



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0698

Introduced 02/01/05, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-111
30 ILCS 805/8.29 new

from Ch. 108 1/2, par. 6-111

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that a fireman who receives a duty disability or occupational disease disability benefit after December 31, 1994 and fails to receive duty availability pay because of that disability may elect to have an amount equal to that missed duty availability pay included in the calculation of his or her salary for retirement and widow's annuity purposes only. Requires payment of the corresponding employee contributions. Allows the election to be made by the fireman's surviving spouse, child, or parent in certain circumstances. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 06138 EFG 36203 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 changing
5 Section 6-111 as follows:

6 (40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)

7 Sec. 6-111. Salary. "Salary": Subject to Section 6-211, the
8 annual salary of a fireman, as follows:

9 (a) For age and service annuity, minimum annuity, and
10 disability benefits, the actual amount of the annual salary,
11 except as otherwise provided in this Article.

12 (b) For prior service annuity, widow's annuity, widow's
13 prior service annuity and child's annuity to and including
14 August 31, 1957, the amount of the annual salary up to a
15 maximum of \$3,000.

16 (c) Except as otherwise provided in Section 6-141.1, for
17 widow's annuity, beginning September 1, 1957, the amount of
18 annual salary up to a maximum of \$6,000.

19 (d) "Salary" means the actual amount of the annual salary
20 attached to the permanent career service rank held by the
21 fireman, except as provided in subsection (e).

22 (e) In the case of a fireman who holds an exempt position
23 above career service rank:

24 (1) For the purpose of computing employee and city
25 contributions, "salary" means the actual salary attached
26 to the exempt rank position held by the fireman.

27 (2) For the purpose of computing benefits: "salary"
28 means the actual salary attached to the exempt rank
29 position held by the fireman, if (i) the contributions
30 specified in Section 6-211 have been made, (ii) the fireman
31 has held one or more exempt positions for at least 5
32 consecutive years and has held the rank of battalion chief

1 or field officer for at least 5 years during the exempt
2 period, and (iii) the fireman was born before 1955;
3 otherwise, "salary" means the salary attached to the
4 permanent career service rank held by the fireman, as
5 provided in subsection (d).

6 (f) Beginning on the effective date of this amendatory Act
7 of the 93rd General Assembly, and for any prior periods for
8 which contributions have been paid under subsection (g) of this
9 Section, all salary payments made to any active or former
10 fireman who holds or previously held the permanent assigned
11 position or classified career service rank, grade, or position
12 of ambulance commander shall be included as salary for all
13 purposes under this Article.

14 (g) Any active or former fireman who held the permanent
15 assigned position or classified career service rank, grade, or
16 position of ambulance commander may elect to have the full
17 amount of the salary attached to that permanent assigned
18 position or classified career service rank, grade, or position
19 included in the calculation of his or her salary for any period
20 during which the fireman held the permanent assigned position
21 or classified career service rank, grade, or position of
22 ambulance commander by applying in writing and making all
23 employee and employer contributions, without interest, related
24 to the actual salary payments corresponding to the permanent
25 assigned position or classified career service rank, grade, or
26 position of ambulance commander for all periods beginning on or
27 after January 1, 1995. All applicable contributions must be
28 paid in full to the Fund before January 1, 2006 before the
29 payment of any benefit under this subsection (g) will be made.

30 Any former fireman or widow of a fireman who (i) held the
31 permanent assigned position or classified career service rank,
32 grade, or position of ambulance commander, (ii) is in receipt
33 of annuity on the effective date of this amendatory Act of the
34 93rd General Assembly, and (iii) pays to the Fund contributions
35 under this subsection (g) for salary payments at the permanent
36 assigned position or classified career service rank, grade, or

1 position of ambulance commander shall have his or her annuity
2 recalculated to reflect the ambulance commander salary and the
3 resulting increase shall become payable on the next annuity
4 payment date following the date the contribution is received by
5 the Fund.

6 In the case of an active or former fireman who (i) dies
7 before January 1, 2006 without making an election under this
8 subsection and (ii) was eligible to make an election under this
9 subsection at the time of death (or would have been eligible
10 had the death occurred after the effective date of this
11 amendatory Act), any surviving spouse, child, or parent of the
12 fireman who is eligible to receive a benefit under this Article
13 based on the fireman's salary may make that election and pay
14 the required contributions on behalf of the deceased fireman.
15 If the death occurs within the 30 days immediately preceding
16 January 1, 2006, the deadline for application and payment is
17 extended to January 31, 2006.

18 Any portion of the compensation received for service as an
19 ambulance commander for which the corresponding contributions
20 have not been paid shall not be included in the calculation of
21 salary.

