

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8 (a) Any member who has withdrawn from service with not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10 attained age 55, and any member who has withdrawn from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

18 (i) for periods of service as a noncovered
19 employee, 2 1/4% of final average compensation for each
20 of the first 10 years of creditable service, 2 1/2% for
21 each year above 10 years to and including 20 years of
22 creditable service, and 2 3/4% for each year of
23 creditable service above 20 years; and

24 (ii) for periods of eligible creditable service as
25 a covered employee, 1.67% of final average compensation
26 for each of the first 10 years of such service, 1.90% for
27 each of the next 10 years of such service, 2.10% for each
28 year of such service in excess of 20 but not exceeding
29 30, and 2.30% for each year in excess of 30.

30 Such annuity shall be subject to a maximum of 75% of
31 final average compensation. These rates shall not be

1 applicable to any service performed by a member as a covered
2 employee which is not eligible creditable service. Service
3 as a covered employee which is not eligible creditable
4 service shall be subject to the rates and provisions of
5 Section 14-108.

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

- 9 (1) State policeman;
- 10 (2) fire fighter in the fire protection service of
11 a department;
- 12 (3) air pilot;
- 13 (4) special agent;
- 14 (5) investigator for the Secretary of State;
- 15 (6) conservation police officer;
- 16 (7) investigator for the Department of Revenue;
- 17 (8) security employee of the Department of Human
18 Services;
- 19 (9) Central Management Services security police
20 officer;
- 21 (10) security employee of the Department of
22 Corrections;
- 23 (11) dangerous drugs investigator;
- 24 (12) investigator for the Department of State
25 Police;
- 26 (13) investigator for the Office of the Attorney
27 General;
- 28 (14) controlled substance inspector;
- 29 (15) investigator for the Office of the State's
30 Attorneys Appellate Prosecutor;
- 31 (16) Commerce Commission police officer;
- 32 (17) arson investigator.

33 A person employed in one of the positions specified in
34 this subsection is entitled to eligible creditable service

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

9 (c) For the purposes of this Section:

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

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

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

32 (4) The term "special agent" means any person who
33 by reason of employment by the Division of Narcotic
34 Control, the Bureau of Investigation or, after July 1,

1 1977, the Division of Criminal Investigation, the
2 Division of Internal Investigation, the Division of
3 Operations, or any other Division or organizational
4 entity in the Department of State Police is vested by law
5 with duties to maintain public order, investigate
6 violations of the criminal law of this State, enforce the
7 laws of this State, make arrests and recover property.
8 The term "special agent" includes any title or position
9 in the Department of State Police that is held by an
10 individual employed under the State Police Act.

11 (5) The term "investigator for the Secretary of
12 State" means any person employed by the Office of the
13 Secretary of State and vested with such investigative
14 duties as render him ineligible for coverage under the
15 Social Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

1 Administrator and Assistant Conservation Police
2 Administrator.

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

9 (8) The term "security employee of the Department
10 of Human Services" means any person employed by the
11 Department of Human Services who is employed at the
12 Chester Mental Health Center and has daily contact with
13 the residents thereof, or who is a mental health police
14 officer. "Mental health police officer" means any person
15 employed by the Department of Human Services in a
16 position pertaining to the Department's mental health and
17 developmental disabilities functions who is vested with
18 such law enforcement duties as render the person
19 ineligible for coverage under the Social Security Act by
20 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
21 218(1)(1) of that Act.

22 (9) "Central Management Services security police
23 officer" means any person employed by the Department of
24 Central Management Services who is 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.

28 (10) The term "security employee of the Department
29 of Corrections" means any employee of the Department of
30 Corrections or the former Department of Personnel, and
31 any member or employee of the Prisoner Review Board, who
32 has daily contact with inmates by working within a
33 correctional facility or who is a parole officer or an
34 employee who has direct contact with committed persons in

1 the performance of his or her job duties.

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

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

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

22 (14) "Controlled substance inspector" means any
23 person who is employed as such by the Department of
24 Professional Regulation and is 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.
28 The term "controlled substance inspector" includes the
29 Program Executive of Enforcement and the Assistant
30 Program Executive of Enforcement.

