



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0381

Introduced 1/29/2021, by Rep. Dan Ugaste

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-110.12

40 ILCS 5/4-108

30 ILCS 805/8.45 new

from Ch. 108 1/2, par. 4-108

Amends the Downstate Police and Downstate Firefighter Articles of the Illinois Pension Code. Provides that at any time during the 6 months following the effective date of the amendatory Act, an active member of a downstate firefighters' pension fund may apply for transfer to that fund of up to 8 years of his or her creditable service accumulated in a police pension fund that is administered by another unit of local government if that active member was not subject to disciplinary action when he or she terminated employment with that police department. Makes conforming changes. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective January 1, 2022.

LRB102 05124 RPS 15145 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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  
5 changing Sections 3-110.12 and 4-108 as follows:

6 (40 ILCS 5/3-110.12)

7 Sec. 3-110.12. Transfer to Article 4 fund.

8 (a) At any time during the 6 months following the  
9 effective date of this Section, an active member of an Article  
10 4 firefighters' pension fund may apply for transfer to that  
11 fund of up to 6 years of his or her creditable service  
12 accumulated in the police pension fund under this Article that  
13 is administered by the same unit of local government if that  
14 active member was not subject to disciplinary action when he  
15 or she terminated employment with that police department. The  
16 creditable service shall be transferred upon payment by the  
17 police pension fund to the Article 4 fund of an amount equal  
18 to:

19 (1) the amounts accumulated to the credit of the  
20 applicant on the books of the fund on the date of transfer  
21 for the service to be transferred; and

22 (2) employer contributions in an amount equal to the  
23 amount determined under item (1); and

1           (3) any interest paid by the applicant in order to  
2           reinstate service.

3           Participation in the police pension fund with respect to  
4           the transferred creditable service shall terminate on the date  
5           of transfer.

6           (a-5) At any time during the 6 months following the  
7           effective date of this amendatory Act of the 102nd General  
8           Assembly, an active member of an Article 4 firefighters'  
9           pension fund may apply for transfer to that fund of up to 8  
10           years of his or her creditable service accumulated in a police  
11           pension fund under this Article that is administered by  
12           another unit of local government if that active member was not  
13           subject to disciplinary action when he or she terminated  
14           employment with that police department. The creditable service  
15           shall be transferred upon payment by the police pension fund  
16           to the Article 4 fund of an amount equal to:

17           (1) the amounts accumulated to the credit of the  
18           applicant on the books of the fund on the date of transfer  
19           for the service to be transferred; and

20           (2) employer contributions in an amount equal to the  
21           amount determined under item (1); and

22           (3) any interest paid by the applicant in order to  
23           reinstate service.

24           Participation in the police pension fund with respect to  
25           the transferred creditable service shall terminate on the date  
26           of transfer.

1 (b) At the time of applying for transfer of creditable  
2 service under this Section, an active member of an Article 4  
3 firefighters' pension fund may, for the purpose of that  
4 transfer, reinstate creditable service that was terminated by  
5 receipt of a refund, by payment to the police pension fund of  
6 the amount of the refund with interest thereon at the rate of  
7 6% per year, compounded annually, from the date of the refund  
8 to the date of payment.

9 (Source: P.A. 100-544, eff. 11-8-17.)

10 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

11 Sec. 4-108. Creditable service.

12 (a) Creditable service is the time served as a firefighter  
13 of a municipality. In computing creditable service, furloughs  
14 and leaves of absence without pay exceeding 30 days in any one  
15 year shall not be counted, but leaves of absence for illness or  
16 accident regardless of length, and periods of disability for  
17 which a firefighter received no disability pension payments  
18 under this Article, shall be counted.

19 (b) Furloughs and leaves of absence of 30 days or less in  
20 any one year may be counted as creditable service, if the  
21 firefighter makes the contribution to the fund that would have  
22 been required had he or she not been on furlough or leave of  
23 absence. To qualify for this creditable service, the  
24 firefighter must pay the required contributions to the fund  
25 not more than 90 days subsequent to the termination of the

1 furlough or leave of absence, to the extent that the  
2 municipality has not made such contribution on his or her  
3 behalf.

4 (c) Creditable service includes:

5 (1) Service in the military, naval or air forces of  
6 the United States entered upon when the person was an  
7 active firefighter, provided that, upon applying for a  
8 permanent pension, and in accordance with the rules of the  
9 board the firefighter pays into the fund the amount that  
10 would have been contributed had he or she been a regular  
11 contributor during such period of service, if and to the  
12 extent that the municipality which the firefighter served  
13 made no such contributions in his or her behalf. The total  
14 amount of such creditable service shall not exceed 5  
15 years, except that any firefighter who on July 1, 1973 had  
16 more than 5 years of such creditable service shall receive  
17 the total amount thereof as of that date.

18 (1.5) Up to 24 months of service in the military,  
19 naval, or air forces of the United States that was served  
20 prior to employment by a municipality or fire protection  
21 district as a firefighter. To receive the credit for the  
22 military service prior to the employment as a firefighter,  
23 the firefighter must apply in writing to the fund and must  
24 make contributions to the fund equal to (i) the employee  
25 contributions that would have been required had the  
26 service been rendered as a member, plus (ii) an amount

1 determined by the fund to be equal to the employer's  
2 normal cost of the benefits accrued for that military  
3 service, plus (iii) interest at the actuarially assumed  
4 rate provided by the Department of Financial and  
5 Professional Regulation, compounded annually from the  
6 first date of membership in the fund to the date of payment  
7 on items (i) and (ii). The changes to this paragraph (1.5)  
8 by this amendatory Act of the 95th General Assembly apply  
9 only to participating employees in service on or after its  
10 effective date.

