



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2305

Introduced 1/28/2004, by Larry K. Bomke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-110

from Ch. 108 1/2, par. 14-110

Amends the State Employees Article of the Illinois Pension Code. Provides the alternative (State Police) formula for full-time highway construction operators employed by the Illinois Department of Transportation. Effective immediately.

LRB093 19745 LRD 45486 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not less
9 than 20 years of eligible creditable service and has attained
10 age 55, and any member who has withdrawn from service with not
11 less than 25 years of eligible creditable service and has
12 attained age 50, regardless of whether the attainment of either
13 of the specified ages occurs while the member is still in
14 service, shall be entitled to receive at the option of the
15 member, in lieu of the regular or minimum retirement annuity, a
16 retirement annuity computed as follows:

17 (i) for periods of service as a noncovered employee: if
18 retirement occurs on or after January 1, 2001, 3% of final
19 average compensation for each year of creditable service;
20 if retirement occurs before January 1, 2001, 2 1/4% of
21 final average compensation for each of the first 10 years
22 of creditable service, 2 1/2% for each year above 10 years
23 to and including 20 years of creditable service, and 2 3/4%
24 for each year of creditable service above 20 years; and

25 (ii) for periods of eligible creditable service as a
26 covered employee: if retirement occurs on or after January
27 1, 2001, 2.5% of final average compensation for each year
28 of creditable service; if retirement occurs before January
29 1, 2001, 1.67% of final average compensation for each of
30 the first 10 years of such service, 1.90% for each of the
31 next 10 years of such service, 2.10% for each year of such
32 service in excess of 20 but not exceeding 30, and 2.30% for

1 each year in excess of 30.

2 Such annuity shall be subject to a maximum of 75% of final
3 average compensation if retirement occurs before January 1,
4 2001 or to a maximum of 80% of final average compensation if
5 retirement occurs on or after January 1, 2001.

6 These rates shall not be applicable to any service
7 performed by a member as a covered employee which is not
8 eligible creditable service. Service as a covered employee
9 which is not eligible creditable service shall be subject to
10 the rates and provisions of Section 14-108.

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

14 (1) State policeman;

15 (2) fire fighter in the fire protection service of a
16 department;

17 (3) air pilot;

18 (4) special agent;

19 (5) investigator for the Secretary of State;

20 (6) conservation police officer;

21 (7) investigator for the Department of Revenue;

22 (8) security employee of the Department of Human
23 Services;

24 (9) Central Management Services security police
25 officer;

26 (10) security employee of the Department of
27 Corrections;

28 (11) dangerous drugs investigator;

29 (12) investigator for the Department of State Police;

30 (13) investigator for the Office of the Attorney
31 General;

32 (14) controlled substance inspector;

33 (15) investigator for the Office of the State's
34 Attorneys Appellate Prosecutor;

35 (16) Commerce Commission police officer;

36 (17) arson investigator;

1 (18) State highway maintenance worker;~~:-~~

2 (19) State highway construction operator.

3 A person employed in one of the positions specified in this
4 subsection is entitled to eligible creditable service for
5 service credit earned under this Article while undergoing the
6 basic police training course approved by the Illinois Law
7 Enforcement Training Standards Board, if completion of that
8 training is required of persons serving in that position. For
9 the purposes of this Code, service during the required basic
10 police training course shall be deemed performance of the
11 duties of the specified position, even though the person is not
12 a sworn peace officer at the time of the training.

13 (c) For the purposes of this Section:

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

17 (2) The term "fire fighter in the fire protection
18 service of a department" includes all officers in such fire
19 protection service including fire chiefs and assistant
20 fire chiefs.

21 (3) The term "air pilot" includes any employee whose
22 official job description on file in the Department of
23 Central Management Services, or in the department by which
24 he is employed if that department is not covered by the
25 Personnel Code, states that his principal duty is the
26 operation of aircraft, and who possesses a pilot's license;
27 however, the change in this definition made by this
28 amendatory Act of 1983 shall not operate to exclude any
29 noncovered employee who was an "air pilot" for the purposes
30 of this Section on January 1, 1984.

