changing Sections 16-106, 16-118, 16-132, 16-150, and 16-152
22 and adding Section 16-150.1 as follows:

23 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

24 Sec. 16-106. Teacher. "Teacher": The following
25 individuals, provided that, for employment prior to July 1,
26 1990, they are employed on a full-time basis, or if not
27 full-time, on a permanent and continuous basis in a position
28 in which services are expected to be rendered for at least
29 one school term:

1 (1) Any educational, administrative, professional
2 or other staff employed in the public common schools
3 included within this system in a position requiring
4 certification under the law governing the certification
5 of teachers;

6 (2) Any educational, administrative, professional
7 or other staff employed in any facility of the Department
8 of Children and Family Services or the Department of
9 Human Services, in a position requiring certification
10 under the law governing the certification of teachers,
11 and any person who (i) works in such a position for the
12 Department of Corrections, (ii) was a member of this
13 System on May 31, 1987, and (iii) did not elect to become
14 a member of the State Employees' Retirement System
15 pursuant to Section 14-108.2 of this Code; except that
16 "teacher" does not include any person who (A) becomes a
17 security employee of the Department of Human Services, as
18 defined in Section 14-110, after June 28, 2001 (the
19 effective date of Public Act 92-14) ~~this-amendatory-Act~~
20 ~~of-the-92nd-General-Assembly~~, or (B) becomes a member of
21 the State Employees' Retirement System pursuant to
22 Section 14-108.2c of this Code;

23 (3) Any regional superintendent of schools,
24 assistant regional superintendent of schools, State
25 Superintendent of Education; any person employed by the
26 State Board of Education as an executive; any executive
27 of the boards engaged in the service of public common
28 school education in school districts covered under this
29 system of which the State Superintendent of Education is
30 an ex-officio member;

31 (4) Any employee of a school board association
32 operating in compliance with Article 23 of the School
33 Code who is certificated under the law governing the
34 certification of teachers;

1 (5) Any person employed by the retirement system
2 who:

3 (i) was an employee of and a participant in
4 the system on August 17, 2001 (the effective date of
5 Public Act 92-416) ~~this-amendatory-Act-of-the-92nd~~
6 ~~General-Assembly~~, or

7 (ii) becomes an employee of the system on or
8 after August 17, 2001 ~~the-effective-date-of-this~~
9 ~~amendatory-Act-of-the-92nd-General-Assembly~~;

10 (6) Any educational, administrative, professional
11 or other staff employed by and under the supervision and
12 control of a regional superintendent of schools, provided
13 such employment position requires the person to be
14 certificated under the law governing the certification of
15 teachers and is in an educational program serving 2 or
16 more districts in accordance with a joint agreement
17 authorized by the School Code or by federal legislation;

18 (7) Any educational, administrative, professional
19 or other staff employed in an educational program
20 serving 2 or more school districts in accordance with a
21 joint agreement authorized by the School Code or by
22 federal legislation and in a position requiring
23 certification under the laws governing the certification
24 of teachers;

25 (8) Any officer or employee of a statewide teacher
26 organization or officer of a national teacher
27 organization who is certified under the law governing
28 certification of teachers, provided: (i) the individual
29 had previously established creditable service under this
30 Article, (ii) the individual files with the system an
31 irrevocable election to become a member, and (iii) the
32 individual does not receive credit for such service under
33 any other Article of this Code;

34 (9) Any educational, administrative, professional,

1 or other staff employed in a charter school operating in
 2 compliance with the Charter Schools Law who is
 3 certificated under the law governing the certification of
 4 teachers.

5 An annuitant receiving a retirement annuity under this
 6 Article or under Article 17 of this Code who is temporarily
 7 employed by a board of education or other employer as not
 8 ~~exceeding--that~~ permitted under Section 16-118 or 16-150.1 is
 9 not a "teacher" for purposes of this Article. A person who
 10 has received a single-sum retirement benefit under Section
 11 16-136.4 of this Article is not a "teacher" for purposes of
 12 this Article.

13 (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01;
 14 revised 10-18-01.)

15 (40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)

16 Sec. 16-118. Retirement. "Retirement": Entry upon a
 17 retirement annuity or receipt of a single-sum retirement
 18 benefit granted under this Article after termination of
 19 active service as a teacher.

20 (a) An annuitant receiving a retirement annuity other
 21 than a disability retirement annuity may accept employment as
 22 a teacher from a school board or other employer specified in
 23 Section 16-106 without impairing retirement status, if that
 24 employment: (1) is not within the school year during which
 25 service was terminated; and (2) does not exceed 100 paid days
 26 or 500 paid hours in any school year (during the period
 27 beginning July 1, 2001 through June 30, 2006, 120 paid days
 28 or 600 paid hours in each school year). Where such permitted
 29 employment is partly on a daily and partly on an hourly
 30 basis, a day shall be considered as 5 hours.

