



Rep. Karen May

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1 AMENDMENT TO HOUSE BILL 3815

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3815, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Pension Code is amended by  
6 changing Sections 3-110, 4-108, 5-214, 6-209, 8-226, 11-215,  
7 15-107, 16-106, and 17-134 as follows:

8 (40 ILCS 5/3-110) (from Ch. 108 1/2, par. 3-110)

9 Sec. 3-110. Creditable service.

10 (a) "Creditable service" is the time served by a police  
11 officer as a member of a regularly constituted police force of  
12 a municipality. In computing creditable service furloughs  
13 without pay exceeding 30 days shall not be counted, but all  
14 leaves of absence for illness or accident, regardless of  
15 length, and all periods of disability retirement for which a  
16 police officer has received no disability pension payments

1 under this Article shall be counted.

2 (a-5) Up to 3 years of time during which the police officer  
3 receives a disability pension under Section 3-114.1, 3-114.2,  
4 3-114.3, or 3-114.6 shall be counted as creditable service,  
5 provided that (i) the police officer returns to active service  
6 after the disability for a period at least equal to the period  
7 for which credit is to be established and (ii) the police  
8 officer makes contributions to the fund based on the rates  
9 specified in Section 3-125.1 and the salary upon which the  
10 disability pension is based. These contributions may be paid at  
11 any time prior to the commencement of a retirement pension. The  
12 police officer may, but need not, elect to have the  
13 contributions deducted from the disability pension or to pay  
14 them in installments on a schedule approved by the board. If  
15 not deducted from the disability pension, the contributions  
16 shall include interest at the rate of 6% per year, compounded  
17 annually, from the date for which service credit is being  
18 established to the date of payment. If contributions are paid  
19 under this subsection (a-5) in excess of those needed to  
20 establish the credit, the excess shall be refunded. This  
21 subsection (a-5) applies to persons receiving a disability  
22 pension under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6 on  
23 the effective date of this amendatory Act of the 91st General  
24 Assembly, as well as persons who begin to receive such a  
25 disability pension after that date.

26 (b) Creditable service includes all periods of service in

1 the military, naval or air forces of the United States entered  
2 upon while an active police officer of a municipality, provided  
3 that upon applying for a permanent pension, and in accordance  
4 with the rules of the board, the police officer pays into the  
5 fund the amount the officer would have contributed if he or she  
6 had been a regular contributor during such period, to the  
7 extent that the municipality which the police officer served  
8 has not made such contributions in the officer's behalf. The  
9 total amount of such creditable service shall not exceed 5  
10 years, except that any police officer who on July 1, 1973 had  
11 more than 5 years of such creditable service shall receive the  
12 total amount thereof.

13 (b-5) Creditable service includes all periods of service in  
14 the military, naval, or air forces of the United States entered  
15 upon before beginning service as an active police officer of a  
16 municipality, provided that, in accordance with the rules of  
17 the board, the police officer pays into the fund the amount the  
18 police officer would have contributed if he or she had been a  
19 regular contributor during such period, plus an amount  
20 determined by the Board to be equal to the municipality's  
21 normal cost of the benefit, plus interest at the actuarially  
22 assumed rate calculated from the date the employee last became  
23 a police officer under this Article. The total amount of such  
24 creditable service shall not exceed 2 years.

25 (c) Creditable service also includes service rendered by a  
26 police officer while on leave of absence from a police

1 department to serve as an executive of an organization whose  
2 membership consists of members of a police department, subject  
3 to the following conditions: (i) the police officer is a  
4 participant of a fund established under this Article with at  
5 least 10 years of service as a police officer; (ii) the police  
6 officer received no credit for such service under any other  
7 retirement system, pension fund, or annuity and benefit fund  
8 included in this Code; (iii) pursuant to the rules of the board  
9 the police officer pays to the fund the amount he or she would  
10 have contributed had the officer been an active member of the  
11 police department; ~~and~~ (iv) the organization pays a  
12 contribution equal to the municipality's normal cost for that  
13 period of service; and (v) the police officer first becomes an  
14 active member of a pension fund established under this Article  
15 before the effective date of this amendatory Act of the 97th  
16 General Assembly. Nothing in this amendatory Act of the 97th  
17 General Assembly shall apply to those police officers who first  
18 become members of a pension fund established under this Article  
19 after the effective date of this amendatory Act of the 97th  
20 General Assembly who are on leave to special duty assignments,  
21 and who continue to remain in sworn status, subject to the  
22 professional standards of the public employer or those terms  
23 established in statute.

24 (d) (1) Creditable service also includes periods of  
25 service originally established in another police pension  
26 fund under this Article or in the Fund established under

1 Article 7 of this Code for which (i) the contributions have  
2 been transferred under Section 3-110.7 or Section 7-139.9  
3 and (ii) any additional contribution required under  
4 paragraph (2) of this subsection has been paid in full in  
5 accordance with the requirements of this subsection (d).

6 (2) If the board of the pension fund to which  
7 creditable service and related contributions are  
8 transferred under Section 7-139.9 determines that the  
9 amount transferred is less than the true cost to the  
10 pension fund of allowing that creditable service to be  
11 established, then in order to establish that creditable  
12 service the police officer must pay to the pension fund,  
13 within the payment period specified in paragraph (3) of  
14 this subsection, an additional contribution equal to the  
15 difference, as determined by the board in accordance with  
16 the rules and procedures adopted under paragraph (6) of  
17 this subsection. If the board of the pension fund to which  
18 creditable service and related contributions are  
19 transferred under Section 3-110.7 determines that the  
20 amount transferred is less than the true cost to the  
21 pension fund of allowing that creditable service to be  
22 established, then the police officer may elect (A) to  
23 establish that creditable service by paying to the pension  
24 fund, within the payment period specified in paragraph (3)  
25 of this subsection (d), an additional contribution equal to  
26 the difference, as determined by the board in accordance

1 with the rules and procedures adopted under paragraph (6)  
2 of this subsection (d) or (B) to have his or her creditable  
3 service reduced by an amount equal to the difference  
4 between the amount transferred under Section 3-110.7 and  
5 the true cost to the pension fund of allowing that  
6 creditable service to be established, as determined by the  
7 board in accordance with the rules and procedures adopted  
8 under paragraph (6) of this subsection (d).