31 (4) The term "special agent" means any person who by
32 reason of employment by the Division of Narcotic Control,
33 the Bureau of Investigation or, after July 1, 1977, the
34 Division of Criminal Investigation, the Division of
35 Internal Investigation, the Division of Operations, or any
36 other Division or organizational entity in the Department

1 of State Police is vested by law with duties to maintain
2 public order, investigate violations of the criminal law of
3 this State, enforce the laws of this State, make arrests
4 and recover property. The term "special agent" includes any
5 title or position in the Department of State Police that is
6 held by an individual employed under the State Police Act.

7 (5) The term "investigator for the Secretary of State"
8 means any person employed by the Office of the Secretary of
9 State and vested with such investigative duties as render
10 him ineligible for coverage under the Social Security Act
11 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
12 218(1)(1) of that Act.

13 A person who became employed as an investigator for the
14 Secretary of State between January 1, 1967 and December 31,
15 1975, and who has served as such until attainment of age
16 60, either continuously or with a single break in service
17 of not more than 3 years duration, which break terminated
18 before January 1, 1976, shall be entitled to have his
19 retirement annuity calculated in accordance with
20 subsection (a), notwithstanding that he has less than 20
21 years of credit for such service.

22 (6) The term "Conservation Police Officer" means any
23 person employed by the Division of Law Enforcement of the
24 Department of Natural Resources and vested with such law
25 enforcement duties as render him ineligible for coverage
26 under the Social Security Act by reason of Sections
27 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
28 term "Conservation Police Officer" includes the positions
29 of Chief Conservation Police Administrator and Assistant
30 Conservation Police Administrator.

31 (7) The term "investigator for the Department of
32 Revenue" means any person employed by the Department of
33 Revenue and vested with such investigative duties as render
34 him ineligible for coverage under the Social Security Act
35 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
36 218(1)(1) of that Act.

1 (8) The term "security employee of the Department of
2 Human Services" means any person employed by the Department
3 of Human Services who (i) is employed at the Chester Mental
4 Health Center and has daily contact with the residents
5 thereof, (ii) is employed within a security unit at a
6 facility operated by the Department and has daily contact
7 with the residents of the security unit, (iii) is employed
8 at a facility operated by the Department that includes a
9 security unit and is regularly scheduled to work at least
10 50% of his or her working hours within that security unit,
11 or (iv) is a mental health police officer. "Mental health
12 police officer" means any person employed by the Department
13 of Human Services in a position pertaining to the
14 Department's mental health and developmental disabilities
15 functions who is vested with such law enforcement duties as
16 render the person ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
19 means that portion of a facility that is devoted to the
20 care, containment, and treatment of persons committed to
21 the Department of Human Services as sexually violent
22 persons, persons unfit to stand trial, or persons not
23 guilty by reason of insanity. With respect to past
24 employment, references to the Department of Human Services
25 include its predecessor, the Department of Mental Health
26 and Developmental Disabilities.

27 The changes made to this subdivision (c)(8) by Public
28 Act 92-14 apply to persons who retire on or after January
29 1, 2001, notwithstanding Section 1-103.1.

30 (9) "Central Management Services security police
31 officer" means any person employed by the Department of
32 Central Management Services who is vested with such law
33 enforcement duties as render him ineligible for coverage
34 under the Social Security Act by reason of Sections
35 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

36 (10) The term "security employee of the Department of

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

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

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

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

28 (14) "Controlled substance inspector" means any person
29 who is employed as such by the Department of Professional
30 Regulation and is vested with such law enforcement duties
31 as render him ineligible for coverage under the Social
32 Security Act by reason of Sections 218(d)(5)(A),
33 218(d)(8)(D) and 218(1)(1) of that Act. The term
34 "controlled substance inspector" includes the Program
35 Executive of Enforcement and the Assistant Program
36 Executive of Enforcement.

1 (15) The term "investigator for the Office of the
2 State's Attorneys Appellate Prosecutor" means a person
3 employed in that capacity on a full time basis under the
4 authority of Section 7.06 of the State's Attorneys
5 Appellate Prosecutor's Act.

