



Rep. Richard T. Bradley

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1 AMENDMENT TO SENATE BILL 21

2 AMENDMENT NO. _____. Amend Senate Bill 21 on page 1, in
3 line 5, by changing "Section 5-174" to "Sections 5-174, 6-111,
4 and 6-211"; and

5 on page 3, below line 21, by inserting the following:

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

1 contributions, "salary" means the actual salary attached
2 to the exempt rank position held by the fireman.

3 (2) For the purpose of computing benefits: "salary"
4 means the actual salary attached to the exempt rank
5 position held by the fireman, if (i) the contributions
6 specified in Section 6-211 have been made, (ii) the fireman
7 has held one or more exempt positions for at least 5
8 consecutive years (or for at least 2 consecutive years in
9 the case of a fireman who retired due to attainment of
10 compulsory retirement age before December 1, 2004) and has
11 held the rank of battalion chief or field officer for at
12 least 5 years during the exempt period (or for at least 2
13 years in the case of a fireman who retired due to
14 attainment of compulsory retirement age before December 1,
15 2004), and (iii) the fireman was born before 1955;
16 otherwise, "salary" means the salary attached to the
17 permanent career service rank held by the fireman, as
18 provided in subsection (d).

19 (f) Beginning on the effective date of this amendatory Act
20 of the 93rd General Assembly, and for any prior periods for
21 which contributions have been paid under subsection (g) of this
22 Section, all salary payments made to any active or former
23 fireman who holds or previously held the permanent assigned
24 position or classified career service rank, grade, or position
25 of ambulance commander shall be included as salary for all
26 purposes under this Article.

27 (g) Any active or former fireman who held the permanent
28 assigned position or classified career service rank, grade, or
29 position of ambulance commander may elect to have the full
30 amount of the salary attached to that permanent assigned
31 position or classified career service rank, grade, or position
32 included in the calculation of his or her salary for any period
33 during which the fireman held the permanent assigned position
34 or classified career service rank, grade, or position of

1 ambulance commander by applying in writing and making all
2 employee and employer contributions, without interest, related
3 to the actual salary payments corresponding to the permanent
4 assigned position or classified career service rank, grade, or
5 position of ambulance commander for all periods beginning on or
6 after January 1, 1995. All applicable contributions must be
7 paid in full to the Fund before January 1, 2006 before the
8 payment of any benefit under this subsection (g) will be made.

9 Any former fireman or widow of a fireman who (i) held the
10 permanent assigned position or classified career service rank,
11 grade, or position of ambulance commander, (ii) is in receipt
12 of annuity on the effective date of this amendatory Act of the
13 93rd General Assembly, and (iii) pays to the Fund contributions
14 under this subsection (g) for salary payments at the permanent
15 assigned position or classified career service rank, grade, or
16 position of ambulance commander shall have his or her annuity
17 recalculated to reflect the ambulance commander salary and the
18 resulting increase shall become payable on the next annuity
19 payment date following the date the contribution is received by
20 the Fund.

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

33 Any portion of the compensation received for service as an
34 ambulance commander for which the corresponding contributions

1 have not been paid shall not be included in the calculation of
2 salary.

3 (h) Beginning January 1, 1999, with respect to a fireman
4 who is licensed by the State as an Emergency Medical
5 Technician, references in this Article to the fireman's salary
6 or the salary attached to or appropriated for the permanent
7 assigned position or classified career service rank, grade, or
8 position of the fireman shall be deemed to include any
9 additional compensation payable to the fireman by virtue of
10 being licensed as an Emergency Medical Technician, as provided
11 under a collective bargaining agreement with the city.

