

# HB3492



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3492

Introduced 2/17/2023, by Rep. Sonya M. Harper

### SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-150.1

Amends the Downstate Teacher Article of the Illinois Pension Code. In the provision defining "eligible employment" for the purpose of allowing a teacher to return to teaching in subject shortage areas without impairing his or her retirement status or retirement annuity, removes a provision requiring the ending date of the employment to be no later than June 30, 2024.

LRB103 30346 RPS 56776 b

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  
5 changing Section 16-150.1 as follows:

6 (40 ILCS 5/16-150.1)

7 Sec. 16-150.1. Return to teaching in subject shortage  
8 area.

9 (a) As used in this Section, "eligible employment" means  
10 employment beginning on or after July 1, 2003 ~~and ending no~~  
11 ~~later than June 30, 2024~~, in a subject shortage area at a  
12 qualified school, in a position requiring certification under  
13 the law governing the certification of teachers.

14 As used in this Section, "qualified school" means a public  
15 elementary or secondary school that meets all of the following  
16 requirements:

17 (1) At the time of hiring a retired teacher under this  
18 Section, the school is experiencing a shortage of teachers  
19 in the subject shortage area for which the teacher is  
20 hired.

21 (2) The school district to which the school belongs  
22 has complied with the requirements of subsection (e), and  
23 the regional superintendent has certified that compliance

1 to the System.

2 (3) If the school district to which the school belongs  
3 provides group health benefits for its teachers generally,  
4 substantially similar health benefits are made available  
5 for teachers participating in the program under this  
6 Section, without any limitations based on pre-existing  
7 conditions.

8 (b) An annuitant receiving a retirement annuity under this  
9 Article (other than a disability retirement annuity) may  
10 engage in eligible employment at a qualified school without  
11 impairing his or her retirement status or retirement annuity,  
12 subject to the following conditions:

13 (1) the eligible employment does not begin within the  
14 school year during which service was terminated;

15 (2) the annuitant has not received any early  
16 retirement incentive under Section 16-133.3, 16-133.4, or  
17 16-133.5;

18 (3) if the annuitant retired before age 60 and with  
19 less than 34 years of service, the eligible employment  
20 does not begin within the year following the effective  
21 date of the retirement annuity;

22 (4) if the annuitant retired at age 60 or above or with  
23 34 or more years of service, the eligible employment does  
24 not begin within the 90 days following the effective date  
25 of the retirement annuity; and

26 (5) before the eligible employment begins, the

1           employer notifies the System in writing of the annuitant's  
2           desire to participate in the program established under  
3           this Section.

4           (c) An annuitant engaged in eligible employment in  
5           accordance with subsection (b) shall be deemed a participant  
6           in the program established under this Section for so long as he  
7           or she remains employed in eligible employment.

8           (d) A participant in the program established under this  
9           Section continues to be a retirement annuitant, rather than an  
10          active teacher, for all of the purposes of this Code, but shall  
11          be deemed an active teacher for other purposes, such as  
12          inclusion in a collective bargaining unit, eligibility for  
13          group health benefits, and compliance with the laws governing  
14          the employment, regulation, certification, treatment, and  
15          conduct of teachers.

16          With respect to an annuitant's eligible employment under  
17          this Section, neither employee nor employer contributions  
18          shall be made to the System and no additional service credit  
19          shall be earned. Eligible employment does not affect the  
20          annuitant's final average salary or the amount of the  
21          retirement annuity.

22          (e) Before hiring a teacher under this Section, the school  
23          district to which the school belongs must do the following:

24                 (1) If the school district to which the school belongs  
25                 has honorably dismissed, within the calendar year  
26                 preceding the beginning of the school term for which it

1 seeks to employ a retired teacher under the program  
2 established in this Section, any teachers who are legally  
3 qualified to hold positions in the subject shortage area  
4 and have not yet begun to receive their retirement  
5 annuities under this Article, the vacant positions must  
6 first be tendered to those teachers.

7 (2) For a period of at least 90 days during the 6  
8 months preceding the beginning of either the fall or  
9 spring term for which it seeks to employ a retired teacher  
10 under the program established in this Section, the school  
11 district must, on an ongoing basis, (i) advertise its  
12 vacancies in the subject shortage area in employment  
13 bulletins published by college and university placement  
14 offices located near the school; (ii) search for teachers  
15 legally qualified to fill those vacancies through the  
16 Illinois Education Job Bank; and (iii) post all vacancies  
17 on the school district's website and list the vacancy in  
18 an online job portal or database.

19 A school district replacing a teacher who is unable to  
20 continue employment with the school district because of  
21 documented illness, injury, or disability that occurred after  
22 being hired by a school district under this Section shall be  
23 exempt from the provisions of paragraph (2) for 90 school  
24 days. However, the school district must on an ongoing basis  
25 comply with items (i), (ii), and (iii) of paragraph (2).

26 The school district must submit documentation of its

1 compliance with this subsection to the regional  
2 superintendent. Upon receiving satisfactory documentation from  
3 the school district, the regional superintendent shall certify  
4 the district's compliance with this subsection to the System.

5 (f) This Section applies without regard to whether the  
6 annuitant was in service on or after the effective date of this  
7 amendatory Act of the 93rd General Assembly.

8 (Source: P.A. 101-49, eff. 7-12-19; 102-440, eff. 8-20-21.)