

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 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 to  
10 the rank held by the firefighter at the time of his or her last  
11 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 the  
18 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 at  
8 least one year of service credit but has not received a refund  
9 under Section 4-116 (unless the firefighter repays that refund  
10 under subsection (g)) or subsection (c) of Section 4-118.1, by  
11 applying in writing and paying the contribution required under  
12 subsection (i).

13 (d) From each such pension fund other than the last pension  
14 fund, in lieu of any retirement pension otherwise payable under  
15 this Article, a firefighter to whom this Section applies may  
16 elect to receive a monthly pension of 1/12th of 2.5% of his or  
17 her final monthly salary under that fund for each month of  
18 service in that fund, subject to a maximum of 75% of that final  
19 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 entire  
2 period of service under all pension funds established under  
3 this Article (excluding any period of service for which the  
4 firefighter has received a refund under Section 4-116, unless  
5 the firefighter repays that refund under subsection (g), or for  
6 which the firefighter has received a refund under subsection  
7 (c) of Section 4-118.1). From this hypothetical pension there  
8 shall be subtracted the original amounts of the retirement  
9 pensions payable to the firefighter by all other pension funds  
10 under subsection (d). The remainder is the retirement pension  
11 payable to the firefighter by the last pension fund under this  
12 subsection (e).

13 (f) Pensions elected under this Section shall be subject to  
14 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 pension  
18 fund of the amount of the refund together with interest thereon  
19 at the rate of 6% per year, compounded annually, from the date  
20 of the refund to the date of payment. A repayment of a refund  
21 under this Section may be made in equal installments over a  
22 period of up to 10 years, but must be paid in full prior to  
23 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 Department  
4 of Financial and Professional Regulation of his or her intent  
5 to receive the benefits provided under this Section.

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

21 In order for a firefighter who, as of the effective date of  
22 this amendatory Act of the 93rd General Assembly, has not begun  
23 to receive a pension under this Section or an occupational  
24 disease disability pension under subsection (m) of this Section  
25 and who has contributed 1/12th of 1% of monthly salary for each  
26 month of service credit that the firefighter has in that fund

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

1 Section 4-118.1), together with the required interest thereon,  
2 in order to receive a pension under this Section or an  
3 occupational disease disability pension under subsection (m)  
4 of this Section, may elect, within one year after the effective  
5 date of this amendatory Act of the 93rd General Assembly to  
6 forfeit the benefits provided under this Section and receive a  
7 refund of that contribution.

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

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

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

26 (m) Notwithstanding any provision in Section 4-110.1 to the

1 contrary, if a firefighter who elects to make contributions  
2 under subsection (c) of Section 4-118.1 for the pension  
3 benefits provided under this Section becomes entitled to an  
4 occupational disease disability pension under Section 4-110.1,  
5 each pension fund to which the firefighter has made  
6 contributions under subsection (c) of Section 4-118.1 must pay  
7 a portion of that occupational disease disability pension equal  
8 to the proportion that the firefighter's service credit with  
9 that pension fund for which the contributions under subsection  
10 (c) of Section 4-118.1 have been made bears to the  
11 firefighter's total service credit with all of the pension  
12 funds for which the contributions under subsection (c) of  
13 Section 4-118.1 have been made. A firefighter who has made  
14 contributions under subsection (c) of Section 4-118.1 for at  
15 least 5 years of creditable service shall be deemed to have met  
16 the 5-year creditable service requirement under Section  
17 4-110.1, regardless of whether the firefighter has 5 years of  
18 creditable service with the last pension fund.

19 (n) If a firefighter who elects to make contributions under  
20 subsection (c) of Section 4-118.1 for the pension benefits  
21 provided under this Section becomes entitled to a disability  
22 pension under Section 4-111, the last pension fund is  
23 responsible to pay that disability pension, provided that the  
24 firefighter has at least 7 years of creditable service with the  
25 last pension fund. In the event a firefighter began employment  
26 with a new employer as a result of an intergovernmental

1 agreement that resulted in the elimination of the previous  
2 employer's fire department, the firefighter shall not be  
3 required to have 7 years of creditable service with the last  
4 pension fund to qualify for a disability pension under Section  
5 4-111. Under this circumstance, a firefighter shall be required  
6 to have 7 years of total combined creditable service time to  
7 qualify for a disability pension under Section 4-111. The  
8 disability pension received pursuant to this Section shall be  
9 paid by the previous employer and new employer in proportion to  
10 the firefighter's years of service with each employer.

11 (Source: P.A. 93-689, eff. 7-1-04; 93-1090, eff. 3-11-05.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.