

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 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 Notwithstanding the 100-day limit set forth in item (1) of
5 this subsection (c-5), the service retirement pension shall not
6 be cancelled in the case of a service retirement pensioner who
7 teaches only driver education courses after regular school
8 hours and does not teach any other subject area, so long as the
9 person does not work as a teacher for compensation for more
10 than 900 hours in a school year. The \$30,000 limit set forth in
11 subitem (i) of item (2) of this subsection (c-5) shall apply to
12 a service retirement pensioner who teaches only driver
13 education courses after regular school hours and does not teach
14 any other subject area.

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

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

26 If the pensioner works more than 100 days or accepts excess

1 gross compensation for such re-employment in any school year
2 that begins on or after August 8, 2012 (the effective date of
3 Public Act 97-912) ~~this amendatory Act of the 97th General~~
4 ~~Assembly~~, the service retirement pension shall thereupon be
5 cancelled.

6 If the pensioner who only teaches drivers education courses
7 after regular school hours works more than 900 hours or accepts
8 excess gross compensation for such re-employment in any school
9 year that begins on or after the effective date of this
10 amendatory Act of the 99th General Assembly, the service
11 retirement pension shall thereupon be cancelled.

12 The Board of the Fund shall adopt rules for the
13 implementation and administration of this subsection.

14 (d) Notwithstanding Sections 1-103.1 and 17-157, the
15 changes to this Section made by Public Act 90-32 apply without
16 regard to whether termination of service occurred before the
17 effective date of that Act and apply retroactively to August
18 23, 1989.

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

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.