

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 Section 4-109.3 as follows:

6 (40 ILCS 5/4-109.3)

7 Sec. 4-109.3. Employee creditable service.

8 (a) As used in this Section:

9 "Final monthly salary" means the monthly salary attached
10 to the rank held by the firefighter at the time of his or her
11 last withdrawal from service under a particular pension fund.

12 "Last pension fund" means the pension fund in which the
13 firefighter was participating at the time of his or her last
14 withdrawal from service.

15 (b) The benefits provided under this Section are available
16 only to a firefighter who:

17 (1) is a firefighter at the time of withdrawal from
18 the last pension fund and for at least the final 3 years of
19 employment prior to that withdrawal;

20 (2) has established service credit with at least one
21 pension fund established under this Article other than the
22 last pension fund;

23 (3) has a total of at least 20 years of service under

1 the various pension funds established under this Article
2 and has attained age 50; and

3 (4) is in service on or after the effective date of
4 this amendatory Act of the 93rd General Assembly.

5 (c) A firefighter who is eligible for benefits under this
6 Section may elect to receive a retirement pension from each
7 pension fund under this Article in which the firefighter has
8 at least one year of service credit but has not received a
9 refund under Section 4-116 (unless the firefighter repays that
10 refund under subsection (g)) or subsection (c) of Section
11 4-118.1, by applying in writing and paying the contribution
12 required under subsection (i).

13 (d) From each such pension fund other than the last
14 pension fund, in lieu of any retirement pension otherwise
15 payable under this Article, a firefighter to whom this Section
16 applies may elect to receive a monthly pension of 1/12th of
17 2.5% of his or her final monthly salary under that fund for
18 each month of service in that fund, subject to a maximum of 75%
19 of that final monthly salary.

20 (e) From the last pension fund, in lieu of any retirement
21 pension otherwise payable under this Article, a firefighter to
22 whom this Section applies may elect to receive a monthly
23 pension calculated as follows:

24 The last pension fund shall calculate the retirement
25 pension that would be payable to the firefighter under
26 ~~subsection (a)~~ of Section 4-109 as if he or she had

1 participated in that last pension fund during his or her
2 entire period of service under all pension funds established
3 under this Article (excluding any period of service for which
4 the firefighter has received a refund under Section 4-116,
5 unless the firefighter repays that refund under subsection
6 (g), or for which the firefighter has received a refund under
7 subsection (c) of Section 4-118.1). From this hypothetical
8 pension there shall be subtracted the original amounts of the
9 retirement pensions payable to the firefighter by all other
10 pension funds under subsection (d). The remainder is the
11 retirement pension payable to the firefighter by the last
12 pension fund under this subsection (e).

13 (f) Pensions elected under this Section shall be subject
14 to increases as provided in ~~subsection (d) of~~ Section 4-109.1.

15 (g) A current firefighter may reinstate creditable service
16 in a pension fund established under this Article that was
17 terminated upon receipt of a refund, by payment to that
18 pension fund of the amount of the refund together with
19 interest thereon at the rate of 6% per year, compounded
20 annually, from the date of the refund to the date of payment. A
21 repayment of a refund under this Section may be made in equal
22 installments over a period of up to 10 years, but must be paid
23 in full prior to retirement.

24 (h) As a condition of being eligible for the benefits
25 provided in this Section, a person who is hired to a position
26 as a firefighter on or after July 1, 2004 must, within 21

1 months after being hired, notify the new employer, all of his
2 or her previous employers under this Article, and the Public
3 Pension Division of the Division of Insurance of the
4 Department of Financial and Professional Regulation of his or
5 her intent to receive the benefits provided under this
6 Section.

7 As a condition of being eligible for the benefits provided
8 in this Section, a person who first becomes a firefighter
9 under this Article after December 31, 2010 must (1) within 21
10 months after being hired or within 21 months after the
11 effective date of this amendatory Act of the 102nd General
12 Assembly, whichever is later, notify the new employer, all of
13 his or her previous employers under this Article, and the
14 Public Pension Division of the Department of Insurance of his
15 or her intent to receive the benefits provided under this
16 Section; and (2) make the required contributions with
17 applicable interest. A person who first becomes a firefighter
18 under this Article after December 31, 2010 and who, before the
19 effective date of this amendatory Act of the 102nd General
20 Assembly, notified the new employer, all of his or her
21 previous employers under this Article, and the Public Pension
22 Division of the Department of Insurance of his or her intent to
23 receive the benefits provided under this Section shall be
24 deemed to have met the notice requirement under item (1) of the
25 preceding sentence. The changes made to this Section by this
26 amendatory Act of the 102nd General Assembly apply

1 retroactively, notwithstanding Section 1-103.1.

2 (i) In order to receive a pension under this Section or an
3 occupational disease disability pension for which he or she
4 becomes eligible due to the application of subsection (m) of
5 this Section, a firefighter must pay to each pension fund from
6 which he or she has elected to receive a pension under this
7 Section a contribution equal to 1% of monthly salary for each
8 month of service credit that the firefighter has in that fund
9 (other than service credit for which the firefighter has
10 already paid the additional contribution required under
11 subsection (c) of Section 4-118.1), together with interest
12 thereon at the rate of 6% per annum, compounded annually, from
13 the firefighter's first day of employment with that fund or
14 the first day of the fiscal year of that fund that immediately
15 precedes the firefighter's first day of employment with that
16 fund, whichever is earlier.

