

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 Sections 7-139.7 and 14-110 and adding Section
6 15-134.6 as follows:

7 (40 ILCS 5/7-139.7) (from Ch. 108 1/2, par. 7-139.7)
8 Sec. 7-139.7. Transfer to Article 14.

9 (a) Until January 31, 1994, any active member of the
10 State Employees' Retirement System who is a State policeman,
11 a conservation police officer, or an investigator for the
12 Secretary of State may apply for transfer of his creditable
13 service accumulated under this Article for service as a
14 sheriff's law enforcement employee, or service as a municipal
15 conservator of the peace, certified under the Police Training
16 Act, to the State Employees' Retirement System. At the time
17 of the transfer the Fund shall pay to the State Employees'
18 Retirement System an amount equal to:

19 (1) the amounts accumulated to the credit of the
20 applicant for such service on the books of the Fund on
21 the date of transfer; and

22 (2) the corresponding municipality credits,
23 including interest, on the books of the Fund on the date
24 of transfer; and

25 (3) any interest paid by the applicant in order to
26 reinstate such service.

27 Participation in this Fund with respect to the transferred
28 credits shall terminate on the date of transfer.

29 (b) Until January 31, 1993, any such State policeman,
30 conservation police officer or investigator for the Secretary
31 of State may reinstate service that was terminated by receipt

1 of a refund, by paying to the Fund the amount of the refund
2 with interest thereon at the effective rate from the date of
3 refund to the date of payment.

4 (c) Until July 1, 2002, any active member of the State
5 Employees' Retirement System who has been a State policeman
6 may apply for transfer of all or a portion of his or her
7 creditable service accumulated under this Article for service
8 as a civilian employee of a police department to the State
9 Employees' Retirement System in accordance with Section
10 14-110. At the time of the transfer the Fund shall pay to
11 the State Employees' Retirement System an amount equal to:

12 (1) the amounts accumulated to the credit of the
13 applicant for the service to be transferred on the books
14 of the Fund on the date of transfer; and

15 (2) the corresponding municipality credits,
16 including interest, on the books of the Fund on the date
17 of transfer.

18 Participation in this Fund with respect to the transferred
19 credits shall terminate on the date of transfer.

20 (Source: P.A. 87-794; 87-850; 87-1265.)

21 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
22 Sec. 14-110. Alternative retirement annuity.

23 (a) Any member who has withdrawn from service with not
24 less than 20 years of eligible creditable service and has
25 attained age 55, and any member who has withdrawn from
26 service with not less than 25 years of eligible creditable
27 service and has attained age 50, regardless of whether the
28 attainment of either of the specified ages occurs while the
29 member is still in service, shall be entitled to receive at
30 the option of the member, in lieu of the regular or minimum
31 retirement annuity, a retirement annuity computed as
32 follows:

33 (i) for periods of service as a noncovered

1 employee, 2 1/4% of final average compensation for each
2 of the first 10 years of creditable service, 2 1/2% for
3 each year above 10 years to and including 20 years of
4 creditable service, and 2 3/4% for each year of
5 creditable service above 20 years; and

6 (ii) for periods of eligible creditable service as
7 a covered employee, 1.67% of final average compensation
8 for each of the first 10 years of such service, 1.90% for
9 each of the next 10 years of such service, 2.10% for each
10 year of such service in excess of 20 but not exceeding
11 30, and 2.30% for each year in excess of 30.

12 Such annuity shall be subject to a maximum of 75% of
13 final average compensation. These rates shall not be
14 applicable to any service performed by a member as a covered
15 employee which is not eligible creditable service. Service
16 as a covered employee which is not eligible creditable
17 service shall be subject to the rates and provisions of
18 Section 14-108.

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

- 22 (1) State policeman;
- 23 (2) fire fighter in the fire protection service of
24 a department;
- 25 (3) air pilot;
- 26 (4) special agent;
- 27 (5) investigator for the Secretary of State;
- 28 (6) conservation police officer;
- 29 (7) investigator for the Department of Revenue;
- 30 (8) security employee of the Department of Human
31 Services;
- 32 (9) Central Management Services security police
33 officer;
- 34 (10) security employee of the Department of

- 1 Corrections;
- 2 (11) dangerous drugs investigator;
- 3 (12) investigator for the Department of State
- 4 Police;
- 5 (13) investigator for the Office of the Attorney
- 6 General;
- 7 (14) controlled substance inspector;
- 8 (15) investigator for the Office of the State's
- 9 Attorneys Appellate Prosecutor;
- 10 (16) Commerce Commission police officer;
- 11 (17) arson investigator.

