

# **Bond Case Briefs**

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## **PUBLIC PENSIONS - ILLINOIS**

### **Piccioli v. Board of Trustees of Teachers' Retirement System**

**Supreme Court of Illinois - April 4, 2019 - N.E.3d - 2019 IL 122905 - 2019 WL 1484209 - 2019 Employee Benefits Cas. 120, 004**

Retired teacher brought declaratory judgment against board of trustees of Teachers' Retirement System alleging repeal of amendment that allowed him to obtain service credit for his union service prior to becoming a certified teacher and to qualify for a pension was unconstitutional.

The Circuit Court granted summary judgment in favor of the board, and teacher appealed.

The Supreme Court held that:

- The board of trustees had the right to defend the validity of Act that repealed amendment; but
- The amendment did not violate the special legislation clause of the state constitution; and
- Repeal of the amendment violated the Pension Protection Clause.

Board of trustees of Teachers' Retirement System (TRS) had the right to defend the validity of Act that repealed amendment that allowed retired teacher to obtain service credit for his union service prior to becoming a certified teacher and to qualify for a pension, by virtue of the fact that retired teacher filed a lawsuit against the board seeking a declaratory judgment that the enactment was unconstitutional.

Amendment to the Illinois Pension Code that allowed union members who began working for statewide teachers' unions prior to its effective date to obtain service credit for their union service prior to becoming certified teachers and to qualify for a pension did not violate the special legislation clause of the state constitution; while the amendment discriminated in favor of employees who began working for statewide teachers' unions prior to its effective date and discriminated against employees who began after that date, the existence of a cutoff date did not render the law unconstitutional, the amendment was entirely rational, and on its face applied generally to all eligible employees who met its criteria.

Provision in Public Act that repealed amendment to the Illinois Pension Code that allowed union members who began working for statewide teachers' unions prior to its effective date to obtain service credit for their union service prior to becoming certified teachers and to qualify for a pension violated the Pension Protection Clause; while nothing prevented the legislature from eliminating the benefit for future employees, there was no legal justification for reducing or eliminating the pension benefits that had been awarded pursuant to the amendment.