



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3870

Introduced 11/2/2011, by Rep. Richard Morthland - David Harris
- Jack D. Franks

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-106

from Ch. 108 1/2, par. 16-106

Amends the Downstate Teachers Article of the Illinois Pension Code. Provides that if a teacher has not, before the effective date of the amendatory Act, availed himself or herself of the opportunity to establish service credit for similar employment under a specific provision of the Code, then he or she must, on or before that date, pay to the Teachers' Retirement System of the State of Illinois all contributions that must ordinarily be paid in order to establish that credit. Effective immediately.

LRB097 14331 JDS 59133 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 16-106 as follows:

6 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

7 Sec. 16-106. Teacher. "Teacher": The following
8 individuals, provided that, for employment prior to July 1,
9 1990, they are employed on a full-time basis, or if not
10 full-time, on a permanent and continuous basis in a position in
11 which services are expected to be rendered for at least one
12 school term:

13 (1) Any educational, administrative, professional or
14 other staff employed in the public common schools included
15 within this system in a position requiring certification
16 under the law governing the certification of teachers;

17 (2) Any educational, administrative, professional or
18 other staff employed in any facility of the Department of
19 Children and Family Services or the Department of Human
20 Services, in a position requiring certification under the
21 law governing the certification of teachers, and any person
22 who (i) works in such a position for the Department of
23 Corrections, (ii) was a member of this System on May 31,

1 1987, and (iii) did not elect to become a member of the
2 State Employees' Retirement System pursuant to Section
3 14-108.2 of this Code; except that "teacher" does not
4 include any person who (A) becomes a security employee of
5 the Department of Human Services, as defined in Section
6 14-110, after June 28, 2001 (the effective date of Public
7 Act 92-14), or (B) becomes a member of the State Employees'
8 Retirement System pursuant to Section 14-108.2c of this
9 Code;

10 (3) Any regional superintendent of schools, assistant
11 regional superintendent of schools, State Superintendent
12 of Education; any person employed by the State Board of
13 Education as an executive; any executive of the boards
14 engaged in the service of public common school education in
15 school districts covered under this system of which the
16 State Superintendent of Education is an ex-officio member;

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

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

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

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

1 (6) Any educational, administrative, professional or
2 other staff employed by and under the supervision and
3 control of a regional superintendent of schools, provided
4 such employment position requires the person to be
5 certificated under the law governing the certification of
6 teachers and is in an educational program serving 2 or more
7 districts in accordance with a joint agreement authorized
8 by the School Code or by federal legislation;

9 (7) Any educational, administrative, professional or
10 other staff employed in an educational program serving 2 or
11 more school districts in accordance with a joint agreement
12 authorized by the School Code or by federal legislation and
13 in a position requiring certification under the laws
14 governing the certification of teachers;

15 (8) Any officer or employee of a statewide teacher
16 organization or officer of a national teacher organization
17 who is certified under the law governing certification of
18 teachers, provided: (i) the individual had previously
19 established creditable service under this Article, (ii)
20 the individual files with the system an irrevocable
21 election to become a member, and (iii) the individual does
22 not receive credit for such service under any other Article
23 of this Code;

24 (9) Any educational, administrative, professional, or
25 other staff employed in a charter school operating in
26 compliance with the Charter Schools Law who is certificated

1 under the law governing the certification of teachers.

2 (10) Any person employed, on the effective date of this
3 amendatory Act of the 94th General Assembly, by the
4 Macon-Piatt Regional Office of Education in a
5 birth-through-age-three pilot program receiving funds
6 under Section 2-389 of the School Code who is required by
7 the Macon-Piatt Regional Office of Education to hold a
8 teaching certificate, provided that the Macon-Piatt
9 Regional Office of Education makes an election, within 6
10 months after the effective date of this amendatory Act of
11 the 94th General Assembly, to have the person participate
12 in the system. Any service established prior to the
13 effective date of this amendatory Act of the 94th General
14 Assembly for service as an employee of the Macon-Piatt
15 Regional Office of Education in a birth-through-age-three
16 pilot program receiving funds under Section 2-389 of the
17 School Code shall be considered service as a teacher if
18 employee and employer contributions have been received by
19 the system and the system has not refunded those
20 contributions.

21 An annuitant receiving a retirement annuity under this
22 Article or under Article 17 of this Code who is employed by a
23 board of education or other employer as permitted under Section
24 16-118 or 16-150.1 is not a "teacher" for purposes of this
25 Article. A person who has received a single-sum retirement
26 benefit under Section 16-136.4 of this Article is not a

1 "teacher" for purposes of this Article.

2 A person who is a teacher as described in item (8) of this
3 Section may establish service credit for similar employment
4 prior to becoming certified as a teacher if he or she (i) is
5 certified as a teacher on or before the effective date of this
6 amendatory Act of the 94th General Assembly, (ii) applies in
7 writing to the system within 6 months after the effective date
8 of this amendatory Act of the 94th General Assembly, and (iii)
9 pays to the system contributions equal to the normal costs
10 calculated from the date of first full-time employment as
11 described in item (8) to the date of payment, compounded
12 annually at the rate of 8.5% per year for periods before the
13 effective date of this amendatory Act of the 94th General
14 Assembly and for subsequent periods at a rate equal to the
15 System's actuarially assumed rate of return on investments.
16 However, credit shall not be granted under this paragraph for
17 any such prior employment for which the applicant received
18 credit under any other provision of this Code. In addition, to
19 qualify to receive service credit under this paragraph, a
20 person who has not, before the effective date of this
21 amendatory Act of the 97th General Assembly, exercised his or
22 her rights under this paragraph must, on or before that date,
23 pay to the System all contributions due under item (iii) of
24 this paragraph.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.