12 A person employed in one of the positions specified in
13 this subsection is entitled to eligible creditable service
14 for service credit earned under this Article while undergoing
15 the basic police training course approved by the Illinois Law
16 Enforcement Training Standards Board, if completion of that
17 training is required of persons serving in that position.
18 For the purposes of this Code, service during the required
19 basic police training course shall be deemed performance of
20 the duties of the specified position, even though the person
21 is not a sworn peace officer at the time of the training.

22 (c) For the purposes of this Section:

23 (1) The term "state policeman" includes any title
24 or position in the Department of State Police that is
25 held by an individual employed under the State Police
26 Act.

27 (2) The term "fire fighter in the fire protection
28 service of a department" includes all officers in such
29 fire protection service including fire chiefs and
30 assistant fire chiefs.

31 (3) The term "air pilot" includes any employee
32 whose official job description on file in the Department
33 of Central Management Services, or in the department by
34 which he is employed if that department is not covered by

1 the Personnel Code, states that his principal duty is the
2 operation of aircraft, and who possesses a pilot's
3 license; however, the change in this definition made by
4 this amendatory Act of 1983 shall not operate to exclude
5 any noncovered employee who was an "air pilot" for the
6 purposes of this Section on January 1, 1984.

7 (4) The term "special agent" means any person who
8 by reason of employment by the Division of Narcotic
9 Control, the Bureau of Investigation or, after July 1,
10 1977, the Division of Criminal Investigation, the
11 Division of Internal Investigation, the Division of
12 Operations, or any other Division or organizational
13 entity in the Department of State Police is vested by law
14 with duties to maintain public order, investigate
15 violations of the criminal law of this State, enforce the
16 laws of this State, make arrests and recover property.
17 The term "special agent" includes any title or position
18 in the Department of State Police that is held by an
19 individual employed under the State Police Act.

20 (5) The term "investigator for the Secretary of
21 State" means any person employed by the Office of the
22 Secretary of State and vested with such investigative
23 duties as render him ineligible for coverage under the
24 Social Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D) and 218(1)(1) of that Act.

26 A person who became employed as an investigator for
27 the Secretary of State between January 1, 1967 and
28 December 31, 1975, and who has served as such until
29 attainment of age 60, either continuously or with a
30 single break in service of not more than 3 years
31 duration, which break terminated before January 1, 1976,
32 shall be entitled to have his retirement annuity
33 calculated in accordance with subsection (a),
34 notwithstanding that he has less than 20 years of credit

1 for such service.

2 (6) The term "Conservation Police Officer" means
3 any person employed by the Division of Law Enforcement of
4 the Department of Natural Resources and vested with such
5 law enforcement duties as render him ineligible for
6 coverage under the Social Security Act by reason of
7 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of
8 that Act. The term "Conservation Police Officer"
9 includes the positions of Chief Conservation Police
10 Administrator and Assistant Conservation Police
11 Administrator.

12 (7) The term "investigator for the Department of
13 Revenue" means any person employed by the Department of
14 Revenue and vested with such investigative duties as
15 render him ineligible for coverage under the Social
16 Security Act by reason of Sections 218(d)(5)(A),
17 218(d)(8)(D) and 218(1)(1) of that Act.

18 (8) The term "security employee of the Department
19 of Human Services" means any person employed by the
20 Department of Human Services who is employed at the
21 Chester Mental Health Center and has daily contact with
22 the residents thereof, or who is a mental health police
23 officer. "Mental health police officer" means any person
24 employed by the Department of Human Services in a
25 position pertaining to the Department's mental health and
26 developmental disabilities functions who is vested with
27 such law enforcement duties as render the person
28 ineligible for coverage under the Social Security Act by
29 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
30 218(1)(1) of that Act.

31 (9) "Central Management Services security police
32 officer" means any person employed by the Department of
33 Central Management Services who is vested with such law
34 enforcement duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

3 (10) The term "security employee of the Department
4 of Corrections" means any employee of the Department of
5 Corrections or the former Department of Personnel, and
6 any member or employee of the Prisoner Review Board, who
7 has daily contact with inmates by working within a
8 correctional facility or who is a parole officer or an
9 employee who has direct contact with committed persons in
10 the performance of his or her job duties.