22 (h) Beginning January 1, 1999, with respect to a fireman
23 who is licensed by the State as an Emergency Medical
24 Technician, references in this Article to the fireman's salary
25 or the salary attached to or appropriated for the permanent
26 assigned position or classified career service rank, grade, or
27 position of the fireman shall be deemed to include any
28 additional compensation payable to the fireman by virtue of
29 being licensed as an Emergency Medical Technician, as provided
30 under a collective bargaining agreement with the city.

31 (i) Beginning on the effective date of this amendatory Act
32 of the 93rd General Assembly (and for any period prior to that
33 date for which contributions have been paid under subsection
34 (j) of this Section), the salary of a fireman, as calculated
35 for any purpose under this Article, shall include any duty
36 availability pay received by the fireman (i) pursuant to a

1 collective bargaining agreement or (ii) pursuant to an
2 appropriation ordinance in an amount equivalent to the amount
3 of duty availability pay received by other firemen pursuant to
4 a collective bargaining agreement, and references in this
5 Article to the salary attached to or appropriated for the
6 permanent assigned position or classified career service rank,
7 grade, or position of the fireman shall be deemed to include
8 that duty availability pay.

9 (j) An active or former fireman who received duty
10 availability pay at any time after December 31, 1994 and before
11 the effective date of this amendatory Act of the 93rd General
12 Assembly and who either (1) retired during that period or (2)
13 had attained age 46 and at least 16 years of service by the
14 effective date of this amendatory Act may elect to have that
15 duty availability pay included in the calculation of his or her
16 salary for any portion of that period for which the pay was
17 received, by applying in writing and paying to the Fund, before
18 January 1, 2006, the corresponding employee contribution,
19 without interest.

20 In the case of an applicant who is receiving an annuity at
21 the time the application and contribution are received by the
22 Fund, the annuity shall be recalculated and the resulting
23 increase shall become payable on the next annuity payment date
24 following the date the contribution is received by the Fund.

25 In the case of an active or former fireman who (i) dies
26 before January 1, 2006 without making an election under this
27 subsection and (ii) was eligible to make an election under this
28 subsection at the time of death (or would have been eligible
29 had the death occurred after the effective date of this
30 amendatory Act), any surviving spouse, child, or parent of the
31 fireman who is eligible to receive a benefit under this Article
32 based on the fireman's salary may make that election and pay
33 the required contribution on behalf of the deceased fireman. If
34 the death occurs within the 30 days immediately preceding
35 January 1, 2006, the deadline for application and payment is
36 extended to January 31, 2006.

1 Any duty availability pay for which the corresponding
2 employee contribution has not been paid shall not be included
3 in the calculation of salary.

4 (j-5) An active or former fireman who receives a duty
5 disability benefit under Section 6-151 or an occupational
6 disease disability benefit under Section 6-151.1 at any time
7 after December 31, 1994 and who fails to receive duty
8 availability pay because of that disability may elect to have
9 an amount equal to that missed duty availability pay included
10 in the calculation of his or her salary for retirement and
11 widow's annuity purposes only, by applying in writing and
12 paying to the Fund the corresponding employee contribution,
13 without interest. The amount allowed under this subsection
14 (j-5) in lieu of duty availability pay does not affect the
15 amount of the disability benefit payable to the fireman while
16 disabled.

17 In the case of an applicant who is receiving a retirement
18 annuity at the time the application and contribution are
19 received by the Fund, the annuity shall be recalculated and the
20 resulting increase shall first become payable on the next
21 annuity payment date following the date the contribution is
22 received by the Fund.

23 In the case of an active or former fireman who (i) dies
24 without making an election under this subsection (j-5) and (ii)
25 was eligible to make an election under this subsection (j-5) at
26 the time of death (or would have been eligible had the death
27 occurred after the effective date of this amendatory Act of the
28 94th General Assembly), any surviving spouse, child, or parent
29 of the fireman who is eligible to receive a benefit under this
30 Article based on the fireman's salary may make that election
31 and pay the required contribution on behalf of the deceased
32 fireman.

33 No amount in lieu of duty availability pay under this
34 subsection shall be included in the calculation of salary for
35 retirement or widow's annuity purposes unless the
36 corresponding employee contribution has been paid.

1 This subsection (j-5) is not limited to firemen in active
2 service on or after the effective date of this amendatory Act
3 of the 94th General Assembly.

4 (k) The changes to this Section made by Public Act 93-654
5 ~~this amendatory Act of the 93rd General Assembly~~ are not
6 limited to firemen in service on or after the effective date of
7 this amendatory Act.

8 (Source: P.A. 93-654, eff. 1-16-04.)

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.29 as follows:

11 (30 ILCS 805/8.29 new)

12 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
13 of this Act, no reimbursement by the State is required for the
14 implementation of any mandate created by this amendatory Act of
15 the 94th General Assembly.

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