

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8 (a) Any member who has withdrawn from service with not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10 attained age 55, and any member who has withdrawn from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.

28 (4) The term "special agent" means any person who
29 by reason of employment by the Division of Narcotic
30 Control, the Bureau of Investigation or, after July 1,
31 1977, the Division of Criminal Investigation, the
32 Division of Internal Investigation, the Division of
33 Operations, or any other Division or organizational
34 entity in the Department of State Police is vested by law

1 with duties to maintain public order, investigate
2 violations of the criminal law of this State, enforce the
3 laws of this State, make arrests and recover property.
4 The term "special agent" includes any title or position
5 in the Department of State Police that is held by an
6 individual employed under the State Police Act.

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

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

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

33 (7) The term "investigator for the Department of
34 Revenue" means any person employed by the Department of

1 Revenue and vested with such investigative duties as
2 render him ineligible for coverage under the Social
3 Security Act by reason of Sections 218(d)(5)(A),
4 218(d)(8)(D) and 218(1)(1) of that Act.

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

18 (9) "Central Management Services security police
19 officer" means any person employed by the Department of
20 Central Management Services who is vested with such law
21 enforcement duties as render him ineligible for coverage
22 under the Social Security Act by reason of Sections
23 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

24 (10) The term "security employee of the Department
25 of Corrections" means any employee of the Department of
26 Corrections or the former Department of Personnel, and
27 any member or employee of the Prisoner Review Board, who
28 has daily contact with inmates by working within a
29 correctional facility or who is a parole officer or an
30 employee who has direct contact with committed persons in
31 the performance of his or her job duties.

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

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

8 For the years 1991 through 1995, the term includes a
9 person who was appointed an inspector under Section 3 of
10 the Narcotic Control Division Abolition Act (formerly
11 Ill. Rev. Stat. Ch. 127, par. 55f) and was vested with
12 law enforcement powers under Section 4 of that Act, but
13 was employed by the Department of Public Aid (as
14 Administrator of the Division of Program Integrity)
15 rather than the Department of State Police, regardless of
16 the person's social security status; provided that the
17 person pays to the System before retirement an amount
18 equal to the difference between the employee
19 contributions actually paid for that service and the
20 amounts that would have been contributed if the applicant
21 had contributed at the rate then applicable to persons
22 with the same social security status earning eligible
23 creditable service, plus regular interest from the time
24 of the service to the date of payment.

25 (13) "Investigator for the Office of the Attorney
26 General" means any person who is employed as such by the
27 Office of the Attorney General and is vested with such
28 investigative duties as render him ineligible for
29 coverage under the Social Security Act by reason of
30 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
31 Act. For the period before January 1, 1989, the term
32 includes all persons who were employed as investigators
33 by the Office of the Attorney General, without regard to
34 social security status.

1 (14) "Controlled substance inspector" means any
2 person who is employed as such by the Department of
3 Professional Regulation and is vested with such law
4 enforcement duties as render him ineligible for coverage
5 under the Social Security Act by reason of Sections
6 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
7 The term "controlled substance inspector" includes the
8 Program Executive of Enforcement and the Assistant
9 Program Executive of Enforcement.

10 (15) The term "investigator for the Office of the
11 State's Attorneys Appellate Prosecutor" means a person
12 employed in that capacity on a full time basis under the
13 authority of Section 7.06 of the State's Attorneys
14 Appellate Prosecutor's Act.

15 (16) "Commerce Commission police officer" means any
16 person employed by the Illinois Commerce Commission who
17 is vested with such law enforcement duties as render him
18 ineligible for coverage under the Social Security Act by
19 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
20 218(1)(1) of that Act.

21 (17) "Arson investigator" means any person who is
22 employed as such by the Office of the State Fire Marshal
23 and is vested with such law enforcement duties as render
24 the person ineligible for coverage under the Social
25 Security Act by reason of Sections 218(d)(5)(A),
26 218(d)(8)(D), and 218(1)(1) of that Act. A person who
27 was employed as an arson investigator on January 1, 1995
28 and is no longer in service but not yet receiving a
29 retirement annuity may convert his or her creditable
30 service for employment as an arson investigator into
31 eligible creditable service by paying to the System the
32 difference between the employee contributions actually
33 paid for that service and the amounts that would have
34 been contributed if the applicant were contributing at

1 the rate applicable to persons with the same social
2 security status earning eligible creditable service on
3 the date of application.