9 (3) Except as provided in paragraph (4), the additional  
10 contribution that is required or elected under paragraph  
11 (2) of this subsection (d) must be paid to the board (i)  
12 within 5 years from the date of the transfer of  
13 contributions under Section 3-110.7 or 7-139.9 and (ii)  
14 before the police officer terminates service with the fund.  
15 The additional contribution may be paid in a lump sum or in  
16 accordance with a schedule of installment payments  
17 authorized by the board.

18 (4) If the police officer dies in service before  
19 payment in full has been made and before the expiration of  
20 the 5-year payment period, the surviving spouse of the  
21 officer may elect to pay the unpaid amount on the officer's  
22 behalf within 6 months after the date of death, in which  
23 case the creditable service shall be granted as though the  
24 deceased police officer had paid the remaining balance on  
25 the day before the date of death.

26 (5) If the additional contribution that is required or

1       elected under paragraph (2) of this subsection (d) is not  
2       paid in full within the required time, the creditable  
3       service shall not be granted and the police officer (or the  
4       officer's surviving spouse or estate) shall be entitled to  
5       receive a refund of (i) any partial payment of the  
6       additional contribution that has been made by the police  
7       officer and (ii) those portions of the amounts transferred  
8       under subdivision (a)(1) of Section 3-110.7 or  
9       subdivisions (a)(1) and (a)(3) of Section 7-139.9 that  
10      represent employee contributions paid by the police  
11      officer (but not the accumulated interest on those  
12      contributions) and interest paid by the police officer to  
13      the prior pension fund in order to reinstate service  
14      terminated by acceptance of a refund.

15             At the time of paying a refund under this item (5), the  
16      pension fund shall also repay to the pension fund from  
17      which the contributions were transferred under Section  
18      3-110.7 or 7-139.9 the amount originally transferred under  
19      subdivision (a)(2) of that Section, plus interest at the  
20      rate of 6% per year, compounded annually, from the date of  
21      the original transfer to the date of repayment. Amounts  
22      repaid to the Article 7 fund under this provision shall be  
23      credited to the appropriate municipality.

24             Transferred credit that is not granted due to failure  
25      to pay the additional contribution within the required time  
26      is lost; it may not be transferred to another pension fund

1 and may not be reinstated in the pension fund from which it  
2 was transferred.

3 (6) The Public Employee Pension Fund Division of the  
4 Department of Insurance shall establish by rule the manner  
5 of making the calculation required under paragraph (2) of  
6 this subsection, taking into account the appropriate  
7 actuarial assumptions; the police officer's service, age,  
8 and salary history; the level of funding of the pension  
9 fund to which the credits are being transferred; and any  
10 other factors that the Division determines to be relevant.  
11 The rules may require that all calculations made under  
12 paragraph (2) be reported to the Division by the board  
13 performing the calculation, together with documentation of  
14 the creditable service to be transferred, the amounts of  
15 contributions and interest to be transferred, the manner in  
16 which the calculation was performed, the numbers relied  
17 upon in making the calculation, the results of the  
18 calculation, and any other information the Division may  
19 deem useful.

20 (e) (1) Creditable service also includes periods of  
21 service originally established in the Fund established  
22 under Article 7 of this Code for which the contributions  
23 have been transferred under Section 7-139.11.

24 (2) If the board of the pension fund to which  
25 creditable service and related contributions are  
26 transferred under Section 7-139.11 determines that the



1 amount transferred is less than the true cost to the  
2 pension fund of allowing that creditable service to be  
3 established, then the amount of creditable service the  
4 police officer may establish under this subsection (e)  
5 shall be reduced by an amount equal to the difference, as  
6 determined by the board in accordance with the rules and  
7 procedures adopted under paragraph (3) of this subsection.

8 (3) The Public Pension Division of the Department of  
9 Financial and Professional Regulation shall establish by  
10 rule the manner of making the calculation required under  
11 paragraph (2) of this subsection, taking into account the  
12 appropriate actuarial assumptions; the police officer's  
13 service, age, and salary history; the level of funding of  
14 the pension fund to which the credits are being  
15 transferred; and any other factors that the Division  
16 determines to be relevant. The rules may require that all  
17 calculations made under paragraph (2) be reported to the  
18 Division by the board performing the calculation, together  
19 with documentation of the creditable service to be  
20 transferred, the amounts of contributions and interest to  
21 be transferred, the manner in which the calculation was  
22 performed, the numbers relied upon in making the  
23 calculation, the results of the calculation, and any other  
24 information the Division may deem useful.

25 (4) Until January 1, 2010, a police officer who  
26 transferred service from the Fund established under

1 Article 7 of this Code under the provisions of Public Act  
2 94-356 may establish additional credit, but only for the  
3 amount of the service credit reduction in that transfer, as  
4 calculated under paragraph (3) of this subsection (e). This  
5 credit may be established upon payment by the police  
6 officer of an amount to be determined by the board, equal  
7 to (1) the amount that would have been contributed as  
8 employee and employer contributions had all of the service  
9 been as an employee under this Article, plus interest  
10 thereon at the rate of 6% per year, compounded annually  
11 from the date of service to the date of transfer, less (2)  
12 the total amount transferred from the Article 7 Fund, plus  
13 (3) interest on the difference at the rate of 6% per year,  
14 compounded annually, from the date of the transfer to the  
15 date of payment. The additional service credit is allowed  
16 under this amendatory Act of the 95th General Assembly  
17 notwithstanding the provisions of Article 7 terminating  
18 all transferred credits on the date of transfer.

19 (Source: P.A. 95-812, eff. 8-13-08; 96-297, eff. 8-11-09;  
20 96-1260, eff. 7-23-10.)

21 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

22 Sec. 4-108. Creditable service.

23 (a) Creditable service is the time served as a firefighter  
24 of a municipality. In computing creditable service, furloughs  
25 and leaves of absence without pay exceeding 30 days in any one

1 year shall not be counted, but leaves of absence for illness or  
2 accident regardless of length, and periods of disability for  
3 which a firefighter received no disability pension payments  
4 under this Article, shall be counted.

5 (b) Furloughs and leaves of absence of 30 days or less in  
6 any one year may be counted as creditable service, if the  
7 firefighter makes the contribution to the fund that would have  
8 been required had he or she not been on furlough or leave of  
9 absence. To qualify for this creditable service, the  
10 firefighter must pay the required contributions to the fund not  
11 more than 90 days subsequent to the termination of the furlough  
12 or leave of absence, to the extent that the municipality has  
13 not made such contribution on his or her behalf.