31 (15) The term "investigator for the Office of the
32 State's Attorneys Appellate Prosecutor" means a person
33 employed in that capacity on a full time basis under the
34 authority of Section 7.06 of the State's Attorneys

1 Appellate Prosecutor's Act.

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

8 (17) "Arson investigator" means any person who is
9 employed as such by the Office of the State Fire Marshal
10 and is vested with such law enforcement duties as render
11 the person ineligible for coverage under the Social
12 Security Act by reason of Sections 218(d)(5)(A),
13 218(d)(8)(D), and 218(1)(1) of that Act. A person who
14 was employed as an arson investigator on January 1, 1995
15 and is no longer in service but not yet receiving a
16 retirement annuity may convert his or her creditable
17 service for employment as an arson investigator into
18 eligible creditable service by paying to the System the
19 difference between the employee contributions actually
20 paid for that service and the amounts that would have
21 been contributed if the applicant were contributing at
22 the rate applicable to persons with the same social
23 security status earning eligible creditable service on
24 the date of application.

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

32 (i) 25 years of eligible creditable service and age
33 55; or

34 (ii) beginning January 1, 1987, 25 years of

1 eligible creditable service and age 54, or 24 years of
2 eligible creditable service and age 55; or

3 (iii) beginning January 1, 1988, 25 years of
4 eligible creditable service and age 53, or 23 years of
5 eligible creditable service and age 55; or

6 (iv) beginning January 1, 1989, 25 years of
7 eligible creditable service and age 52, or 22 years of
8 eligible creditable service and age 55; or

9 (v) beginning January 1, 1990, 25 years of eligible
10 creditable service and age 51, or 21 years of eligible
11 creditable service and age 55; or

12 (vi) beginning January 1, 1991, 25 years of
13 eligible creditable service and age 50, or 20 years of
14 eligible creditable service and age 55.

15 Persons who have service credit under Article 16 of this
16 Code for service as a security employee of the Department of
17 Corrections in a position requiring certification as a
18 teacher may count such service toward establishing their
19 eligibility under the service requirements of this Section;
20 but such service may be used only for establishing such
21 eligibility, and not for the purpose of increasing or
22 calculating any benefit.

23 (e) If a member enters military service while working in
24 a position in which eligible creditable service may be
25 earned, and returns to State service in the same or another
26 such position, and fulfills in all other respects the
27 conditions prescribed in this Article for credit for military
28 service, such military service shall be credited as eligible
29 creditable service for the purposes of the retirement annuity
30 prescribed in this Section.

31 (f) For purposes of calculating retirement annuities
32 under this Section, periods of service rendered after
33 December 31, 1968 and before October 1, 1975 as a covered
34 employee in the position of special agent, conservation

1 police officer, mental health police officer, or investigator
2 for the Secretary of State, shall be deemed to have been
3 service as a noncovered employee, provided that the employee
4 pays to the System prior to retirement an amount equal to (1)
5 the difference between the employee contributions that would
6 have been required for such service as a noncovered employee,
7 and the amount of employee contributions actually paid, plus
8 (2) if payment is made after July 31, 1987, regular interest
9 on the amount specified in item (1) from the date of service
10 to the date of payment.

11 For purposes of calculating retirement annuities under
12 this Section, periods of service rendered after December 31,
13 1968 and before January 1, 1982 as a covered employee in the
14 position of investigator for the Department of Revenue shall
15 be deemed to have been service as a noncovered employee,
16 provided that the employee pays to the System prior to
17 retirement an amount equal to (1) the difference between the
18 employee contributions that would have been required for such
19 service as a noncovered employee, and the amount of employee
20 contributions actually paid, plus (2) if payment is made
21 after January 1, 1990, regular interest on the amount
22 specified in item (1) from the date of service to the date of
23 payment.

24 (g) A State policeman may elect, not later than January
25 1, 1990, to establish eligible creditable service for up to
26 10 years of his service as a policeman under Article 3, by
27 filing a written election with the Board, accompanied by
28 payment of an amount to be determined by the Board, equal to
29 (i) the difference between the amount of employee and
30 employer contributions transferred to the System under
31 Section 3-110.5, and the amounts that would have been
32 contributed had such contributions been made at the rates
33 applicable to State policemen, plus (ii) interest thereon at
34 the effective rate for each year, compounded annually, from

1 the date of service to the date of payment.

