

# SB0217



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0217

Introduced 1/31/2019, by Sen. Andy Manar

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.7b	from Ch. 122, par. 10-20.7b
105 ILCS 5/24-13.1	from Ch. 122, par. 24-13.1
105 ILCS 5/34-15a	from Ch. 122, par. 34-15a

Amends the School Code. With regard to the salary of any employee of a school board who is a member of any reserve component of the United States Armed Services and is mobilized to active military duty or teacher who is employed in a Department of Defense overseas dependents' school or is mobilized to active military duty, removes a provision decreasing the amount of the employee's salary by the employee's base pay for military service.

LRB101 04935 AXK 49944 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 10-20.7b, 24-13.1, and 34-15a as follows:

6 (105 ILCS 5/10-20.7b) (from Ch. 122, par. 10-20.7b)

7 Sec. 10-20.7b. Active military service. Any certificated  
8 or non-certificated employee of a school board who is a member  
9 of any reserve component of the United States Armed Services,  
10 including the Illinois National Guard, and who is mobilized to  
11 active military duty ~~on or after August 1, 1990,~~ shall for each  
12 pay period ~~beginning on or after August 1, 1990~~ continue to  
13 receive the same regular compensation that he receives or was  
14 receiving as an employee of the school board at the time he is  
15 or was so mobilized to active military duty, plus any health  
16 insurance and other benefits he is or was receiving or accruing  
17 at that time, ~~minus the amount of his base pay for military~~  
18 ~~service,~~ for the duration of his active military service. Such  
19 active military duty shall not result in the loss or  
20 diminishment of any employment benefit, service credit, or  
21 status accrued at the time the duty commenced if the duty  
22 commenced on or after September 1, 2001.

23 In the event any provision of a collective bargaining

1 agreement or any school board or district policy covering any  
2 employee so ordered to active duty is more generous than the  
3 provisions contained in this Section, the collective  
4 bargaining agreement or school board or district policy shall  
5 be controlling.

6 (Source: P.A. 92-660, eff. 7-16-02.)

7 (105 ILCS 5/24-13.1) (from Ch. 122, par. 24-13.1)

8 Sec. 24-13.1. Contractual continued service of teachers  
9 employed in Department of Defense overseas dependents'  
10 schools. By mutual agreement of a teacher and the employing  
11 board, the board may, but is not required to, grant the teacher  
12 a leave of absence to accept employment in a Department of  
13 Defense overseas dependents' school. If such a leave of absence  
14 is granted, the teacher may elect, for a period not exceeding  
15 the lesser of the period for which he is so employed or 5  
16 years, (a) to preserve his contractual continued service status  
17 under this Code Act, and (b) to continue receipt, on the same  
18 basis as if he were teaching in the school system subject to  
19 the employing board, of service credit earned for requirements  
20 of promotion, incremental increases in salary, leaves of  
21 absence and other privileges based on an established period of  
22 service or employment. In addition, a teacher whose armed  
23 forces reserve unit is activated during the school year and who  
24 as a result is required to enter into active military service  
25 duty shall continue to have his or her full salary as a teacher

1 paid by the school board for ~~the first 2 weeks of~~ the period  
2 during which he or she is required to remain on active military  
3 service duty; ~~provided, however, that if the teacher is~~  
4 ~~required to remain on active military service duty for any~~  
5 ~~additional period,~~ his or her contractual continued service  
6 under this Code Act shall be preserved for the period he or she  
7 is required to remain on active military service duty, and he  
8 or she shall continue to receive throughout the entire period  
9 that he or she is required to remain on active military service  
10 duty, on the same basis as if he or she were teaching in the  
11 school system governed by the employing board, service credit  
12 earned for requirements of promotion, incremental increases in  
13 salary, leaves of absence and other privileges based on an  
14 established period of service or employment; ~~provided further~~  
15 ~~that a teacher who receives payment of his or her full salary~~  
16 ~~as a teacher for the first 2 weeks of the period his or her~~  
17 ~~armed forces reserve unit is required to remain on active~~  
18 ~~military service duty shall return to the school board such~~  
19 ~~portion of his or her teaching salary so paid as is equal to~~  
20 ~~the payment he or she received for such 2 week period from his~~  
21 ~~or her armed forces reserve unit, excluding, however, all~~  
22 ~~payments received by the teacher from the armed forces reserve~~  
23 ~~unit which are allocable to nonschool days or which constitute~~  
24 ~~a travel, meal or housing allowance.~~

25 A person employed to replace a teacher making the election  
26 provided for in this Section does not acquire contractual

1 continued service status as a teacher under this Article.

2 (Source: P.A. 84-1401.)

3 (105 ILCS 5/34-15a) (from Ch. 122, par. 34-15a)

4 Sec. 34-15a. Active military service. Any certificated or  
5 non-certificated employee of the Board of Education who is a  
6 member of any reserve component of the United States Armed  
7 Services, including the Illinois National Guard, and who is  
8 mobilized to active military duty ~~on or after August 1, 1990,~~  
9 shall for each pay period ~~beginning on or after August 1, 1990~~  
10 continue to receive the same regular compensation that he  
11 receives or was receiving as an employee of the Board of  
12 Education at the time he is or was so mobilized to active  
13 military duty, plus any health insurance and other benefits he  
14 is or was receiving or accruing at that time, ~~minus the amount~~  
15 ~~of his base pay for military service,~~ for the duration of his  
16 active military service. Such active military duty shall not  
17 result in the loss or diminishment of any employment benefit,  
18 service credit, or status accrued at the time the duty  
19 commenced if the duty commenced on or after September 1, 2001.

20 In the event any provision of a collective bargaining  
21 agreement or any board of education or district policy covering  
22 any employee so ordered to active duty is more generous than  
23 the provisions contained in this Section, the collective  
24 bargaining agreement or board of education or district policy  
25 shall be controlling.

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1 (Source: P.A. 92-660, eff. 7-16-02.)