14 (c) Creditable service includes:

15 (1) Service in the military, naval or air forces of the  
16 United States entered upon when the person was an active  
17 firefighter, provided that, upon applying for a permanent  
18 pension, and in accordance with the rules of the board the  
19 firefighter pays into the fund the amount that would have  
20 been contributed had he or she been a regular contributor  
21 during such period of service, if and to the extent that  
22 the municipality which the firefighter served made no such  
23 contributions in his or her behalf. The total amount of  
24 such creditable service shall not exceed 5 years, except  
25 that any firefighter who on July 1, 1973 had more than 5  
26 years of such creditable service shall receive the total

1 amount thereof as of that date.

2 (1.5) Up to 24 months of service in the military,  
3 naval, or air forces of the United States that was served  
4 prior to employment by a municipality or fire protection  
5 district as a firefighter. To receive the credit for the  
6 military service prior to the employment as a firefighter,  
7 the firefighter must apply in writing to the fund and must  
8 make contributions to the fund equal to (i) the employee  
9 contributions that would have been required had the service  
10 been rendered as a member, plus (ii) an amount determined  
11 by the fund to be equal to the employer's normal cost of  
12 the benefits accrued for that military service, plus (iii)  
13 interest at the actuarially assumed rate provided by the  
14 Department of Financial and Professional Regulation,  
15 compounded annually from the first date of membership in  
16 the fund to the date of payment on items (i) and (ii). The  
17 changes to this paragraph (1.5) by this amendatory Act of  
18 the 95th General Assembly apply only to participating  
19 employees in service on or after its effective date.

20 (2) Service prior to July 1, 1976 by a firefighter  
21 initially excluded from participation by reason of age who  
22 elected to participate and paid the required contributions  
23 for such service.

24 (3) Up to 8 years of service by a firefighter as an  
25 officer in a statewide firefighters' association when he is  
26 on a leave of absence from a municipality's payroll,

1 provided that (i) the firefighter has at least 10 years of  
2 creditable service as an active firefighter, (ii) the  
3 firefighter contributes to the fund the amount that he  
4 would have contributed had he remained an active member of  
5 the fund, ~~and~~ (iii) the employee or statewide firefighter  
6 association contributes to the fund an amount equal to the  
7 employer's required contribution as determined by the  
8 board, and (iv) the firefighter first becomes an active  
9 member of a pension fund established under this Article  
10 before the effective date of this amendatory Act of the  
11 97th General Assembly. Nothing in this amendatory Act of  
12 the 97th General Assembly shall apply to those firefighters  
13 who first become members of a pension fund established  
14 under this Article after the effective date of this  
15 amendatory Act of the 97th General Assembly who are on  
16 leave to special duty assignments, and who continue to  
17 remain in sworn status, subject to the professional  
18 standards of the public employer or those terms established  
19 in statute.

20 (4) Time spent as an on-call fireman for a  
21 municipality, calculated at the rate of one year of  
22 creditable service for each 5 years of time spent as an  
23 on-call fireman, provided that (i) the firefighter has at  
24 least 18 years of creditable service as an active  
25 firefighter, (ii) the firefighter spent at least 14 years  
26 as an on-call firefighter for the municipality, (iii) the

1 firefighter applies for such creditable service within 30  
2 days after the effective date of this amendatory Act of  
3 1989, (iv) the firefighter contributes to the Fund an  
4 amount representing employee contributions for the number  
5 of years of creditable service granted under this  
6 subdivision (4), based on the salary and contribution rate  
7 in effect for the firefighter at the date of entry into the  
8 Fund, to be determined by the board, and (v) not more than  
9 3 years of creditable service may be granted under this  
10 subdivision (4).

11 Except as provided in Section 4-108.5, creditable  
12 service shall not include time spent as a volunteer  
13 firefighter, whether or not any compensation was received  
14 therefor. The change made in this Section by Public Act  
15 83-0463 is intended to be a restatement and clarification  
16 of existing law, and does not imply that creditable service  
17 was previously allowed under this Article for time spent as  
18 a volunteer firefighter.

19 (5) Time served between July 1, 1976 and July 1, 1988  
20 in the position of protective inspection officer or  
21 administrative assistant for fire services, for a  
22 municipality with a population under 10,000 that is located  
23 in a county with a population over 3,000,000 and that  
24 maintains a firefighters' pension fund under this Article,  
25 if the position included firefighting duties,  
26 notwithstanding that the person may not have held an

1 appointment as a firefighter, provided that application is  
2 made to the pension fund within 30 days after the effective  
3 date of this amendatory Act of 1991, and the corresponding  
4 contributions are paid for the number of years of service  
5 granted, based upon the salary and contribution rate in  
6 effect for the firefighter at the date of entry into the  
7 pension fund, as determined by the Board.

8 (6) Service before becoming a participant by a  
9 firefighter initially excluded from participation by  
10 reason of age who becomes a participant under the amendment  
11 to Section 4-107 made by this amendatory Act of 1993 and  
12 pays the required contributions for such service.

13 (7) Up to 3 years of time during which the firefighter  
14 receives a disability pension under Section 4-110,  
15 4-110.1, or 4-111, provided that (i) the firefighter  
16 returns to active service after the disability for a period  
17 at least equal to the period for which credit is to be  
18 established and (ii) the firefighter makes contributions  
19 to the fund based on the rates specified in Section 4-118.1  
20 and the salary upon which the disability pension is based.  
21 These contributions may be paid at any time prior to the  
22 commencement of a retirement pension. The firefighter may,  
23 but need not, elect to have the contributions deducted from  
24 the disability pension or to pay them in installments on a  
25 schedule approved by the board. If not deducted from the  
26 disability pension, the contributions shall include

1 interest at the rate of 6% per year, compounded annually,  
2 from the date for which service credit is being established  
3 to the date of payment. If contributions are paid under  
4 this subdivision (c)(7) in excess of those needed to  
5 establish the credit, the excess shall be refunded. This  
6 subdivision (c)(7) applies to persons receiving a  
7 disability pension under Section 4-110, 4-110.1, or 4-111  
8 on the effective date of this amendatory Act of the 91st  
9 General Assembly, as well as persons who begin to receive  
10 such a disability pension after that date.

11 (Source: P.A. 94-856, eff. 6-15-06; 95-1056, eff. 4-10-09.)

