



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0899

Introduced 2/2/2005, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-209  
30 ILCS 805/8.29 new

from Ch. 108 1/2, par. 6-209

Amends the Chicago Firefighter Article of the Illinois Pension Code. Allows purchase of service credit for up to 2 years of military service during which the fireman was not on a leave of absence from employment. Allows purchase at a reduced interest rate for 6 months. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 05966 EFG 36022 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 changing  
5 Section 6-209 as follows:

6 (40 ILCS 5/6-209) (from Ch. 108 1/2, par. 6-209)

7 Sec. 6-209. Computation of service.

8 (A) In computing the service rendered by a fireman prior to  
9 the effective date, the following periods shall be counted, in  
10 addition to all periods during which he performed the duties of  
11 his position, as periods of service for annuity purposes only:  
12 All periods of (a) vacation, (b) leave of absence with whole or  
13 part pay, (c) leave of absence without pay which were necessary  
14 on account of disability, and (d) leave of absence during which  
15 he was engaged in the military or naval service of the United  
16 States of America. Service credit shall not be allowed for any  
17 period during which a fireman was in receipt of pension on  
18 account of disability from any pension fund superseded by this  
19 fund.

20 (B) In computing the service rendered by a fireman on and  
21 after the effective date, the following periods shall be  
22 counted in addition to all periods during which he performed  
23 the duties of his position, as periods of service for annuity  
24 purposes only: All periods of (a) vacation, (b) leave of  
25 absence with whole or part pay, (c) leave of absence during  
26 which he was engaged in the military or naval service of the  
27 United States of America, (d) disability for which he receives  
28 any disability benefit, (e) disability for which he receives  
29 whole or part pay, (f) leave of absence, or other authorized  
30 relief from active duty, during which he served as president of  
31 The Firemen's Association of Chicago, (g) periods of suspension  
32 from duty not to exceed a total of one year during the total

1 period of service of the fireman, and (h) a period of time not  
2 to exceed 23 days in 1980 in accordance with an agreement with  
3 the City on a settlement of strike; provided that the fireman  
4 elects to make contributions to the Fund for the various  
5 annuity and benefit purposes according to the provisions of  
6 this Article as though he were an active fireman, based upon  
7 the salary attached to the civil service rank held by him  
8 during such absence from duty, and if the fireman so elects,  
9 the city shall make the prescribed concurrent contributions for  
10 such annuity and benefit purposes as provided in this Article,  
11 all to the end that such fireman shall be entitled to receive  
12 the same annuities and benefits for which he would otherwise be  
13 eligible if he had continued as an active fireman during the  
14 periods of absence from duty.

15 (C) In computing service on and after the effective date  
16 for ordinary disability benefit, all periods described in  
17 subsection (B) ~~the preceding paragraph~~, except any period for  
18 which a fireman receives ordinary disability benefit, shall be  
19 counted as periods of service.

20 (D) In computing service for any of the purposes of this  
21 Article, credit shall be given for any periods prior to January  
22 9, 1997, during which an active fireman (or fire paramedic) who  
23 is a member of the General Assembly is on leave of absence or  
24 is otherwise authorized to be absent from duty to enable him to  
25 perform his legislative duties, notwithstanding any reduction  
26 in salary for such periods and notwithstanding that the  
27 contributions paid by the fireman were based on such reduced  
28 salary rather than the full amount of salary attached to his  
29 civil service rank.

30 (E) In computing service for any of the purposes of this  
31 Article, credit shall be given for up to 24 months of service  
32 in the armed forces of the United States during which the  
33 fireman was not on leave of absence from employment under this  
34 Article. In order to receive creditable service for military  
35 service under this subsection (E), a fireman must (1) apply to  
36 the Fund in writing and provide evidence of the military

1 service that is satisfactory to the Board and (2) make  
2 contributions to the Fund equal to (i) the employee  
3 contributions that would have been required had the service  
4 been rendered as a fireman, plus (ii) an amount determined by  
5 the Board to be equal to the employer's normal cost of the  
6 benefits accrued for that military service, plus (iii) interest  
7 on items (i) and (ii) from the date of first membership in the  
8 Fund following that military service to the date of payment. If  
9 payment is made during the 6-month period that begins 3 months  
10 after the effective date of this amendatory Act of the 94th  
11 General Assembly, the required interest shall be at the rate of  
12 2.5% per year, compounded annually; otherwise, the required  
13 interest shall be calculated at the rate of 6% per year,  
14 compounded annually.

15 (F) In computing service for any of the purposes of this  
16 Article, no credit shall be given for any period during which a  
17 fireman was not rendering active service because of his  
18 discharge from the service, unless proceedings to test the  
19 legality of the discharge are filed in a court of competent  
20 jurisdiction within one year from the date of discharge and a  
21 final judgment is entered therein declaring the discharge  
22 illegal.

23 No overtime or extra service shall be included in computing  
24 service of a fireman and not more than one year or a proper  
25 fractional part thereof of service shall be allowed for service  
26 rendered during any calendar year.

27 (Source: P.A. 86-273; 86-1488; 87-1265.)

28 Section 90. The State Mandates Act is amended by adding  
29 Section 8.29 as follows:

30 (30 ILCS 805/8.29 new)

31 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
32 of this Act, no reimbursement by the State is required for the  
33 implementation of any mandate created by this amendatory Act of  
34 the 94th General Assembly.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.