31 (b) Subsection (a) does not apply to an annuitant who
 32 returns to teaching under the program established in Section
 33 16-150.1, for the duration of his or her participation in

1 that program.

2 (Source: P.A. 92-416, eff. 8-17-01.)

3 (40 ILCS 5/16-132) (from Ch. 108 1/2, par. 16-132)

4 Sec. 16-132. Retirement annuity eligibility. A member
5 who has at least 20 years of creditable service is entitled
6 to a retirement annuity upon or after attainment of age 55.
7 A member who has at least 10 but less than 20 years of
8 creditable service is entitled to a retirement annuity upon
9 or after attainment of age 60. A member who has at least 5
10 but less than 10 years of creditable service is entitled to a
11 retirement annuity upon or after attainment of age 62. A
12 member who (i) has earned during the period immediately
13 preceding the last day of service at least one year of
14 contributing creditable service as an employee of a
15 department as defined in Section 14-103.04, (ii) has earned
16 at least 5 years of contributing creditable service as an
17 employee of a department as defined in Section 14-103.04, and
18 (iii) retires on or after January 1, 2001 is entitled to a
19 retirement annuity upon or after attainment of an age which,
20 when added to the number of years of his or her total
21 creditable service, equals at least 85. Portions of years
22 shall be counted as decimal equivalents.

23 A member who is eligible to receive a retirement annuity
24 of at least 74.6% of final average salary and will attain age
25 55 on or before December 31 during the year which commences
26 on July 1 shall be deemed to attain age 55 on the preceding
27 June 1.

28 A member meeting the above eligibility conditions is
29 entitled to a retirement annuity upon written application to
30 the board setting forth the date the member wishes the
31 retirement annuity to commence. However, the effective date
32 of the retirement annuity shall be no earlier than the day
33 following the last day of creditable service, regardless of

1 the date of official termination of employment.

2 To be eligible for a retirement annuity, a member shall
3 not be employed as a teacher in the schools included under
4 this System or under Article 17, except (i) as provided in
5 Section 16-118 or 16-150.1, (ii) if unless the member is
6 disabled (in which event, eligibility for salary must cease),
7 or (iii) if unless the System is required by federal law to
8 commence payment due to the member's age; the changes to this
9 sentence made by this amendatory Act of the 92nd General
10 Assembly 1991 shall apply without regard to whether the
11 member terminated employment before or after its effective
12 date.

13 (Source: P.A. 90-582, eff. 5-27-98; 91-927, eff. 12-14-00.)

14 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)
15 Sec. 16-150. Re-entry.

16 (a) This Section does not apply to an annuitant who
17 returns to teaching under the program established in Section
18 16-150.1, for the duration of his or her participation in
19 that program.

20 (b) If an annuitant under this System is again employed
21 as a teacher for an aggregate period exceeding that permitted
22 by Section 16-118, his or her retirement annuity shall be
23 terminated and the annuitant shall thereupon be regarded as
24 an active member. The annuitant's remaining accumulated
25 contributions shall be transferred to the Members'
26 Contribution Reserve from the Employer's Contribution
27 Reserve.

28 Such annuitant is not entitled to a recomputation of his
29 or her retirement annuity unless at least one full year of
30 creditable service is rendered after the latest re-entry into
31 service and the annuitant must have rendered at least 3 years
32 of creditable service after last re-entry into service to
33 qualify for a recomputation of the retirement annuity based

1 on amendments enacted while in receipt of a retirement
2 annuity, except when retirement was due to disability.

3 However, regardless of age, an annuitant in receipt of a
4 retirement annuity may be given temporary employment by a
5 school board not exceeding that permitted under Section
6 16-118 and continue to receive the retirement annuity.

7 (c) Unless retirement was necessitated by disability, a
8 retirement shall be considered cancelled and the retirement
9 allowance must be repaid in full if the annuitant is employed
10 as a teacher within the school year during which service was
11 terminated.

12 (d) An annuitant's retirement which does not include a
13 period of at least one full and complete school year shall be
14 considered cancelled and the retirement annuity must be
15 repaid in full unless such retirement was necessitated by
16 disability.

17 (Source: P.A. 86-273; 87-794.)

18 (40 ILCS 5/16-150.1 new)

19 Sec. 16-150.1. Return to teaching in shortage area.

20 (a) As used in this Section, "eligible employment" means
21 employment beginning on or after July 1, 2002 and ending no
22 later than June 30, 2007 in a public elementary or secondary
23 school that is located in an educational service region that
24 is experiencing a shortage of qualified teachers, as
25 determined by the regional superintendent, in a position
26 requiring certification under the law governing the
27 certification of teachers.

