

SB0069



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0069

Introduced 1/15/2015, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-149

from Ch. 108 1/2, par. 17-149

Amends the Chicago Teacher Article of the Illinois Pension Code. With regard to the compensation limitations in the case of a service retirement pensioner who is re-employed as a teacher, provides that (1) the 100-day limit shall not include days that a teacher teaches only driver education courses after regular school hours and does not teach any other subject area and (2) the \$30,000 limit shall not include compensation earned for teaching driver education courses after regular school hours. Effective immediately.

LRB099 00142 RPM 20142 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning pensions.

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 17-149 as follows:

6 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

7 Sec. 17-149. Cancellation of pensions.

8 (a) If any person receiving a disability retirement pension
9 from the Fund is re-employed as a teacher by an Employer, the
10 pension shall be cancelled on the date the re-employment
11 begins, or on the first day of a payroll period for which
12 service credit was validated, whichever is earlier.

13 (b) If any person receiving a service retirement pension
14 from the Fund is re-employed as a teacher on a permanent or
15 annual basis by an Employer, the pension shall be cancelled on
16 the date the re-employment begins, or on the first day of a
17 payroll period for which service credit was validated,
18 whichever is earlier. However, subject to the limitations and
19 requirements of subsection (c-5), the pension shall not be
20 cancelled in the case of a service retirement pensioner who is
21 re-employed on a temporary and non-annual basis or on an hourly
22 basis.

23 (c) If the date of re-employment on a permanent or annual

1 basis occurs within 5 school months after the date of previous
2 retirement, exclusive of any vacation period, the member shall
3 be deemed to have been out of service only temporarily and not
4 permanently retired. Such person shall be entitled to pension
5 payments for the time he could have been employed as a teacher
6 and received salary, but shall not be entitled to pension for
7 or during the summer vacation prior to his return to service.

8 When the member again retires on pension, the time of
9 service and the money contributed by him during re-employment
10 shall be added to the time and money previously credited. Such
11 person must acquire 3 consecutive years of additional
12 contributing service before he may retire again on a pension at
13 a rate and under conditions other than those in force or
14 attained at the time of his previous retirement.

15 (c-5) The service retirement pension shall not be cancelled
16 in the case of a service retirement pensioner who is
17 re-employed as a teacher on a temporary and non-annual basis or
18 on an hourly basis, so long as the person (1) does not work as a
19 teacher for compensation on more than 100 days in a school year
20 and (2) does not accept gross compensation for the
21 re-employment in a school year in excess of (i) \$30,000 or (ii)
22 in the case of a person who retires with at least 5 years of
23 service as a principal, an amount that is equal to the daily
24 rate normally paid to retired principals multiplied by 100.
25 These limitations apply only to school years that begin on or
26 after August 8, 2012 (the effective date of Public Act 97-912)

1 ~~this amendatory Act of the 97th General Assembly.~~ Such
2 re-employment does not require contributions, result in
3 service credit, or constitute active membership in the Fund.
4 The 100-day limit set forth in item (1) of this subsection
5 (c-5) shall not include days that a teacher teaches only driver
6 education courses after regular school hours and does not teach
7 any other subject area. The \$30,000 limit set forth in subitem
8 (i) of item (2) of this subsection (c-5) shall not include
9 compensation earned for teaching driver education courses
10 after regular school hours.

11 To be eligible for such re-employment without cancellation
12 of pension, the pensioner must notify the Fund and the Board of
13 Education of his or her intention to accept re-employment under
14 this subsection (c-5) before beginning that re-employment (or
15 if the re-employment began before the effective date of this
16 amendatory Act, then within 30 days after that effective date).

17 The Board of Education must certify to the Fund the
18 temporary and non-annual or hourly status and the compensation
19 of each pensioner re-employed under this subsection at least
20 quarterly, and when the pensioner is approaching the earnings
21 limitation under this subsection.

22 If the pensioner works more than 100 days or accepts excess
23 gross compensation for such re-employment in any school year
24 that begins on or after August 8, 2012 (the effective date of
25 Public Act 97-912) ~~this amendatory Act of the 97th General~~
26 ~~Assembly~~, the service retirement pension shall thereupon be

1 cancelled.

2 The Board of the Fund shall adopt rules for the
3 implementation and administration of this subsection.

4 (d) Notwithstanding Sections 1-103.1 and 17-157, the
5 changes to this Section made by Public Act 90-32 apply without
6 regard to whether termination of service occurred before the
7 effective date of that Act and apply retroactively to August
8 23, 1989.

9 Notwithstanding Sections 1-103.1 and 17-157, the changes
10 to this Section and Section 17-106 made by Public Act 92-599
11 apply without regard to whether termination of service occurred
12 before the effective date of that Act.

13 Notwithstanding Sections 1-103.1 and 17-157, the changes
14 to this Section made by this amendatory Act of the 97th General
15 Assembly apply without regard to whether termination of service
16 occurred before the effective date of this amendatory Act.

17 (Source: P.A. 97-912, eff. 8-8-12.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.