17 In order for a firefighter who, as of the effective date of
18 this amendatory Act of the 93rd General Assembly, has not
19 begun to receive a pension under this Section or an
20 occupational disease disability pension under subsection (m)
21 of this Section and who has contributed 1/12th of 1% of monthly
22 salary for each month of service credit that the firefighter
23 has in that fund (other than service credit for which the
24 firefighter has already paid the additional contribution
25 required under subsection (c) of Section 4-118.1), together
26 with the required interest thereon, to receive a pension under

1 this Section or an occupational disease disability pension for
2 which he or she becomes eligible due to the application of
3 subsection (m) of this Section, the firefighter must, within
4 one year after the effective date of this amendatory Act of the
5 93rd General Assembly, make an additional contribution equal
6 to 11/12ths of 1% of monthly salary for each month of service
7 credit that the firefighter has in that fund (other than
8 service credit for which the firefighter has already paid the
9 additional contribution required under subsection (c) of
10 Section 4-118.1), together with interest thereon at the rate
11 of 6% per annum, compounded annually, from the firefighter's
12 first day of employment with that fund or the first day of the
13 fiscal year of that fund that immediately precedes the
14 firefighter's first day of employment with the fund, whichever
15 is earlier. A firefighter who, as of the effective date of this
16 amendatory Act of the 93rd General Assembly, has not begun to
17 receive a pension under this Section or an occupational
18 disease disability pension under subsection (m) of this
19 Section and who has contributed 1/12th of 1% of monthly salary
20 for each month of service credit that the firefighter has in
21 that fund (other than service credit for which the firefighter
22 has already paid the additional contribution required under
23 subsection (c) of Section 4-118.1), together with the required
24 interest thereon, in order to receive a pension under this
25 Section or an occupational disease disability pension under
26 subsection (m) of this Section, may elect, within one year

1 after the effective date of this amendatory Act of the 93rd
2 General Assembly to forfeit the benefits provided under this
3 Section and receive a refund of that contribution.

4 (j) A retired firefighter who is receiving pension
5 payments under Section 4-109 may reenter active service under
6 this Article. Subject to the provisions of Section 4-117, the
7 firefighter may receive credit for service performed after the
8 reentry if the firefighter (1) applies to receive credit for
9 that service, (2) suspends his or her pensions under this
10 Section, and (3) makes the contributions required under
11 subsection (i).

12 (k) A firefighter who is newly hired or promoted to a
13 position as a firefighter shall not be denied participation in
14 a fund under this Article based on his or her age.

15 (l) If a firefighter who elects to make contributions
16 under subsection (c) of Section 4-118.1 for the pension
17 benefits provided under this Section becomes entitled to a
18 disability pension under Section 4-110, the last pension fund
19 is responsible to pay that disability pension and the amount
20 of that disability pension shall be based only on the
21 firefighter's service with the last pension fund.

22 (m) Notwithstanding any provision in Section 4-110.1 to
23 the contrary, if a firefighter who elects to make
24 contributions under subsection (c) of Section 4-118.1 for the
25 pension benefits provided under this Section becomes entitled
26 to an occupational disease disability pension under Section

1 4-110.1, each pension fund to which the firefighter has made
2 contributions under subsection (c) of Section 4-118.1 must pay
3 a portion of that occupational disease disability pension
4 equal to the proportion that the firefighter's service credit
5 with that pension fund for which the contributions under
6 subsection (c) of Section 4-118.1 have been made bears to the
7 firefighter's total service credit with all of the pension
8 funds for which the contributions under subsection (c) of
9 Section 4-118.1 have been made. A firefighter who has made
10 contributions under subsection (c) of Section 4-118.1 for at
11 least 5 years of creditable service shall be deemed to have met
12 the 5-year creditable service requirement under Section
13 4-110.1, regardless of whether the firefighter has 5 years of
14 creditable service with the last pension fund.

15 (n) If a firefighter who elects to make contributions
16 under subsection (c) of Section 4-118.1 for the pension
17 benefits provided under this Section becomes entitled to a
18 disability pension under Section 4-111, the last pension fund
19 is responsible to pay that disability pension, provided that
20 the firefighter has at least 7 years of creditable service
21 with the last pension fund. In the event a firefighter began
22 employment with a new employer as a result of an
23 intergovernmental agreement that resulted in the elimination
24 of the previous employer's fire department, the firefighter
25 shall not be required to have 7 years of creditable service
26 with the last pension fund to qualify for a disability pension

1 under Section 4-111. Under this circumstance, a firefighter
2 shall be required to have 7 years of total combined creditable
3 service time to qualify for a disability pension under Section
4 4-111. The disability pension received pursuant to this
5 Section shall be paid by the previous employer and new
6 employer in proportion to the firefighter's years of service
7 with each employer.

8 (Source: P.A. 95-1032, eff. 2-17-09; 95-1036, eff. 2-17-09.)

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.45 as follows:

11 (30 ILCS 805/8.45 new)

12 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
13 8 of this Act, no reimbursement by the State is required for
14 the implementation of any mandate created by this amendatory
15 Act of the 102nd General Assembly.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.