4 (d) A security employee of the Department of
5 Corrections, and a security employee of the Department of
6 Human Services who is not a mental health police officer,
7 shall not be eligible for the alternative retirement annuity
8 provided by this Section unless he or she meets the following
9 minimum age and service requirements at the time of
10 retirement:

11 (i) 25 years of eligible creditable service and age
12 55; or

13 (ii) beginning January 1, 1987, 25 years of
14 eligible creditable service and age 54, or 24 years of
15 eligible creditable service and age 55; or

16 (iii) beginning January 1, 1988, 25 years of
17 eligible creditable service and age 53, or 23 years of
18 eligible creditable service and age 55; or

19 (iv) beginning January 1, 1989, 25 years of
20 eligible creditable service and age 52, or 22 years of
21 eligible creditable service and age 55; or

22 (v) beginning January 1, 1990, 25 years of eligible
23 creditable service and age 51, or 21 years of eligible
24 creditable service and age 55; or

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

28 Persons who have service credit under Article 16 of this
29 Code for service as a security employee of the Department of
30 Corrections in a position requiring certification as a
31 teacher may count such service toward establishing their
32 eligibility under the service requirements of this Section;
33 but such service may be used only for establishing such
34 eligibility, and not for the purpose of increasing or

1 calculating any benefit.

2 (e) If a member enters military service while working in
3 a position in which eligible creditable service may be
4 earned, and returns to State service in the same or another
5 such position, and fulfills in all other respects the
6 conditions prescribed in this Article for credit for military
7 service, such military service shall be credited as eligible
8 creditable service for the purposes of the retirement annuity
9 prescribed in this Section.

10 (f) For purposes of calculating retirement annuities
11 under this Section, periods of service rendered after
12 December 31, 1968 and before October 1, 1975 as a covered
13 employee in the position of special agent, conservation
14 police officer, mental health police officer, or investigator
15 for the Secretary of State, shall be deemed to have been
16 service as a noncovered employee, provided that the employee
17 pays to the System prior to retirement an amount equal to (1)
18 the difference between the employee contributions that would
19 have been required for such service as a noncovered employee,
20 and the amount of employee contributions actually paid, plus
21 (2) if payment is made after July 31, 1987, regular interest
22 on the amount specified in item (1) from the date of service
23 to the date of payment.

24 For purposes of calculating retirement annuities under
25 this Section, periods of service rendered after December 31,
26 1968 and before January 1, 1982 as a covered employee in the
27 position of investigator for the Department of Revenue shall
28 be deemed to have been service as a noncovered employee,
29 provided that the employee pays to the System prior to
30 retirement an amount equal to (1) the difference between the
31 employee contributions that would have been required for such
32 service as a noncovered employee, and the amount of employee
33 contributions actually paid, plus (2) if payment is made
34 after January 1, 1990, regular interest on the amount

1 specified in item (1) from the date of service to the date of
2 payment.

3 (g) A State policeman may elect, not later than January
4 1, 1990, to establish eligible creditable service for up to
5 10 years of his service as a policeman under Article 3, by
6 filing a written election with the Board, accompanied by
7 payment of an amount to be determined by the Board, equal to
8 (i) the difference between the amount of employee and
9 employer contributions transferred to the System under
10 Section 3-110.5, and the amounts that would have been
11 contributed had such 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 Subject to the limitation in subsection (i), a State
16 policeman may elect, not later than July 1, 1993, to
17 establish eligible creditable service for up to 10 years of
18 his service as a member of the County Police Department under
19 Article 9, by filing a written election with the Board,
20 accompanied by payment of an amount to be determined by the
21 Board, equal to (i) the difference between the amount of
22 employee and employer contributions transferred to the System
23 under Section 9-121.10 and the amounts that would have been
24 contributed had those contributions been made at the rates
25 applicable to State policemen, plus (ii) interest thereon at
26 the effective rate for each year, compounded annually, from
27 the date of service to the date of payment.

