

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 17-134 as follows:

6 (40 ILCS 5/17-134) (from Ch. 108 1/2, par. 17-134)

7 Sec. 17-134. Contributions for leaves of absence;  
8 military service; computing service. In computing service  
9 for pension purposes the following periods of service shall  
10 stand in lieu of a like number of years of teaching service  
11 upon payment therefor in the manner hereinafter provided: (a)  
12 time spent on a leave sabbatical-leaves of absence granted by  
13 the employer, ~~-sick-leaves-or-maternity-or--paternity--leaves;~~  
14 (b) service with teacher or labor organizations based upon  
15 special leaves of absence therefor granted by an Employer;  
16 (c) a maximum of 5 years spent in the military service of the  
17 United States, of which up to 2 years may have been served  
18 outside the pension period; (d) unused sick days at  
19 termination of service to a maximum of 244 days; (e) time  
20 lost due to layoff and curtailment of the school term from  
21 June 6 through June 21, 1976; and (f) time spent after June  
22 30, 1982 as a member of the Board of Education, if required  
23 to resign from an administrative or teaching position in  
24 order to qualify as a member of the Board of Education.

25 (1) For time spent on or after September 6, 1948 on  
26 sabbatical leaves of absence or sick leaves, for which  
27 salaries are paid, an Employer shall make payroll  
28 deductions at the applicable rates in effect during such  
29 periods.

30 (2) For time spent on a leave of absence granted by  
31 the employer ~~sabbatical-or-sick-leaves-commencing-on-or~~

1 after-September-17-1961,-and-for-time-spent-on--maternity  
2 or--paternity--leaves, for which no salaries are paid,  
3 teachers desiring credit therefor shall pay the required  
4 contributions at the rates in effect during such periods  
5 as though they were in teaching service. If an Employer  
6 pays salary for vacations which occur during a teacher's  
7 sick leave or maternity or paternity leave without  
8 salary, vacation pay for which the teacher would have  
9 qualified while in active service shall be considered  
10 part of the teacher's total salary for pension purposes.  
11 No more than 36 12 months of sick-leave-or-maternity-or  
12 paternity leave credit may be allowed any person during  
13 the entire term of service. Sabbatical leave credit  
14 shall be limited to the time the person on leave without  
15 salary under an Employer's rules is allowed to engage in  
16 an activity for which he receives salary or compensation.

17 (3) For time spent prior to September 6, 1948, on  
18 sabbatical leaves of absence or sick leaves for which  
19 salaries were paid, teachers desiring service credit  
20 therefor shall pay the required contributions at the  
21 maximum applicable rates in effect during such periods.

22 (4) For service with teacher or labor organizations  
23 authorized by special leaves of absence, for which no  
24 payroll deductions are made by an Employer, teachers  
25 desiring service credit therefor shall contribute to the  
26 Fund upon the basis of the actual salary received from  
27 such organizations at the percentage rates in effect  
28 during such periods for certified positions with such  
29 Employer. To the extent the actual salary exceeds the  
30 regular salary, which shall be defined as the salary  
31 rate, as calculated by the Board, in effect for the  
32 teacher's regular position in teaching service on  
33 September 1, 1983 or on the effective date of the leave  
34 with the organization, whichever is later, the

1 organization shall pay to the Fund the employer's normal  
2 cost as set by the Board on the increment.

3 (5) For time spent in the military service,  
4 teachers entitled to and desiring credit therefor shall  
5 contribute the amount required for each year of service  
6 or fraction thereof at the rates in force (a) at the date  
7 of appointment, or (b) on return to teaching service as a  
8 regularly certified teacher, as the case may be; provided  
9 such rates shall not be less than \$450 per year of  
10 service. These conditions shall apply unless an Employer  
11 elects to and does pay into the Fund the amount which  
12 would have been due from such person had he been employed  
13 as a teacher during such time. In the case of credit for  
14 military service not during the pension period, the  
15 teacher must also pay to the Fund an amount determined by  
16 the Board to be equal to the employer's normal cost of  
17 the benefits accrued from such service, plus interest  
18 thereon at 5% per year, compounded annually, from the  
19 date of appointment to the date of payment.

20 The changes to this Section made by Public Act  
21 87-795 shall apply not only to persons who on or after  
22 its effective date are in service under the Fund, but  
23 also to persons whose status as a teacher terminated  
24 prior to that date, whether or not the person is an  
25 annuitant on that date. In the case of an annuitant who  
26 applies for credit allowable under this Section for a  
27 period of military service that did not immediately  
28 follow employment, and who has made the required  
29 contributions for such credit, the annuity shall be  
30 recalculated to include the additional service credit,  
31 with the increase taking effect on the date the Fund  
32 received written notification of the annuitant's intent  
33 to purchase the credit, if payment of all the required  
34 contributions is made within 60 days of such notice, or

1 else on the first annuity payment date following the date  
2 of payment of the required contributions. In calculating  
3 the automatic annual increase for an annuity that has  
4 been recalculated under this Section, the increase  
5 attributable to the additional service allowable under  
6 this amendatory Act of 1991 shall be included in the  
7 calculation of automatic annual increases accruing after  
8 the effective date of the recalculation.

9 The total credit for military service shall not  
10 exceed 5 years, except that any teacher who on July 1,  
11 1963, had validated credit for more than 5 years of  
12 military service shall be entitled to the total amount of  
13 such credit.

14 (6) A maximum of 244 unused sick days credited to  
15 his account by an Employer on the date of termination of  
16 employment. Members, upon verification of unused sick  
17 days, may add this service time to total creditable  
18 service.

19 (7) In all cases where time spent on leave is  
20 creditable and no payroll deductions therefor are made by  
21 an Employer, persons desiring service credit shall make  
22 the required contributions directly to the Fund.

23 (8) For time lost without pay due to layoff and  
24 curtailment of the school term from June 6 through June  
25 21, 1976, as provided in item (e) of the first paragraph  
26 of this Section, persons who were contributors on the  
27 days immediately preceding such layoff shall receive  
28 credit upon paying to the Fund a contribution based on  
29 the rates of compensation and employee contributions in  
30 effect at the time of such layoff, together with an  
31 additional amount equal to 12.2% of the compensation  
32 computed for such period of layoff, plus interest on the  
33 entire amount at 5% per annum from January 1, 1978 to the  
34 date of payment. If such contribution is paid, salary

1 for pension purposes for any year in which such a layoff  
2 occurred shall include the compensation recognized for  
3 purposes of computing that contribution.

4 (9) For time spent after June 30, 1982, as a  
5 nonsalaried member of the Board of Education, if required  
6 to resign from an administrative or teaching position in  
7 order to qualify as a member of the Board of Education,  
8 an administrator or teacher desiring credit therefor  
9 shall pay the required contributions at the rates and  
10 salaries in effect during such periods as though the  
11 member were in service.

12 Effective September 1, 1974, the interest charged for  
13 validation of service described in paragraphs (2) through (5)  
14 of this Section shall be compounded annually at a rate of 5%  
15 commencing one year after the termination of the leave or  
16 return to service.

17 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

18 Section 90. The State Mandates Act is amended by adding  
19 Section 8.26 as follows:

20 (30 ILCS 805/8.26 new)

21 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
22 and 8 of this Act, no reimbursement by the State is required  
23 for the implementation of any mandate created by this  
24 amendatory Act of the 92nd General Assembly.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.