12 (40 ILCS 5/5-214) (from Ch. 108 1/2, par. 5-214)

13 Sec. 5-214. Credit for other service. Any participant in  
14 this fund (other than a member of the fire department of the  
15 city) who has rendered service as a member of the police  
16 department of the city for a period of 3 years or more is  
17 entitled to credit for the various purposes of this Article for  
18 service rendered prior to becoming a member or subsequent  
19 thereto for the following periods:

20 (a) While on leave of absence from the police  
21 department assigned or detailed to investigative,  
22 protective, security or police work for the park district  
23 of the city, the department of the Port of Chicago or the  
24 sanitary district in which the city is located.

25 (b) As a temporary police officer in the city or while



1 serving in the office of the mayor or in the office of the  
2 corporation counsel, as a member of the city council of the  
3 city, as an employee of the Policemen's Annuity and Benefit  
4 Fund created by this Article, as the head of an  
5 organization whose membership consists of members of the  
6 police department, but only if the police officer first  
7 becomes a member of the fund before the effective date of  
8 this amendatory Act of the 97th General Assembly, the  
9 Public Vehicle License Commission and the board of election  
10 commissioners of the city. Nothing in this amendatory Act  
11 of the 97th General Assembly shall apply to those police  
12 officers who first become members of the fund after the  
13 effective date of this amendatory Act of the 97th General  
14 Assembly who are on leave to special duty assignments, and  
15 who continue to remain in sworn status, subject to the  
16 professional standards of the public employer or those  
17 terms established in statute.

18 (c) While performing safety or investigative work for  
19 the county in which such city is principally located or for  
20 the State of Illinois or for the federal government, on  
21 leave of absence from the department of police, or while  
22 performing investigative work for the department as a  
23 civilian employee of the department.

24 (d) While on leave of absence from the police  
25 department of the city and serving as the chief of police  
26 of a police department outside the city.

1           No credit shall be granted in this fund, however, for this  
2 service if the policeman has credit therefor in any other  
3 annuity and benefit fund, or unless he contributes to this fund  
4 the amount he would have contributed with interest had he  
5 remained an active member of the police department in the  
6 position he occupied as a result of a civil service competitive  
7 examination, certification and appointment by the Civil  
8 Service Board; or in the case of a city operating under the  
9 provisions of a personnel ordinance the position he occupied as  
10 a result of a personnel ordinance competitive examination  
11 certification and appointment under the authority of a  
12 Municipal Personnel ordinance.

13           Concurrently with such contributions, the city shall  
14 contribute the amounts provided by this Article. No credit  
15 shall be allowed for any period of time for which contributions  
16 by the policeman have not been paid. The period of service  
17 rendered by such policeman prior to the date he became a member  
18 of the police department of the city or while detailed,  
19 assigned or on leave of absence and employed in any of the  
20 departments set forth hereinabove in this Section for which  
21 such policeman has contributed to this fund shall be credited  
22 to him as service for all the purposes of this Article, except  
23 that he shall not have any of the rights conferred by the  
24 provisions of Sections 5-127 and 5-162 of this Article.

25           The changes in this Section made by Public Act 86-273 shall  
26 apply to members of the fund who have not begun receiving a

1 pension under this Article on August 23, 1989, without regard  
2 to whether employment is terminated before that date.

3 (Source: P.A. 86-273; 87-1265.)

4 (40 ILCS 5/6-209) (from Ch. 108 1/2, par. 6-209)

5 Sec. 6-209. In computing the service rendered by a fireman  
6 prior to the effective date, the following periods shall be  
7 counted, in addition to all periods during which he performed  
8 the duties of his position, as periods of service for annuity  
9 purposes only: All periods of (a) vacation, (b) leave of  
10 absence with whole or part pay, (c) leave of absence without  
11 pay which were necessary on account of disability, and (d)  
12 leave of absence during which he was engaged in the military or  
13 naval service of the United States of America. Service credit  
14 shall not be allowed for any period during which a fireman was  
15 in receipt of pension on account of disability from any pension  
16 fund superseded by this fund.

17 In computing the service rendered by a fireman on and after  
18 the effective date, the following periods shall be counted in  
19 addition to all periods during which he performed the duties of  
20 his position, as periods of service for annuity purposes only:  
21 All periods of (a) vacation, (b) leave of absence with whole or  
22 part pay, (c) leave of absence during which he was engaged in  
23 the military or naval service of the United States of America,  
24 (d) disability for which he receives any disability benefit,  
25 (e) disability for which he receives whole or part pay, (f)

1 leave of absence, or other authorized relief from active duty,  
2 during which he served as an officer ~~president~~ of The Firemen's  
3 Association of Chicago, but only if the fireman first becomes a  
4 member of the fund before the effective date of this amendatory  
5 Act of the 97th General Assembly (nothing in this amendatory  
6 Act of the 97th General Assembly shall apply to a fireman who  
7 first becomes a member of the fund after the effective date of  
8 this amendatory Act of the 97th General Assembly who is on  
9 leave to special duty assignments, and who continues to remain  
10 in sworn status, subject to the professional standards of the  
11 public employer or those terms established in statute), (g)  
12 periods of suspension from duty not to exceed a total of one  
13 year during the total period of service of the fireman, and (h)  
14 a period of time not to exceed 23 days in 1980 in accordance  
15 with an agreement with the City on a settlement of strike;  
16 provided that the fireman elects to make contributions to the  
17 Fund for the various annuity and benefit purposes according to  
18 the provisions of this Article as though he were an active  
19 fireman, based upon the salary attached to the civil service  
20 rank held by him during such absence from duty, and if the  
21 fireman so elects, the city shall make the prescribed  
22 concurrent contributions for such annuity and benefit purposes  
23 as provided in this Article, all to the end that such fireman  
24 shall be entitled to receive the same annuities and benefits  
25 for which he would otherwise be eligible if he had continued as  
26 an active fireman during the periods of absence from duty.

1           In computing service on and after the effective date for  
2 ordinary disability benefit, all periods described in the  
3 preceding paragraph, except any period for which a fireman  
4 receives ordinary disability benefit, shall be counted as  
5 periods of service.

6           In computing service for any of the purposes of this  
7 Article, credit shall be given for any periods prior to January  
8 9, 1997, during which an active fireman (or fire paramedic) who  
9 is a member of the General Assembly is on leave of absence or  
10 is otherwise authorized to be absent from duty to enable him to  
11 perform his legislative duties, notwithstanding any reduction  
12 in salary for such periods and notwithstanding that the  
13 contributions paid by the fireman were based on such reduced  
14 salary rather than the full amount of salary attached to his  
15 civil service rank.