11 (11) The term "dangerous drugs investigator" means
12 any person who is employed as such by the Department of
13 Human Services.

14 (12) The term "investigator for the Department of
15 State Police" means a person employed by the Department
16 of State Police who is vested under Section 4 of the
17 Narcotic Control Division Abolition Act with such law
18 enforcement powers as render him ineligible for coverage
19 under the Social Security Act by reason of Sections
20 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

21 (13) "Investigator for the Office of the Attorney
22 General" means any person who is employed as such by the
23 Office of the Attorney General and is vested with such
24 investigative duties as render him ineligible for
25 coverage under the Social Security Act by reason of
26 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
27 Act. For the period before January 1, 1989, the term
28 includes all persons who were employed as investigators
29 by the Office of the Attorney General, without regard to
30 social security status.

31 (14) "Controlled substance inspector" means any
32 person who is employed as such by the Department of
33 Professional Regulation and is vested with such law
34 enforcement duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
3 The term "controlled substance inspector" includes the
4 Program Executive of Enforcement and the Assistant
5 Program Executive of Enforcement.

6 (15) The term "investigator for the Office of the
7 State's Attorneys Appellate Prosecutor" means a person
8 employed in that capacity on a full time basis under the
9 authority of Section 7.06 of the State's Attorneys
10 Appellate Prosecutor's Act.

11 (16) "Commerce Commission police officer" means any
12 person employed by the Illinois Commerce Commission who
13 is vested with such law enforcement duties as render him
14 ineligible for coverage under the Social Security Act by
15 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
16 218(1)(1) of that Act.

17 (17) "Arson investigator" means any person who is
18 employed as such by the Office of the State Fire Marshal
19 and is vested with such law enforcement duties as render
20 the person ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D), and 218(1)(1) of that Act. A person who
23 was employed as an arson investigator on January 1, 1995
24 and is no longer in service but not yet receiving a
25 retirement annuity may convert his or her creditable
26 service for employment as an arson investigator into
27 eligible creditable service by paying to the System the
28 difference between the employee contributions actually
29 paid for that service and the amounts that would have
30 been contributed if the applicant were contributing at
31 the rate applicable to persons with the same social
32 security status earning eligible creditable service on
33 the date of application.

34 (d) A security employee of the Department of

1 Corrections, and a security employee of the Department of
2 Human Services who is not a mental health police officer,
3 shall not be eligible for the alternative retirement annuity
4 provided by this Section unless he or she meets the following
5 minimum age and service requirements at the time of
6 retirement:

7 (i) 25 years of eligible creditable service and age
8 55; or

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

12 (iii) beginning January 1, 1988, 25 years of
13 eligible creditable service and age 53, or 23 years of
14 eligible creditable service and age 55; or

15 (iv) beginning January 1, 1989, 25 years of
16 eligible creditable service and age 52, or 22 years of
17 eligible creditable service and age 55; or

18 (v) beginning January 1, 1990, 25 years of eligible
19 creditable service and age 51, or 21 years of eligible
20 creditable service and age 55; or

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

24 Persons who have service credit under Article 16 of this
25 Code for service as a security employee of the Department of
26 Corrections in a position requiring certification as a
27 teacher may count such service toward establishing their
28 eligibility under the service requirements of this Section;
29 but such service may be used only for establishing such
30 eligibility, and not for the purpose of increasing or
31 calculating any benefit.

32 (e) If a member enters military service while working in
33 a position in which eligible creditable service may be
34 earned, and returns to State service in the same or another

1 such position, and fulfills in all other respects the
2 conditions prescribed in this Article for credit for military
3 service, such military service shall be credited as eligible
4 creditable service for the purposes of the retirement annuity
5 prescribed in this Section.

6 (f) For purposes of calculating retirement annuities
7 under this Section, periods of service rendered after
8 December 31, 1968 and before October 1, 1975 as a covered
9 employee in the position of special agent, conservation
10 police officer, mental health police officer, or investigator
11 for the Secretary of State, shall be deemed to have been
12 service as a noncovered employee, provided that the employee
13 pays to the System prior to retirement an amount equal to (1)
14 the difference between the employee contributions that would
15 have been required for such service as a noncovered employee,
16 and the amount of employee contributions actually paid, plus
17 (2) if payment is made after July 31, 1987, regular interest
18 on the amount specified in item (1) from the date of service
19 to the date of payment.

