



Rep. Daniel J. Burke

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LRB099 07451 EFG 31739 a

1 AMENDMENT TO HOUSE BILL 2502

2 AMENDMENT NO. _____. Amend House Bill 2502 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by adding
5 Sections 17-133.5 and 17-149 as follows:

6 (40 ILCS 5/17-133.5 new)

7 Sec. 17-133.5. Pensionable earnings; charter school
8 reporting. Any earned sick pay which is payable by a charter
9 school shall be considered pensionable earnings as provided by
10 Section 17-134 and the charter school shall certify the number
11 of sick days being paid. Any lump sum paid by a charter school
12 to a contributor before or after the school year shall be
13 considered pensionable earnings if the payment is conditioned
14 in any way on validated service being performed by the
15 contributor.

1 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

2 Sec. 17-149. Cancellation of pensions.

3 (a) If any person receiving a disability retirement pension
4 from the Fund is re-employed as a teacher by an Employer, the
5 pension shall be cancelled on the date the re-employment
6 begins, or on the first day of a payroll period for which
7 service credit was validated, whichever is earlier.

8 (b) If any person receiving a service retirement pension
9 from the Fund is re-employed as a teacher on a permanent or
10 annual basis by an Employer, the pension shall be cancelled on
11 the date the re-employment begins, or on the first day of a
12 payroll period for which service credit was validated,
13 whichever is earlier. However, subject to the limitations and
14 requirements of subsection (c-5), the pension shall not be
15 cancelled in the case of a service retirement pensioner who is
16 re-employed on a temporary and non-annual basis or on an hourly
17 basis.

18 (c) If the date of re-employment on a permanent or annual
19 basis occurs within 5 school months after the date of previous
20 retirement, exclusive of any vacation period, the member shall
21 be deemed to have been out of service only temporarily and not
22 permanently retired. Such person shall be entitled to pension
23 payments for the time he could have been employed as a teacher
24 and received salary, but shall not be entitled to pension for
25 or during the summer vacation prior to his return to service.

26 When the member again retires on pension, the time of

1 service and the money contributed by him during re-employment
2 shall be added to the time and money previously credited. Such
3 person must acquire 3 consecutive years of additional
4 contributing service before he may retire again on a pension at
5 a rate and under conditions other than those in force or
6 attained at the time of his previous retirement.

7 (c-5) The service retirement pension shall not be cancelled
8 in the case of a service retirement pensioner who is
9 re-employed as a teacher on a temporary and non-annual basis or
10 on an hourly basis, so long as the person (1) does not work as a
11 teacher for compensation on more than 100 days in a school year
12 or ~~and~~ (2) does not accept gross compensation for the
13 re-employment in a school year in excess of (i) \$30,000 or (ii)
14 in the case of a person who retires with at least 5 years of
15 service as a principal, an amount that is equal to the daily
16 rate normally paid to retired principals multiplied by 100.
17 These limitations apply only to school years that begin on or
18 after the effective date of this amendatory Act of the 97th
19 General Assembly. Such re-employment does not require
20 contributions, result in service credit, or constitute active
21 membership in the Fund.

22 To be eligible for such re-employment without cancellation
23 of pension, the pensioner must notify the Fund and the Board of
24 Education of his or her intention to accept re-employment under
25 this subsection (c-5) before beginning that re-employment (or
26 if the re-employment began before the effective date of this

1 amendatory Act, then within 30 days after that effective date).

2 An Employer ~~The Board of Education~~ must certify to the Fund
3 the temporary and non-annual or hourly status and the
4 compensation of each pensioner re-employed under this
5 subsection at least quarterly, and when the pensioner is
6 approaching the earnings limitation under this subsection.

7 If the pensioner works more than 100 days or accepts excess
8 gross compensation for such re-employment in any school year
9 that begins on or after the effective date of this amendatory
10 Act of the 97th General Assembly, the service retirement
11 pension shall thereupon be cancelled.

12 The Board of the Fund shall adopt rules for the
13 implementation and administration of this subsection.

14 (d) Notwithstanding Sections 1-103.1 and 17-157, the
15 changes to this Section made by Public Act 90-32 apply without
16 regard to whether termination of service occurred before the
17 effective date of that Act and apply retroactively to August
18 23, 1989.

19 Notwithstanding Sections 1-103.1 and 17-157, the changes
20 to this Section and Section 17-106 made by Public Act 92-599
21 apply without regard to whether termination of service occurred
22 before the effective date of that Act.

23 Notwithstanding Sections 1-103.1 and 17-157, the changes
24 to this Section made by this amendatory Act of the 97th General
25 Assembly apply without regard to whether termination of service
26 occurred before the effective date of this amendatory Act.

1 (Source: P.A. 97-912, eff. 8-8-12.)

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.39 as follows:

4 (30 ILCS 805/8.39 new)

5 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
6 of this Act, no reimbursement by the State is required for the
7 implementation of any mandate created by this amendatory Act of
8 the 99th General Assembly.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".