16           In computing service for any of the purposes of this  
17 Article, no credit shall be given for any period during which a  
18 fireman was not rendering active service because of his  
19 discharge from the service, unless proceedings to test the  
20 legality of the discharge are filed in a court of competent  
21 jurisdiction within one year from the date of discharge and a  
22 final judgment is entered therein declaring the discharge  
23 illegal.

24           No overtime or extra service shall be included in computing  
25 service of a fireman and not more than one year or a proper  
26 fractional part thereof of service shall be allowed for service

1 rendered during any calendar year.

2 (Source: P.A. 86-273; 86-1488; 87-1265.)

3 (40 ILCS 5/8-226) (from Ch. 108 1/2, par. 8-226)

4 Sec. 8-226. Computation of service. In computing the term  
5 of service of an employee prior to the effective date, the  
6 entire period beginning on the date he was first appointed and  
7 ending on the day before the effective date, except any  
8 intervening period during which he was separated by withdrawal  
9 from service, shall be counted for all purposes of this  
10 Article, except that for any employee who was not in service on  
11 the day before the effective date, service rendered prior to  
12 such date shall not be considered for the purposes of Section  
13 8-138.

14 For a person employed by an employer for whom this Article  
15 was in effect prior to January 1, 1950, from whose salary  
16 deductions are first made under this Article after December 31,  
17 1949, any period of service rendered prior to the effective  
18 date, unless he was in service on the day before the effective  
19 date, shall not be counted as service.

20 The time a person was an employee of any territory annexed  
21 to the city prior to the effective date shall be counted as a  
22 period of service.

23 In computing the term of service of any employee subsequent  
24 to the day before the effective date, the following periods  
25 shall be counted as periods of service for age and service,

1 widow's and child's annuity purposes:

2 (a) The time during which he performed the duties of  
3 his position;

4 (b) Vacations, leaves of absence with whole or part  
5 pay, and leaves of absence without pay not longer than 90  
6 days;

7 (c) Leaves of absence without pay during which a  
8 participant is employed full-time by a local labor  
9 organization that represents municipal employees, provided  
10 that (1) the participant continues to make employee  
11 contributions to the Fund as though he were an active  
12 employee, based on the regular salary rate received by the  
13 participant for his municipal employment immediately prior  
14 to such leave of absence (and in the case of such  
15 employment prior to December 9, 1987, pays to the Fund an  
16 amount equal to the employee contributions for such  
17 employment plus regular interest thereon as calculated by  
18 the board), and based on his current salary with such labor  
19 organization after the effective date of this amendatory  
20 Act of 1991, (2) after January 1, 1989 the participant, or  
21 the labor organization on the participant's behalf, makes  
22 contributions to the Fund as though it were the employer,  
23 in the same amount and same manner as specified under this  
24 Article, based on the regular salary rate received by the  
25 participant for his municipal employment immediately prior  
26 to such leave of absence, and based on his current salary

1 with such labor organization after the effective date of  
2 this amendatory Act of 1991, ~~and~~ (3) the participant does  
3 not receive credit in any pension plan established by the  
4 local labor organization based on his employment by the  
5 organization, and (4) the participant first becomes a  
6 participant before the effective date of this amendatory  
7 Act of the 97th General Assembly;

8 (d) Any period of disability for which he received (i)  
9 a disability benefit under this Article, or (ii) a  
10 temporary total disability benefit under the Workers'  
11 Compensation Act if the disability results from a condition  
12 commonly termed heart attack or stroke or any other  
13 condition falling within the broad field of coronary  
14 involvement or heart disease, or (iii) whole or part pay;

15 (e) Any period for which contributions and service  
16 credit have been transferred to this Fund under subsection  
17 (d) of Section 9-121.1 or subsection (d) of Section  
18 12-127.1 of this Code.

19 For a person employed by an employer in which the 1921 Act  
20 was in effect prior to January 1, 1950, from whose salary  
21 deductions are first made under the 1921 Act or this Article  
22 after December 31, 1949, any period of service rendered  
23 subsequent to the effective date and prior to the date he  
24 became an employee and contributor, shall not be counted as a  
25 period of service under this Article, except such period for  
26 which he made payment as provided in Section 8-230 of this



1 Article, in which case such period shall be counted as a period  
2 of service for all annuity purposes hereunder.

3 In computing the term of service of an employee subsequent  
4 to the day before the effective date for ordinary disability  
5 benefit purposes, all periods described in the preceding  
6 paragraph, except any such period for which he receives  
7 ordinary disability benefit, shall be counted as periods of  
8 service; provided, that for any person employed by an employer  
9 in which this Article was in effect prior to January 1, 1950,  
10 from whose salary deductions are first made under this Article  
11 after December 31, 1949, any period of service rendered  
12 subsequent to the effective date and prior to the date he  
13 became an employee and contributor, shall not be counted as a  
14 period of service for ordinary disability benefit purposes,  
15 unless the person made payment for the period as provided in  
16 Section 8-230 of this Article, in which case the period shall  
17 be counted as a period of service for ordinary disability  
18 purposes for periods of disability on or after the effective  
19 date of this amendatory Act of 1997.

20 Overtime or extra service shall not be included in  
21 computing any term of service. Not more than 1 year of service  
22 shall be allowed for service rendered during any calendar year.  
23 (Source: P.A. 90-511, eff. 8-22-97.)

24 (40 ILCS 5/11-215) (from Ch. 108 1/2, par. 11-215)  
25 Sec. 11-215. Computation of service.

1           (a) In computing the term of service of an employee prior  
2 to the effective date, the entire period beginning on the date  
3 he was first appointed and ending on the day before the  
4 effective date, except any intervening period during which he  
5 was separated by withdrawal from service, shall be counted for  
6 all purposes of this Article. Only the first year of each  
7 period of lay-off or leave of absence without pay, continuing  
8 or extending for a period in excess of one year, shall be  
9 counted as such service.

10           (b) For a person employed by an employer for whom this  
11 Article was in effect prior to August 1, 1949, from whose  
12 salary deductions are first made under this Article after July  
13 31, 1949, any period of service rendered prior to the effective  
14 date, unless he was in service on the day before the effective  
15 date, shall not be counted as service.

