

HB2968



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2968

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-149

from Ch. 108 1/2, par. 17-149

Amends the Chicago Teacher Article of the Illinois Pension Code. For school years beginning on or after July 1, 2019, increases to 120 days (instead of 100 days) the amount of days a service retirement pensioner who is re-employed as a teacher may work without having his or her pension cancelled. Makes conforming changes. Effective immediately.

LRB101 08805 RPS 53893 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning 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 changing
5 Section 17-149 as follows:

6 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

7 Sec. 17-149. Cancellation of pensions.

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

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

23 (c) If the date of re-employment on a permanent or annual

1 basis occurs within 5 school months after the date of previous
2 retirement, exclusive of any vacation period, the member shall
3 be deemed to have been out of service only temporarily and not
4 permanently retired. Such person shall be entitled to pension
5 payments for the time he could have been employed as a teacher
6 and received salary, but shall not be entitled to pension for
7 or during the summer vacation prior to his return to service.

8 When the member again retires on pension, the time of
9 service and the money contributed by him during re-employment
10 shall be added to the time and money previously credited. Such
11 person must acquire 3 consecutive years of additional
12 contributing service before he may retire again on a pension at
13 a rate and under conditions other than those in force or
14 attained at the time of his previous retirement.

15 (c-5) For school years beginning on or after July 1, 2019,
16 the service retirement pension shall not be cancelled in the
17 case of a service retirement pensioner who is re-employed as a
18 teacher on a temporary and non-annual basis or on an hourly
19 basis, so long as the person (1) does not work as a teacher for
20 compensation on more than 120 days in a school year or (2) does
21 not accept gross compensation for the re-employment in a school
22 year in excess of (i) \$30,000 or (ii) in the case of a person
23 who retires with at least 5 years of service as a principal, an
24 amount that is equal to the daily rate normally paid to retired
25 principals multiplied by 100. These limitations apply only to
26 school years that begin on or after July 1, 2019. Such

1 re-employment does not require contributions, result in
2 service credit, or constitute active membership in the Fund.

3 The service retirement pension shall not be cancelled in
4 the case of a service retirement pensioner who is re-employed
5 as a teacher on a temporary and non-annual basis or on an
6 hourly basis, so long as the person (1) does not work as a
7 teacher for compensation on more than 100 days in a school year
8 or (2) does not accept gross compensation for the re-employment
9 in a school year in excess of (i) \$30,000 or (ii) in the case of
10 a person who retires with at least 5 years of service as a
11 principal, an amount that is equal to the daily rate normally
12 paid to retired principals multiplied by 100. These limitations
13 apply only to school years that begin on or after August 8,
14 2012 (the effective date of Public Act 97-912) and before July
15 1, 2019. Such re-employment does not require contributions,
16 result in service credit, or constitute active membership in
17 the Fund.

18 Notwithstanding the 120-day ~~100-day~~ limit set forth in item
19 (1) of this subsection (c-5), the service retirement pension
20 shall not be cancelled in the case of a service retirement
21 pensioner who teaches only driver education courses after
22 regular school hours and does not teach any other subject area,
23 so long as the person does not work as a teacher for
24 compensation for more than 900 hours in a school year. The
25 \$30,000 limit set forth in subitem (i) of item (2) of this
26 subsection (c-5) shall apply to a service retirement pensioner

1 who teaches only driver education courses after regular school
2 hours and does not teach any other subject area.

3 To be eligible for such re-employment without cancellation
4 of pension, the pensioner must notify the Fund and the Board of
5 Education of his or her intention to accept re-employment under
6 this subsection (c-5) before beginning that re-employment (or
7 if the re-employment began before the effective date of this
8 amendatory Act, then within 30 days after that effective date).

9 An Employer must certify to the Fund the temporary and
10 non-annual or hourly status and the compensation of each
11 pensioner re-employed under this subsection at least
12 quarterly, and when the pensioner is approaching the earnings
13 limitation under this subsection.

14 If the pensioner works more than 100 days or accepts excess
15 gross compensation for such re-employment in any school year
16 that begins on or after August 8, 2012 (the effective date of
17 Public Act 97-912), the service retirement pension shall
18 thereupon be cancelled.

19 If the pensioner who only teaches drivers education courses
20 after regular school hours works more than 900 hours or accepts
21 excess gross compensation for such re-employment in any school
22 year that begins on or after the effective date of this
23 amendatory Act of the 99th General Assembly, the service
24 retirement pension shall thereupon be cancelled.

25 If the pensioner works more than 120 days or accepts excess
26 gross compensation for such re-employment in any school year

1 that begins on or after July 1, 2019, the service retirement
2 pension shall thereupon be cancelled.

3 The Board of the Fund shall adopt rules for the
4 implementation and administration of this subsection.

5 (d) Notwithstanding Sections 1-103.1 and 17-157, the
6 changes to this Section made by Public Act 90-32 apply without
7 regard to whether termination of service occurred before the
8 effective date of that Act and apply retroactively to August
9 23, 1989.

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

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

18 (Source: P.A. 99-176, eff. 7-29-15; 99-786, eff. 8-12-16.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.