11 (2) Service prior to July 1, 1976 by a firefighter  
12 initially excluded from participation by reason of age who  
13 elected to participate and paid the required contributions  
14 for such service.

15 (3) Up to 8 years of service by a firefighter as an  
16 officer in a statewide firefighters' association when he  
17 is on a leave of absence from a municipality's payroll,  
18 provided that (i) the firefighter has at least 10 years of  
19 creditable service as an active firefighter, (ii) the  
20 firefighter contributes to the fund the amount that he  
21 would have contributed had he remained an active member of  
22 the fund, (iii) the employee or statewide firefighter  
23 association contributes to the fund an amount equal to the  
24 employer's required contribution as determined by the  
25 board, and (iv) for all leaves of absence under this  
26 subdivision (3), including those beginning before the

1 effective date of this amendatory Act of the 97th General  
2 Assembly, the firefighter continues to remain in sworn  
3 status, subject to the professional standards of the  
4 public employer or those terms established in statute.

5 (4) Time spent as an on-call fireman for a  
6 municipality, calculated at the rate of one year of  
7 creditable service for each 5 years of time spent as an  
8 on-call fireman, provided that (i) the firefighter has at  
9 least 18 years of creditable service as an active  
10 firefighter, (ii) the firefighter spent at least 14 years  
11 as an on-call firefighter for the municipality, (iii) the  
12 firefighter applies for such creditable service within 30  
13 days after the effective date of this amendatory Act of  
14 1989, (iv) the firefighter contributes to the Fund an  
15 amount representing employee contributions for the number  
16 of years of creditable service granted under this  
17 subdivision (4), based on the salary and contribution rate  
18 in effect for the firefighter at the date of entry into the  
19 Fund, to be determined by the board, and (v) not more than  
20 3 years of creditable service may be granted under this  
21 subdivision (4).

22 Except as provided in Section 4-108.5, creditable  
23 service shall not include time spent as a volunteer  
24 firefighter, whether or not any compensation was received  
25 therefor. The change made in this Section by Public Act  
26 83-0463 is intended to be a restatement and clarification

1 of existing law, and does not imply that creditable  
2 service was previously allowed under this Article for time  
3 spent as a volunteer firefighter.

4 (5) Time served between July 1, 1976 and July 1, 1988  
5 in the position of protective inspection officer or  
6 administrative assistant for fire services, for a  
7 municipality with a population under 10,000 that is  
8 located in a county with a population over 3,000,000 and  
9 that maintains a firefighters' pension fund under this  
10 Article, if the position included firefighting duties,  
11 notwithstanding that the person may not have held an  
12 appointment as a firefighter, provided that application is  
13 made to the pension fund within 30 days after the  
14 effective date of this amendatory Act of 1991, and the  
15 corresponding contributions are paid for the number of  
16 years of service granted, based upon the salary and  
17 contribution rate in effect for the firefighter at the  
18 date of entry into the pension fund, as determined by the  
19 Board.

20 (6) Service before becoming a participant by a  
21 firefighter initially excluded from participation by  
22 reason of age who becomes a participant under the  
23 amendment to Section 4-107 made by this amendatory Act of  
24 1993 and pays the required contributions for such service.

25 (7) Up to 3 years of time during which the firefighter  
26 receives a disability pension under Section 4-110,



1 4-110.1, or 4-111, provided that (i) the firefighter  
2 returns to active service after the disability for a  
3 period at least equal to the period for which credit is to  
4 be established and (ii) the firefighter makes  
5 contributions to the fund based on the rates specified in  
6 Section 4-118.1 and the salary upon which the disability  
7 pension is based. These contributions may be paid at any  
8 time prior to the commencement of a retirement pension.  
9 The firefighter may, but need not, elect to have the  
10 contributions deducted from the disability pension or to  
11 pay them in installments on a schedule approved by the  
12 board. If not deducted from the disability pension, the  
13 contributions shall include interest at the rate of 6% per  
14 year, compounded annually, from the date for which service  
15 credit is being established to the date of payment. If  
16 contributions are paid under this subdivision (c)(7) in  
17 excess of those needed to establish the credit, the excess  
18 shall be refunded. This subdivision (c)(7) applies to  
19 persons receiving a disability pension under Section  
20 4-110, 4-110.1, or 4-111 on the effective date of this  
21 amendatory Act of the 91st General Assembly, as well as  
22 persons who begin to receive such a disability pension  
23 after that date.

24 (8) Up to 6 years of service as a police officer and  
25 participant in an Article 3 police pension fund  
26 administered by the unit of local government that employs

1 the firefighter under this Article, provided that the  
2 service has been transferred to, and the required payment  
3 received by, the Article 4 fund in accordance with  
4 subsection (a) of Section 3-110.12 of this Code.

5 (9) Up to 8 years of service as a police officer and  
6 participant in an Article 3 police pension fund  
7 administered by a unit of local government that employs  
8 the firefighter under this Article, provided that the  
9 service has been transferred to, and the required payment  
10 received by, the Article 4 fund in accordance with  
11 subsection (a-5) of Section 3-110.12 of this Code.

12 (Source: P.A. 100-544, eff. 11-8-17.)

13 Section 90. The State Mandates Act is amended by adding  
14 Section 8.45 as follows:

15 (30 ILCS 805/8.45 new)

16 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and  
17 8 of this Act, no reimbursement by the State is required for  
18 the implementation of any mandate created by this amendatory  
19 Act of the 102nd General Assembly.

20 Section 99. Effective date. This Act takes effect January  
21 1, 2022.