16           (c) In computing the term of service of an employee  
17 subsequent to the day before the effective date, the following  
18 periods of time shall be counted as periods of service for  
19 annuity purposes:

20           (1) the time during which he performed the duties of  
21 his position;

22           (2) leaves of absence with whole or part pay, and  
23 leaves of absence without pay not longer than 90 days;

24           (3) leaves of absence without pay during which a  
25 participant is employed full-time by a local labor  
26 organization that represents municipal employees, provided

1 that (A) the participant continues to make employee  
2 contributions to the Fund as though he were an active  
3 employee, based on the regular salary rate received by the  
4 participant for his municipal employment immediately prior  
5 to such leave of absence (and in the case of such  
6 employment prior to December 9, 1987, pays to the Fund an  
7 amount equal to the employee contributions for such  
8 employment plus regular interest thereon as calculated by  
9 the board), and based on his current salary with such labor  
10 organization after the effective date of this amendatory  
11 Act of 1991, (B) after January 1, 1989 the participant, or  
12 the labor organization on the participant's behalf, makes  
13 contributions to the Fund as though it were the employer,  
14 in the same amount and same manner as specified under this  
15 Article, based on the regular salary rate received by the  
16 participant for his municipal employment immediately prior  
17 to such leave of absence, and based on his current salary  
18 with such labor organization after the effective date of  
19 this amendatory Act of 1991, ~~and~~ (C) the participant does  
20 not receive credit in any pension plan established by the  
21 local labor organization based on his employment by the  
22 organization, and (D) the participant first becomes a  
23 participant before the effective date of this amendatory  
24 Act of the 97th General Assembly;

25 (4) any period of disability for which he received (i)  
26 a disability benefit under this Article, or (ii) a

1 temporary total disability benefit under the Workers'  
2 Compensation Act if the disability results from a condition  
3 commonly termed heart attack or stroke or any other  
4 condition falling within the broad field of coronary  
5 involvement or heart disease, or (iii) whole or part pay.

6 (d) For a person employed by an employer, or the retirement  
7 board, in which "The 1935 Act" was in effect prior to August 1,  
8 1949, from whose salary deductions are first made under "The  
9 1935 Act" or this Article after July 31, 1949, any period of  
10 service rendered subsequent to the effective date and prior to  
11 August 1, 1949, shall not be counted as a period of service  
12 under this Article, except such period for which he made  
13 payment, as provided in Section 11-221 of this Article, in  
14 which case such period shall be counted as a period of service  
15 for all annuity purposes hereunder.

16 (e) In computing the term of service of an employee  
17 subsequent to the day before the effective date for ordinary  
18 disability benefit purposes, the following periods of time  
19 shall be counted as periods of service:

20 (1) any period during which he performed the duties of  
21 his position;

22 (2) leaves of absence with whole or part pay;

23 (3) any period of disability for which he received (i)  
24 a duty disability benefit under this Article, or (ii) a  
25 temporary total disability benefit under the Workers'  
26 Compensation Act if the disability results from a condition

1 commonly termed heart attack or stroke or any other  
2 condition falling within the broad field of coronary  
3 involvement or heart disease, or (iii) whole or part pay.

4 However, any period of service rendered by an employee  
5 contributor prior to the date he became a contributor to the  
6 fund shall not be counted as a period of service for ordinary  
7 disability purposes, unless the person made payment for the  
8 period as provided in Section 11-221 of this Article, in which  
9 case the period shall be counted as a period of service for  
10 ordinary disability purposes for periods of disability on or  
11 after the effective date of this amendatory Act of 1997.

12 Overtime or extra service shall not be included in  
13 computing any term of service. Not more than 1 year of service  
14 shall be allowed for service rendered during any calendar year.  
15 (Source: P.A. 90-511, eff. 8-22-97.)

16 (40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

17 Sec. 15-107. Employee.

18 (a) "Employee" means any member of the educational,  
19 administrative, secretarial, clerical, mechanical, labor or  
20 other staff of an employer whose employment is permanent and  
21 continuous or who is employed in a position in which services  
22 are expected to be rendered on a continuous basis for at least  
23 4 months or one academic term, whichever is less, who (A)  
24 receives payment for personal services on a warrant issued  
25 pursuant to a payroll voucher certified by an employer and

1 drawn by the State Comptroller upon the State Treasurer or by  
2 an employer upon trust, federal or other funds, or (B) is on a  
3 leave of absence without pay. Employment which is irregular,  
4 intermittent or temporary shall not be considered continuous  
5 for purposes of this paragraph.

6 However, a person is not an "employee" if he or she:

7 (1) is a student enrolled in and regularly attending  
8 classes in a college or university which is an employer,  
9 and is employed on a temporary basis at less than full  
10 time;

11 (2) is currently receiving a retirement annuity or a  
12 disability retirement annuity under Section 15-153.2 from  
13 this System;

14 (3) is on a military leave of absence;

15 (4) is eligible to participate in the Federal Civil  
16 Service Retirement System and is currently making  
17 contributions to that system based upon earnings paid by an  
18 employer;

19 (5) is on leave of absence without pay for more than 60  
20 days immediately following termination of disability  
21 benefits under this Article;

22 (6) is hired after June 30, 1979 as a public service  
23 employment program participant under the Federal  
24 Comprehensive Employment and Training Act and receives  
25 earnings in whole or in part from funds provided under that  
26 Act; or

1           (7) is employed on or after July 1, 1991 to perform  
2           services that are excluded by subdivision (a)(7)(f) or  
3           (a)(19) of Section 210 of the federal Social Security Act  
4           from the definition of employment given in that Section (42  
5           U.S.C. 410).

6           (b) Any employer may, by filing a written notice with the  
7           board, exclude from the definition of "employee" all persons  
8           employed pursuant to a federally funded contract entered into  
9           after July 1, 1982 with a federal military department in a  
10          program providing training in military courses to federal  
11          military personnel on a military site owned by the United  
12          States Government, if this exclusion is not prohibited by the  
13          federally funded contract or federal laws or rules governing  
14          the administration of the contract.

15          (c) Any person appointed by the Governor under the Civil  
16          Administrative Code of the State is an employee, if he or she  
17          is a participant in this system on the effective date of the  
18          appointment.

19          (d) A participant on lay-off status under civil service  
20          rules is considered an employee for not more than 120 days from  
21          the date of the lay-off.

22          (e) A participant is considered an employee during (1) the  
23          first 60 days of disability leave, (2) the period, not to  
24          exceed one year, in which his or her eligibility for disability  
25          benefits is being considered by the board or reviewed by the  
26          courts, and (3) the period he or she receives disability

1 benefits under the provisions of Section 15-152, workers'  
2 compensation or occupational disease benefits, or disability  
3 income under an insurance contract financed wholly or partially  
4 by the employer.