28 (h) Subject to the limitation in subsection (i), a State
29 policeman or investigator for the Secretary of State may
30 elect to establish eligible creditable service for up to 12
31 years of his service as a policeman under Article 5, by
32 filing a written election with the Board on or before January
33 31, 1992, and paying to the System by January 31, 1994 an
34 amount to be determined by the Board, equal to (i) the

1 difference between the amount of employee and employer
2 contributions transferred to the System under Section 5-236,
3 and the amounts that would have been contributed had such
4 contributions been made at the rates applicable to State
5 policemen, plus (ii) interest thereon at the effective rate
6 for each year, compounded annually, from the date of service
7 to the date of payment.

8 Subject to the limitation in subsection (i), a State
9 policeman, conservation police officer, or investigator for
10 the Secretary of State may elect to establish eligible
11 creditable service for up to 10 years of service as a
12 sheriff's law enforcement employee under Article 7, by filing
13 a written election with the Board on or before January 31,
14 1993, and paying to the System by January 31, 1994 an amount
15 to be determined by the Board, equal to (i) the difference
16 between the amount of employee and employer contributions
17 transferred to the System under Section 7-139.7, and the
18 amounts that would have been contributed had such
19 contributions been made at the rates applicable to State
20 policemen, plus (ii) interest thereon at the effective rate
21 for each year, compounded annually, from the date of service
22 to the date of payment.

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

26 (j) Subject to the limitation in subsection (i), an
27 investigator for the Office of the State's Attorneys
28 Appellate Prosecutor or a controlled substance inspector may
29 elect to establish eligible creditable service for up to 10
30 years of his service as a policeman under Article 3 or a
31 sheriff's law enforcement employee under Article 7, by filing
32 a written election with the Board, accompanied by payment of
33 an amount to be determined by the Board, equal to (1) the
34 difference between the amount of employee and employer

1 contributions transferred to the System under Section 3-110.6
2 or 7-139.8, and the amounts that would have been contributed
3 had such contributions been made at the rates applicable to
4 State policemen, plus (2) interest thereon at the effective
5 rate for each year, compounded annually, from the date of
6 service to the date of payment.

7 (k) Subject to the limitation in subsection (i) of this
8 Section, an alternative formula employee may elect to
9 establish eligible creditable service for periods spent as a
10 full-time law enforcement officer or full-time corrections
11 officer employed by the federal government or by a state or
12 local government located outside of Illinois, for which
13 credit is not held in any other public employee pension fund
14 or retirement system. To obtain this credit, the applicant
15 must file a written application with the Board by March 31,
16 1998, accompanied by evidence of eligibility acceptable to
17 the Board and payment of an amount to be determined by the
18 Board, equal to (1) employee contributions for the credit
19 being established, based upon the applicant's salary on the
20 first day as an alternative formula employee after the
21 employment for which credit is being established and the
22 rates then applicable to alternative formula employees, plus
23 (2) an amount determined by the Board to be the employer's
24 normal cost of the benefits accrued for the credit being
25 established, plus (3) regular interest on the amounts in
26 items (1) and (2) from the first day as an alternative
27 formula employee after the employment for which credit is
28 being established to the date of payment.

29 (l) Subject to the limitation in subsection (i), a
30 security employee of the Department of Corrections may elect,
31 not later than July 1, 1998, to establish eligible creditable
32 service for up to 10 years of his or her service as a
33 policeman under Article 3, by filing a written election with
34 the Board, accompanied by payment of an amount to be

1 determined by the Board, equal to (i) the difference between
2 the amount of employee and employer contributions transferred
3 to the System under Section 3-110.5, and the amounts that
4 would have been contributed had such contributions been made
5 at the rates applicable to security employees of the
6 Department of Corrections, plus (ii) interest thereon at the
7 effective rate for each year, compounded annually, from the
8 date of service to the date of payment.

9 (Source: P.A. 90-32, eff. 6-27-97; 91-357, eff. 7-29-99;
10 91-760, eff. 1-1-01.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.