2 Subject to the limitation in subsection (i), a State
3 policeman may elect, not later than July 1, 1993, to
4 establish eligible creditable service for up to 10 years of
5 his service as a member of the County Police Department under
6 Article 9, by filing a written election with the Board,
7 accompanied by payment of an amount to be determined by the
8 Board, equal to (i) the difference between the amount of
9 employee and employer contributions transferred to the System
10 under Section 9-121.10 and the amounts that would have been
11 contributed had those contributions been made at the rates
12 applicable to State policemen, plus (ii) interest thereon at
13 the effective rate for each year, compounded annually, from
14 the date of service to the date of payment.

15 (h) Subject to the limitation in subsection (i), a State
16 policeman or investigator for the Secretary of State may
17 elect to establish eligible creditable service for up to 12
18 years of his service as a policeman under Article 5, by
19 filing a written election with the Board on or before January
20 31, 1992, and paying to the System by January 31, 1994 an
21 amount to be determined by the Board, equal to (i) the
22 difference between the amount of employee and employer
23 contributions transferred to the System under Section 5-236,
24 and the amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) interest thereon at the effective rate
27 for each year, compounded annually, from the date of service
28 to the date of payment.

29 Subject to the limitation in subsection (i), a State
30 policeman, conservation police officer, or investigator for
31 the Secretary of State may elect to establish eligible
32 creditable service for up to 10 years of service as a
33 sheriff's law enforcement employee under Article 7, by filing
34 a written election with the Board on or before January 31,

1 1993, and paying to the System by January 31, 1994 an amount
2 to be determined by the Board, equal to (i) the difference
3 between the amount of employee and employer contributions
4 transferred to the System under Section 7-139.7, and the
5 amounts that would have been contributed had such
6 contributions been made at the rates applicable to State
7 policemen, plus (ii) interest thereon at the effective rate
8 for each year, compounded annually, from the date of service
9 to the date of payment.

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

13 (j) Subject to the limitation in subsection (i), an
14 investigator for the Office of the State's Attorneys
15 Appellate Prosecutor or a controlled substance inspector may
16 elect to establish eligible creditable service for up to 10
17 years of his service as a policeman under Article 3 or a
18 sheriff's law enforcement employee under Article 7, by filing
19 a written election with the Board, accompanied by payment of
20 an amount to be determined by the Board, equal to (1) the
21 difference between the amount of employee and employer
22 contributions transferred to the System under Section 3-110.6
23 or 7-139.8, and the amounts that would have been contributed
24 had such contributions been made at the rates applicable to
25 State policemen, plus (2) interest thereon at the effective
26 rate for each year, compounded annually, from the date of
27 service to the date of payment.

28 (k) Subject to the limitation in subsection (i) of this
29 Section, an alternative formula employee may elect to
30 establish eligible creditable service for periods spent as a
31 full-time law enforcement officer or full-time corrections
32 officer employed by the federal government or by a state or
33 local government located outside of Illinois, for which
34 credit is not held in any other public employee pension fund

1 or retirement system. To obtain this credit, the applicant
2 must file a written application with the Board by March 31,
3 1998, accompanied by evidence of eligibility acceptable to
4 the Board and payment of an amount to be determined by the
5 Board, equal to (1) employee contributions for the credit
6 being established, based upon the applicant's salary on the
7 first day as an alternative formula employee after the
8 employment for which credit is being established and the
9 rates then applicable to alternative formula employees, plus
10 (2) an amount determined by the Board to be the employer's
11 normal cost of the benefits accrued for the credit being
12 established, plus (3) regular interest on the amounts in
13 items (1) and (2) from the first day as an alternative
14 formula employee after the employment for which credit is
15 being established to the date of payment.

16 (1) Subject to the limitation in subsection (i), a
17 security employee of the Department of Corrections may elect,
18 not later than July 1, 1998, to establish eligible creditable
19 service for up to 10 years of his or her service as a
20 policeman under Article 3, by filing a written election with
21 the Board, accompanied by payment of 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 3-110.5, and the amounts that
25 would have been contributed had such contributions been made
26 at the rates applicable to security employees of the
27 Department of Corrections, plus (ii) interest thereon at the
28 effective rate for each year, compounded annually, from the
29 date of service to the date of payment.

30 (Source: P.A. 90-32, eff. 6-27-97; 91-357, eff. 7-29-99;
31 91-760, eff. 1-1-01.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.