5 (f) Absences without pay, other than formal leaves of  
6 absence, of less than 30 calendar days, are not considered as  
7 an interruption of a person's status as an employee. If such  
8 absences during any period of 12 months exceed 30 work days,  
9 the employee status of the person is considered as interrupted  
10 as of the 31st work day.

11 (g) A staff member whose employment contract requires  
12 services during an academic term is to be considered an  
13 employee during the summer and other vacation periods, unless  
14 he or she declines an employment contract for the succeeding  
15 academic term or his or her employment status is otherwise  
16 terminated, and he or she receives no earnings during these  
17 periods.

18 (h) An individual who was a participating employee employed  
19 in the fire department of the University of Illinois's  
20 Champaign-Urbana campus immediately prior to the elimination  
21 of that fire department and who immediately after the  
22 elimination of that fire department became employed by the fire  
23 department of the City of Urbana or the City of Champaign shall  
24 continue to be considered as an employee for purposes of this  
25 Article for so long as the individual remains employed as a  
26 firefighter by the City of Urbana or the City of Champaign. The



1 individual shall cease to be considered an employee under this  
2 subsection (h) upon the first termination of the individual's  
3 employment as a firefighter by the City of Urbana or the City  
4 of Champaign.

5 (i) An individual who is employed on a full-time basis as  
6 an officer or employee of a statewide teacher organization that  
7 serves System participants or an officer of a national teacher  
8 organization that serves System participants may participate  
9 in the System and shall be deemed an employee, provided that

10 (1) the individual has previously earned creditable service  
11 under this Article, (2) the individual files with the System an  
12 irrevocable election to become a participant, ~~and~~ (3) the  
13 individual does not receive credit for that employment under  
14 any other Article of this Code, and (4) the individual first  
15 becomes a participant of the System before the effective date  
16 of this amendatory Act of the 97th General Assembly. An

17 employee under this subsection (i) is responsible for paying to  
18 the System both (A) employee contributions based on the actual  
19 compensation received for service with the teacher  
20 organization and (B) employer contributions equal to the normal  
21 costs (as defined in Section 15-155) resulting from that  
22 service; all or any part of these contributions may be paid on  
23 the employee's behalf or picked up for tax purposes (if  
24 authorized under federal law) by the teacher organization.

25 A person who is an employee as defined in this subsection  
26 (i) may establish service credit for similar employment prior

1 to becoming an employee under this subsection by paying to the  
2 System for that employment the contributions specified in this  
3 subsection, plus interest at the effective rate from the date  
4 of service to the date of payment. However, credit shall not be  
5 granted under this subsection for any such prior employment for  
6 which the applicant received credit under any other provision  
7 of this Code, or during which the applicant was on a leave of  
8 absence under Section 15-113.2.

9 (j) A person employed by the State Board of Higher  
10 Education in a position with the Illinois Century Network as of  
11 June 30, 2004 shall be considered to be an employee for so long  
12 as he or she remains continuously employed after that date by  
13 the Department of Central Management Services in a position  
14 with the Illinois Century Network, the Bureau of Communication  
15 and Computer Services, or, if applicable, any successor bureau  
16 and meets the requirements of subsection (a).

17 (Source: P.A. 95-369, eff. 8-23-07.)

18 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

19 Sec. 16-106. Teacher. "Teacher": The following  
20 individuals, provided that, for employment prior to July 1,  
21 1990, they are employed on a full-time basis, or if not  
22 full-time, on a permanent and continuous basis in a position in  
23 which services are expected to be rendered for at least one  
24 school term:

25 (1) Any educational, administrative, professional or

1 other staff employed in the public common schools included  
2 within this system in a position requiring certification  
3 under the law governing the certification of teachers;

4 (2) Any educational, administrative, professional or  
5 other staff employed in any facility of the Department of  
6 Children and Family Services or the Department of Human  
7 Services, in a position requiring certification under the  
8 law governing the certification of teachers, and any person  
9 who (i) works in such a position for the Department of  
10 Corrections, (ii) was a member of this System on May 31,  
11 1987, and (iii) did not elect to become a member of the  
12 State Employees' Retirement System pursuant to Section  
13 14-108.2 of this Code; except that "teacher" does not  
14 include any person who (A) becomes a security employee of  
15 the Department of Human Services, as defined in Section  
16 14-110, after June 28, 2001 (the effective date of Public  
17 Act 92-14), or (B) becomes a member of the State Employees'  
18 Retirement System pursuant to Section 14-108.2c of this  
19 Code;

20 (3) Any regional superintendent of schools, assistant  
21 regional superintendent of schools, State Superintendent  
22 of Education; any person employed by the State Board of  
23 Education as an executive; any executive of the boards  
24 engaged in the service of public common school education in  
25 school districts covered under this system of which the  
26 State Superintendent of Education is an ex-officio member;

1           (4) Any employee of a school board association  
2 operating in compliance with Article 23 of the School Code  
3 who is certificated under the law governing the  
4 certification of teachers;

5           (5) Any person employed by the retirement system who:

6                 (i) was an employee of and a participant in the  
7 system on August 17, 2001 (the effective date of Public  
8 Act 92-416), or

9                 (ii) becomes an employee of the system on or after  
10 August 17, 2001;

11           (6) Any educational, administrative, professional or  
12 other staff employed by and under the supervision and  
13 control of a regional superintendent of schools, provided  
14 such employment position requires the person to be  
15 certificated under the law governing the certification of  
16 teachers and is in an educational program serving 2 or more  
17 districts in accordance with a joint agreement authorized  
18 by the School Code or by federal legislation;

19           (7) Any educational, administrative, professional or  
20 other staff employed in an educational program serving 2 or  
21 more school districts in accordance with a joint agreement  
22 authorized by the School Code or by federal legislation and  
23 in a position requiring certification under the laws  
24 governing the certification of teachers;

25           (8) Any officer or employee of a statewide teacher  
26 organization or officer of a national teacher organization

1 who is certified under the law governing certification of  
2 teachers, provided: (i) the individual had previously  
3 established creditable service under this Article, (ii)  
4 the individual files with the system an irrevocable  
5 election to become a member, ~~and~~ (iii) the individual does  
6 not receive credit for such service under any other Article  
7 of this Code, and (iv) the individual first becomes a  
8 member of this System before the effective date of this  
9 amendatory Act of the 97th General Assembly;

10 (9) Any educational, administrative, professional, or  
11 other staff employed in a charter school operating in  
12 compliance with the Charter Schools Law who is certificated  
13 under the law governing the certification of teachers.