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

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

28 (18) The term "State highway maintenance worker" means
29 a person who is either of the following:

30 (i) A person employed on a full-time basis by the
31 Illinois Department of Transportation in the position
32 of highway maintainer, highway maintenance lead
33 worker, highway maintenance lead/lead worker, heavy
34 construction equipment operator, power shovel
35 operator, or bridge mechanic; and whose principal
36 responsibility is to perform, on the roadway, the

1 actual maintenance necessary to keep the highways that
2 form a part of the State highway system in serviceable
3 condition for vehicular traffic.

4 (ii) A person employed on a full-time basis by the
5 Illinois State Toll Highway Authority in the position
6 of equipment operator/laborer H-4, equipment
7 operator/laborer H-6, welder H-4, welder H-6,
8 mechanical/electrical H-4, mechanical/electrical H-6,
9 water/sewer H-4, water/sewer H-6, sign maker/hanger
10 H-4, sign maker/hanger H-6, roadway lighting H-4,
11 roadway lighting H-6, structural H-4, structural H-6,
12 painter H-4, or painter H-6; and whose principal
13 responsibility is to perform, on the roadway, the
14 actual maintenance necessary to keep the Authority's
15 tollways in serviceable condition for vehicular
16 traffic.

17 (19) The term "State highway construction operator"
18 means a person who is employed on a full-time basis by the
19 Illinois Department of Transportation in the position of
20 highway construction operator.

21 (d) A security employee of the Department of Corrections,
22 and a security employee of the Department of Human Services who
23 is not a mental health police officer, shall not be eligible
24 for the alternative retirement annuity provided by this Section
25 unless he or she meets the following minimum age and service
26 requirements at the time of retirement:

27 (i) 25 years of eligible creditable service and age 55;
28 or

29 (ii) beginning January 1, 1987, 25 years of eligible
30 creditable service and age 54, or 24 years of eligible
31 creditable service and age 55; or

32 (iii) beginning January 1, 1988, 25 years of eligible
33 creditable service and age 53, or 23 years of eligible
34 creditable service and age 55; or

35 (iv) beginning January 1, 1989, 25 years of eligible
36 creditable service and age 52, or 22 years of eligible

1 creditable service and age 55; or

2 (v) beginning January 1, 1990, 25 years of eligible
3 creditable service and age 51, or 21 years of eligible
4 creditable service and age 55; or

5 (vi) beginning January 1, 1991, 25 years of eligible
6 creditable service and age 50, or 20 years of eligible
7 creditable service and age 55.

8 Persons who have service credit under Article 16 of this
9 Code for service as a security employee of the Department of
10 Corrections or the Department of Human Services in a position
11 requiring certification as a teacher may count such service
12 toward establishing their eligibility under the service
13 requirements of this Section; but such service may be used only
14 for establishing such eligibility, and not for the purpose of
15 increasing or calculating any benefit.

16 (e) If a member enters military service while working in a
17 position in which eligible creditable service may be earned,
18 and returns to State service in the same or another such
19 position, and fulfills in all other respects the conditions
20 prescribed in this Article for credit for military service,
21 such military service shall be credited as eligible creditable
22 service for the purposes of the retirement annuity prescribed
23 in this Section.

24 (f) For purposes of calculating retirement annuities under
25 this Section, periods of service rendered after December 31,
26 1968 and before October 1, 1975 as a covered employee in the
27 position of special agent, conservation police officer, mental
28 health police officer, or investigator for the Secretary of
29 State, shall be deemed to have been service as a noncovered
30 employee, provided that the employee pays to the System prior
31 to retirement an amount equal to (1) the difference between the
32 employee contributions that would have been required for such
33 service as a noncovered employee, and the amount of employee
34 contributions actually paid, plus (2) if payment is made after
35 July 31, 1987, regular interest on the amount specified in item
36 (1) from the date of service to the date of payment.