20 For purposes of calculating retirement annuities under
21 this Section, periods of service rendered after December 31,
22 1968 and before January 1, 1982 as a covered employee in the
23 position of investigator for the Department of Revenue shall
24 be deemed to have been service as a noncovered employee,
25 provided that the employee pays to the System prior to
26 retirement an amount equal to (1) the difference between the
27 employee contributions that would have been required for such
28 service as a noncovered employee, and the amount of employee
29 contributions actually paid, plus (2) if payment is made
30 after January 1, 1990, regular interest on the amount
31 specified in item (1) from the date of service to the date of
32 payment.

33 (g) A State policeman may elect, not later than January
34 1, 1990, to establish eligible creditable service for up to

1 10 years of his service as a policeman under Article 3, by
2 filing a written election with the Board, accompanied by
3 payment of an amount to be determined by the Board, equal to
4 (i) the difference between the amount of employee and
5 employer contributions transferred to the System under
6 Section 3-110.5, and the amounts that would have been
7 contributed had such contributions been made at the rates
8 applicable to State policemen, plus (ii) interest thereon at
9 the effective rate for each year, compounded annually, from
10 the date of service to the date of payment.

11 Subject to the limitation in subsection (i), a State
12 policeman may elect, not later than July 1, 1993, to
13 establish eligible creditable service for up to 10 years of
14 his service as a member of the County Police Department under
15 Article 9, by filing a written election with the Board,
16 accompanied by payment of an amount to be determined by the
17 Board, equal to (i) the difference between the amount of
18 employee and employer contributions transferred to the System
19 under Section 9-121.10 and the amounts that would have been
20 contributed had those contributions been made at the rates
21 applicable to State policemen, plus (ii) interest thereon at
22 the effective rate for each year, compounded annually, from
23 the date of service to the date of payment.

24 Subject to the limitation in subsection (i), an active
25 member who has been a State policeman may elect, not later
26 than July 1, 2002, to establish eligible creditable service
27 as a noncovered employee for up to 12 years of his or her
28 service as a civilian employee of a municipal police
29 department under Article 7 or as a police officer under
30 Article 15 by filing a written election with the Board,
31 accompanied by payment of an amount to be determined by the
32 Board, equal to (i) the difference between the amount of
33 employee and employer contributions transferred to the System
34 under Section 7-139.7(c) or 15-134.6 and the amounts that

1 would have been contributed had those contributions been made
2 at the rates then applicable to a State policeman, plus (ii)
3 interest thereon at the effective rate for each year,
4 compounded annually, from the date of service to the date of
5 payment.

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

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

1 (i) The total amount of eligible creditable service
2 established by any person under subsections (g), (h), (j),
3 (k), and (l) of this Section shall not exceed 12 years.

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

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

1 (2) an amount determined by the Board to be the employer's
 2 normal cost of the benefits accrued for the credit being
 3 established, plus (3) regular interest on the amounts in
 4 items (1) and (2) from the first day as an alternative
 5 formula employee after the employment for which credit is
 6 being established to the date of payment.

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

21 (Source: P.A. 90-32, eff. 6-27-97; 91-357, eff. 7-29-99;
 22 91-760, eff. 1-1-01.)

23 (40 ILCS 5/15-134.6 new)

24 Sec. 15-134.6. Transfer of certain creditable service to
 25 the Article 14 retirement system. Until July 1, 2002, an
 26 active member of the Article 14 retirement system who has
 27 been a State policeman may transfer all or a portion of his
 28 or her creditable service accumulated under this System for
 29 service as a police officer to the Article 14 retirement
 30 system in accordance with Section 14-110. The transfer of
 31 creditable service shall be accompanied by payment from this
 32 System to the Article 14 retirement system of:

33 (1) the amounts credited to the applicant for the

1 service to be transferred through employee contributions,
2 including interest, as of the date of transfer; and

3 (2) employer contributions equal to the amount
4 determined under item (1).

5 Participation in this System with respect to the transferred
6 service shall terminate on the date of transfer.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.