12 (i) Beginning on the effective date of this amendatory Act
13 of the 93rd General Assembly (and for any period prior to that
14 date for which contributions have been paid under subsection
15 (j) of this Section), the salary of a fireman, as calculated
16 for any purpose under this Article, shall include any duty
17 availability pay received by the fireman (i) pursuant to a
18 collective bargaining agreement or (ii) pursuant to an
19 appropriation ordinance in an amount equivalent to the amount
20 of duty availability pay received by other firemen pursuant to
21 a collective bargaining agreement, and references in this
22 Article to the salary attached to or appropriated for the
23 permanent assigned position or classified career service rank,
24 grade, or position of the fireman shall be deemed to include
25 that duty availability pay.

26 (j) An active or former fireman who received duty
27 availability pay at any time after December 31, 1994 and before
28 the effective date of this amendatory Act of the 93rd General
29 Assembly and who either (1) retired during that period or (2)
30 had attained age 46 and at least 16 years of service by the
31 effective date of this amendatory Act may elect to have that
32 duty availability pay included in the calculation of his or her
33 salary for any portion of that period for which the pay was
34 received, by applying in writing and paying to the Fund, before

1 January 1, 2006, the corresponding employee contribution,
2 without interest.

3 In the case of an applicant who is receiving an annuity at
4 the time the application and contribution are received by the
5 Fund, the annuity shall be recalculated and the resulting
6 increase shall become payable on the next annuity payment date
7 following the date the contribution is received by the Fund.

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

20 Any duty availability pay for which the corresponding
21 employee contribution has not been paid shall not be included
22 in the calculation of salary.

23 (k) The changes to this Section made by this amendatory Act
24 of the 93rd General Assembly are not limited to firemen in
25 service on or after the effective date of this amendatory Act.

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

27 (40 ILCS 5/6-211) (from Ch. 108 1/2, par. 6-211)

28 Sec. 6-211. Permanent and temporary positions; exempt
29 positions above career service rank.

30 (a) Except as specified in subsection (b), no annuity,
31 pension or other benefit shall be paid to a fireman or widow,
32 under this Article, based upon any salary paid by virtue of a
33 temporary appointment, and all contributions, annuities and

1 benefits shall be related to the salary which attaches to the
2 permanent position of the fireman.

3 Any fireman temporarily serving in a position or rank other
4 than that to which he has received permanent appointment shall
5 be considered, while so serving, as though he were in his
6 permanent position or rank, except that no increase in any
7 pension, annuity or other benefit hereunder shall accrue to him
8 by virtue of any service performed by him subsequent to
9 attaining the compulsory retirement age provided by law or
10 ordinance.

11 This Section does not apply to any person certified to the
12 fire department by the civil service commission of the city,
13 during the period of probationary service.

14 A fireman who holds a position at the will of the Fire
15 Commissioner or other appointing authority, whether or not such
16 position is an "exempt" position, shall be deemed to hold a
17 temporary position.

18 (b) Beginning on the effective date of this amendatory Act
19 of the 93rd General Assembly, for service in an exempt position
20 above career service rank, employee contributions shall be
21 based on the actual full salary attached to the exempt rank
22 position held by the fireman.

23 For service in an exempt position above career service
24 rank, benefit computations under this Article shall be based on
25 the actual full salary attached to the exempt rank position
26 held by the fireman if and only if:

27 (1) employee contributions have been paid on the actual
28 full salary attached to the exempt rank position held by
29 the fireman for all service on or after January 1, 1994 in
30 an exempt position above career service rank;

31 (2) the fireman has held one or more exempt positions
32 for at least 5 consecutive years (or, in the case of a
33 fireman who retired due to attainment of compulsory
34 retirement age before December 1, 2004 ~~2003~~, held one or

1 more exempt positions for a consecutive period of at least
2 2 years ~~3 years and 9 months~~ and made the payment required
3 under subsection (c) for a period of at least 5 years) and
4 has held the rank of battalion chief or field officer for
5 at least 5 years (at least 2 years ~~3 years and 9 months~~ in
6 the case of a fireman who retired due to attainment of
7 compulsory retirement age before December 1, 2004 ~~2003~~)
8 during the exempt period; and

9 (3) the fireman was born before 1955.