14 (10) Any person employed, on the effective date of this  
15 amendatory Act of the 94th General Assembly, by the  
16 Macon-Piatt Regional Office of Education in a  
17 birth-through-age-three pilot program receiving funds  
18 under Section 2-389 of the School Code who is required by  
19 the Macon-Piatt Regional Office of Education to hold a  
20 teaching certificate, provided that the Macon-Piatt  
21 Regional Office of Education makes an election, within 6  
22 months after the effective date of this amendatory Act of  
23 the 94th General Assembly, to have the person participate  
24 in the system. Any service established prior to the  
25 effective date of this amendatory Act of the 94th General  
26 Assembly for service as an employee of the Macon-Piatt

1 Regional Office of Education in a birth-through-age-three  
2 pilot program receiving funds under Section 2-389 of the  
3 School Code shall be considered service as a teacher if  
4 employee and employer contributions have been received by  
5 the system and the system has not refunded those  
6 contributions.

7 An annuitant receiving a retirement annuity under this  
8 Article or under Article 17 of this Code who is employed by a  
9 board of education or other employer as permitted under Section  
10 16-118 or 16-150.1 is not a "teacher" for purposes of this  
11 Article. A person who has received a single-sum retirement  
12 benefit under Section 16-136.4 of this Article is not a  
13 "teacher" for purposes of this Article.

14 A person who is a teacher as described in item (8) of this  
15 Section may establish service credit for similar employment  
16 prior to becoming certified as a teacher if he or she (i) is  
17 certified as a teacher on or before the effective date of this  
18 amendatory Act of the 94th General Assembly, (ii) applies in  
19 writing to the system within 6 months after the effective date  
20 of this amendatory Act of the 94th General Assembly, and (iii)  
21 pays to the system contributions equal to the normal costs  
22 calculated from the date of first full-time employment as  
23 described in item (8) to the date of payment, compounded  
24 annually at the rate of 8.5% per year for periods before the  
25 effective date of this amendatory Act of the 94th General  
26 Assembly and for subsequent periods at a rate equal to the

1 System's actuarially assumed rate of return on investments.  
2 However, credit shall not be granted under this paragraph for  
3 any such prior employment for which the applicant received  
4 credit under any other provision of this Code.

5 (Source: P.A. 93-320, eff. 7-23-03; 94-1111, eff. 2-27-07.)

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

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

24 (1) For time spent on or after September 6, 1948 on  
25 sabbatical leaves of absence or sick leaves, for which

1 salaries are paid, an Employer shall make payroll  
2 deductions at the applicable rates in effect during such  
3 periods.

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

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

24 (4) For service with teacher or labor organizations  
25 authorized by special leaves of absence, for which no  
26 payroll deductions are made by an Employer, teachers



1 desiring service credit therefor shall contribute to the  
2 Fund upon the basis of the actual salary received from such  
3 organizations at the percentage rates in effect during such  
4 periods for certified positions with such Employer. To the  
5 extent the actual salary exceeds the regular salary, which  
6 shall be defined as the salary rate, as calculated by the  
7 Board, in effect for the teacher's regular position in  
8 teaching service on September 1, 1983 or on the effective  
9 date of the leave with the organization, whichever is  
10 later, the organization shall pay to the Fund the  
11 employer's normal cost as set by the Board on the  
12 increment. Notwithstanding any other provision of this  
13 subdivision (4), teachers are only eligible for credit for  
14 service under this subdivision (4) if they first become a  
15 member of this Fund before the effective date of this  
16 amendatory Act of the 97th General Assembly.

17 (5) For time spent in the military service, teachers  
18 entitled to and desiring credit therefor shall contribute  
19 the amount required for each year of service or fraction  
20 thereof at the rates in force (a) at the date of  
21 appointment, or (b) on return to teaching service as a  
22 regularly certified teacher, as the case may be; provided  
23 such rates shall not be less than \$450 per year of service.  
24 These conditions shall apply unless an Employer elects to  
25 and does pay into the Fund the amount which would have been  
26 due from such person had he been employed as a teacher

1       during such time. In the case of credit for military  
2       service not during the pension period, the teacher must  
3       also pay to the Fund an amount determined by the Board to  
4       be equal to the employer's normal cost of the benefits  
5       accrued from such service, plus interest thereon at 5% per  
6       year, compounded annually, from the date of appointment to  
7       the date of payment.

8       The changes to this Section made by Public Act 87-795  
9       shall apply not only to persons who on or after its  
10      effective date are in service under the Fund, but also to  
11      persons whose status as a teacher terminated prior to that  
12      date, whether or not the person is an annuitant on that  
13      date. In the case of an annuitant who applies for credit  
14      allowable under this Section for a period of military  
15      service that did not immediately follow employment, and who  
16      has made the required contributions for such credit, the  
17      annuity shall be recalculated to include the additional  
18      service credit, with the increase taking effect on the date  
19      the Fund received written notification of the annuitant's  
20      intent to purchase the credit, if payment of all the  
21      required contributions is made within 60 days of such  
22      notice, or else on the first annuity payment date following  
23      the date of payment of the required contributions. In  
24      calculating the automatic annual increase for an annuity  
25      that has been recalculated under this Section, the increase  
26      attributable to the additional service allowable under

1       this amendatory Act of 1991 shall be included in the  
2       calculation of automatic annual increases accruing after  
3       the effective date of the recalculation.

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

8       (6) A maximum of 244 unused sick days credited to his  
9       account by an Employer on the date of termination of  
10      employment. Members, upon verification of unused sick  
11      days, may add this service time to total creditable  
12      service.

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

17      (8) For time lost without pay due to layoff and  
18      curtailment of the school term from June 6 through June 21,  
19      1976, as provided in item (e) of the first paragraph of  
20      this Section, persons who were contributors on the days  
21      immediately preceding such layoff shall receive credit  
22      upon paying to the Fund a contribution based on the rates  
23      of compensation and employee contributions in effect at the  
24      time of such layoff, together with an additional amount  
25      equal to 12.2% of the compensation computed for such period  
26      of layoff, plus interest on the entire amount at 5% per

1           annum from January 1, 1978 to the date of payment. If such  
2           contribution is paid, salary for pension purposes for any  
3           year in which such a layoff occurred shall include the  
4           compensation recognized for purposes of computing that  
5           contribution.

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

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

19          (Source: P.A. 92-599, eff. 6-28-02.)

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