1 For purposes of calculating retirement annuities under
2 this Section, periods of service rendered after December 31,
3 1968 and before January 1, 1982 as a covered employee in the
4 position of investigator for the Department of Revenue shall be
5 deemed to have been service as a noncovered employee, provided
6 that the employee pays to the System prior to retirement an
7 amount equal to (1) the difference between the employee
8 contributions that would have been required for such service as
9 a noncovered employee, and the amount of employee contributions
10 actually paid, plus (2) if payment is made after January 1,
11 1990, regular interest on the amount specified in item (1) from
12 the date of service to the date of payment.

13 (g) A State policeman may elect, not later than January 1,
14 1990, to establish eligible creditable service for up to 10
15 years of his service as a policeman under Article 3, by filing
16 a written election with the Board, accompanied by payment of an
17 amount to be determined by the Board, equal to (i) the
18 difference between the amount of employee and employer
19 contributions transferred to the System under Section 3-110.5,
20 and the amounts that would have been contributed had such
21 contributions been made at the rates applicable to State
22 policemen, plus (ii) interest thereon at the effective rate for
23 each year, compounded annually, from the date of service to the
24 date of payment.

25 Subject to the limitation in subsection (i), a State
26 policeman may elect, not later than July 1, 1993, to establish
27 eligible creditable service for up to 10 years of his service
28 as a member of the County Police Department under Article 9, by
29 filing a written election with the Board, accompanied by
30 payment of an amount to be determined by the Board, equal to
31 (i) the difference between the amount of employee and employer
32 contributions transferred to the System under Section 9-121.10
33 and the amounts that would have been contributed had those
34 contributions been made at the rates applicable to State
35 policemen, plus (ii) interest thereon at the effective rate for
36 each year, compounded annually, from the date of service to the

1 date of payment.

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

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

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

32 (j) Subject to the limitation in subsection (i), an
33 investigator for the Office of the State's Attorneys Appellate
34 Prosecutor or a controlled substance inspector may elect to
35 establish eligible creditable service for up to 10 years of his
36 service as a policeman under Article 3 or a sheriff's law

1 enforcement employee under Article 7, by filing a written
2 election with the Board, accompanied by payment of an amount to
3 be determined by the Board, equal to (1) the difference between
4 the amount of employee and employer contributions transferred
5 to the System under Section 3-110.6 or 7-139.8, and the amounts
6 that would have been contributed had such contributions been
7 made at the rates applicable to State policemen, plus (2)
8 interest thereon at the effective rate for each year,
9 compounded annually, from the date of service to the date of
10 payment.

11 (k) Subject to the limitation in subsection (i) of this
12 Section, an alternative formula employee may elect to establish
13 eligible creditable service for periods spent as a full-time
14 law enforcement officer or full-time corrections officer
15 employed by the federal government or by a state or local
16 government located outside of Illinois, for which credit is not
17 held in any other public employee pension fund or retirement
18 system. To obtain this credit, the applicant must file a
19 written application with the Board by March 31, 1998,
20 accompanied by evidence of eligibility acceptable to the Board
21 and payment of an amount to be determined by the Board, equal
22 to (1) employee contributions for the credit being established,
23 based upon the applicant's salary on the first day as an
24 alternative formula employee after the employment for which
25 credit is being established and the rates then applicable to
26 alternative formula employees, plus (2) an amount determined by
27 the Board to be the employer's normal cost of the benefits
28 accrued for the credit being established, plus (3) regular
29 interest on the amounts in items (1) and (2) from the first day
30 as an alternative formula employee after the employment for
31 which credit is being established to the date of payment.

32 (l) Subject to the limitation in subsection (i), a security
33 employee of the Department of Corrections may elect, not later
34 than July 1, 1998, to establish eligible creditable service for
35 up to 10 years of his or her service as a policeman under
36 Article 3, by filing a written election with the Board,

1 accompanied by payment of an amount to be determined by the
2 Board, equal to (i) the difference between the amount of
3 employee and employer contributions transferred to the System
4 under Section 3-110.5, and the amounts that would have been
5 contributed had such contributions been made at the rates
6 applicable to security employees of the Department of
7 Corrections, plus (ii) interest thereon at the effective rate
8 for each year, compounded annually, from the date of service to
9 the date of payment.

10 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01; 92-14,
11 eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff. 7-11-02.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.