28 (b) An annuitant receiving a retirement annuity under
29 this Article (other than a disability retirement annuity) may
30 engage in eligible employment without impairing his or her
31 retirement status or retirement annuity, subject to the
32 following conditions:

33 (1) the eligible employment shall not begin within

1 the school year during which service was terminated;

2 (2) if the annuitant retired before age 60 and with
3 less than 34 years of service, the eligible employment
4 does not begin within the year following the date of
5 withdrawal from service;

6 (3) the annuitant has not received any early
7 retirement incentive under Section 16-133.3, 16-133.4, or
8 16-133.5; and

9 (4) before the eligible employment begins, the
10 annuitant notifies the System in writing of his or her
11 desire to participate in the program established under
12 this Section.

13 (c) An annuitant engaged in eligible employment in
14 accordance with subsection (b) shall be deemed a participant
15 in the program established under this Section for so long as
16 he or she remains employed in eligible employment.

17 (d) A participant in the program established under this
18 Section continues to be a retirement annuitant, rather than
19 an active teacher, for all of the purposes of this Code, but
20 shall be deemed an active teacher for other purposes, such as
21 inclusion in a collective bargaining unit, eligibility for
22 group health benefits, and compliance with the laws governing
23 the employment, regulation, certification, treatment, and
24 conduct of teachers.

25 With respect to an annuitant's eligible employment under
26 this Section, neither employee nor employer contributions
27 shall be made to the System and no additional service credit
28 shall be earned. Eligible employment does not affect the
29 annuitant's final average salary nor the amount of the
30 retirement annuity.

31 (e) Within 45 days after the effective date of this
32 amendatory Act of the 92nd General Assembly, the System shall
33 notify all qualified retirement annuitants about the terms
34 and availability of the program established under this

1 Section.

2 (f) This Section applies without regard to whether the
3 annuitant was in service on or after the effective date of
4 this amendatory Act of the 92nd General Assembly.

5 (40 ILCS 5/16-152) (from Ch. 108 1/2, par. 16-152)
6 Sec. 16-152. Contributions by members.

7 (a) Each member shall make contributions for membership
8 service to this System as follows:

9 (1) Effective July 1, 1998, contributions of 7.50%
10 of salary towards the cost of the retirement annuity.
11 Such contributions shall be deemed "normal
12 contributions".

13 (2) Effective July 1, 1969, contributions of 1/2 of
14 1% of salary toward the cost of the automatic annual
15 increase in retirement annuity provided under Section
16 16-133.1.

17 (3) Effective July 24, 1959, contributions of 1% of
18 salary towards the cost of survivor benefits. Such
19 contributions shall not be credited to the individual
20 account of the member and shall not be subject to refund
21 except as provided under Section 16-143.2.

22 (b) The minimum required contribution for any year of
23 full-time teaching service shall be \$192.

24 (c) Contributions shall not be required of any annuitant
25 receiving a retirement annuity who is given temporary
26 employment ~~as not--exceeding--that~~ permitted under Section
27 16-118 or 16-150.1.

28 (d) A person who (i) was a member before July 1, 1998,
29 (ii) retires with more than 34 years of creditable service,
30 and (iii) does not elect to qualify for the augmented rate
31 under Section 16-129.1 shall be entitled, at the time of
32 retirement, to receive a partial refund of contributions made
33 under this Section for service occurring after the later of

1 June 30, 1998 or attainment of 34 years of creditable
2 service, in an amount equal to 1.00% of the salary upon which
3 those contributions were based.

4 (Source: P.A. 90-582, eff. 5-27-98.)

5 Section 15. The School Code is amended by changing
6 Section 3-14.25 as follows:

7 (105 ILCS 5/3-14.25) (from Ch. 122, par. 3-14.25)

8 Sec. 3-14.25. Unfilled teaching positions list;
9 determination of shortage.

10 (a) To maintain, and make available to the public during
11 regular business hours, a list of unfilled teaching positions
12 within the region. The most current version of the list must
13 be posted on or linked to the regional office of education's
14 Internet web site. If the regional office of education does
15 not have an Internet web site, the regional superintendent of
16 schools must make the list available to the State Board of
17 Education and the State Board of Education must post the list
18 on the State Board of Education's Internet web site. The
19 State Board of Education's Internet web site must provide a
20 link to each regional office of education's list.

21 (b) To determine annually whether the region is
22 experiencing a shortage of qualified teachers, and to notify
23 each school district in the region, the Teachers' Retirement
24 System of the State of Illinois, and the State Board of
25 Education of that determination, for the purpose of
26 authorizing the employment of retired teachers under the
27 program established in Section 16-150.1 of the Illinois
28 Pension Code.

29 (Source: P.A. 92-41, eff. 7-1-01.)

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