10 (c) For service prior to the effective date of this
11 amendatory Act of the 94th ~~93rd~~ General Assembly in an exempt
12 position above career service rank for which contributions have
13 been paid only on the salary attached to the fireman's
14 permanent career service rank, a fireman may make the
15 contributions required under subsection (b) by paying to the
16 Fund before the later of the date of retirement or 6 months
17 after the effective date of this amendatory Act of the 94th
18 General Assembly, but in no event later than July 1, 2006 ~~2005~~,
19 an amount equal to the difference between the employee
20 contributions actually made for that service and the employee
21 contributions that would have been made based on the actual
22 full salary attached to the exempt rank position held by the
23 fireman on or after January 1, 1994, plus interest thereon at
24 the rate of 4% per year, compounded annually, from the date of
25 the service to the date of payment (or to the date of
26 retirement if retirement is before the effective date of this
27 amendatory Act of the 94th General Assembly). In the case of a
28 fireman who retired in an exempt rank position after January 1,
29 1994 and before January 1, 1999 and in the case of a fireman
30 who retired due to attaining compulsory retirement age before
31 December 1, 2004 ~~2003~~, the payment under this subsection (c)
32 shall be for a period of at least 5 years.

33 If a fireman dies while eligible to make the contributions
34 required under subsection (b) but before the contributions are

1 paid, the fireman's widow may elect to make the contributions.

2 (d) Subsection (e) of Section 6-111 and the changes made to
3 this Section by this amendatory Act of the 93rd General
4 Assembly apply to a fireman who retires (or becomes disabled)
5 on or after January 1, 1994. In the case of a benefit payable
6 on the effective date of this amendatory Act, the resulting
7 increase in benefit shall begin to accrue with the first
8 benefit payment period commencing after the required
9 contributions are paid.

10 (e) If a fireman or his survivors do not qualify to have
11 benefits computed on the full amount of salary received for
12 service in an exempt position as provided in subsection (b),
13 benefits shall be computed on the basis of the salary attached
14 to the permanent career service rank, and a refund of any
15 employee contributions paid on the difference between the
16 actual salary and the salary attached to the permanent career
17 service rank shall be payable to the fireman upon termination
18 of service, or to the fireman's widow or estate upon the
19 fireman's death.

20 (f) The tax levy computed under Section 6-165 shall be
21 based on employee contributions, including the payments of
22 employee contributions under subsections (a), (b), and (c) of
23 this Section 6-211.

24 (g) The city shall pay to the Fund on an annual basis, in
25 addition to the usual city contributions, an amount at least
26 equal to the sum of (1) the increase in normal cost resulting
27 from subsection (e) of Section 6-111 and the changes made to
28 this Section by this amendatory Act of the 93rd General
29 Assembly, plus (2) amortization (over a period of 30 years from
30 the effective date of this amendatory Act) of the initial
31 unfunded liability resulting from subsection (e) of Section
32 6-111 and the changes made to this Section by this amendatory
33 Act of the 93rd General Assembly. The payment required under
34 this subsection shall be no less than \$400,000 per year.

1 Payment shall begin with the first calendar year commencing
2 after the effective date of this amendatory Act and shall be in
3 addition to the tax levy otherwise calculated under Section
4 6-165. The city may increase that tax levy by the amount of the
5 payment required under this subsection, or it may utilize any
6 funds appropriated for this purpose.

7 (h) The changes to this Section and Section 6-111 made by
8 this amendatory Act of the 94th General Assembly apply to
9 otherwise qualified persons who retired due to attaining
10 compulsory retirement age before December 1, 2004,
11 notwithstanding Section 1-103.1 of this Code. A person affected
12 by these changes may repay any refund received under subsection
13 (e) of this Section, and the resulting increase in benefit
14 shall begin to accrue with the first benefit payment period
15 commencing after the required contributions are paid.

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