



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### SB2078

Introduced 2/14/2008, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-110	from Ch. 108 1/2, par. 3-110
40 ILCS 5/7-139	from Ch. 108 1/2, par. 7-139
30 ILCS 805/8.32 new	

Amends the Downstate Police and Illinois Municipal Retirement Fund Articles of the Illinois Pension Code. Provides that, until January 1, 2010, a police officer who transferred service from the Illinois Municipal Retirement Fund or a member of IMRF who transferred service from a pension fund under the Downstate Police Article of the Code under the provisions of Public Act 94-356 may establish additional credit, but only for the amount of the service credit reduction in that transfer. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 19245 AMC 45876 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 Sections 3-110 and 7-139 as follows:

6 (40 ILCS 5/3-110) (from Ch. 108 1/2, par. 3-110)

7 Sec. 3-110. Creditable service.

8 (a) "Creditable service" is the time served by a police  
9 officer as a member of a regularly constituted police force of  
10 a municipality. In computing creditable service furloughs  
11 without pay exceeding 30 days shall not be counted, but all  
12 leaves of absence for illness or accident, regardless of  
13 length, and all periods of disability retirement for which a  
14 police officer has received no disability pension payments  
15 under this Article shall be counted.

16 (a-5) Up to 3 years of time during which the police officer  
17 receives a disability pension under Section 3-114.1, 3-114.2,  
18 3-114.3, or 3-114.6 shall be counted as creditable service,  
19 provided that (i) the police officer returns to active service  
20 after the disability for a period at least equal to the period  
21 for which credit is to be established and (ii) the police  
22 officer makes contributions to the fund based on the rates  
23 specified in Section 3-125.1 and the salary upon which the

1 disability pension is based. These contributions may be paid at  
2 any time prior to the commencement of a retirement pension. The  
3 police officer may, but need not, elect to have the  
4 contributions deducted from the disability pension or to pay  
5 them in installments on a schedule approved by the board. If  
6 not deducted from the disability pension, the contributions  
7 shall include interest at the rate of 6% per year, compounded  
8 annually, from the date for which service credit is being  
9 established to the date of payment. If contributions are paid  
10 under this subsection (a-5) in excess of those needed to  
11 establish the credit, the excess shall be refunded. This  
12 subsection (a-5) applies to persons receiving a disability  
13 pension under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6 on  
14 the effective date of this amendatory Act of the 91st General  
15 Assembly, as well as persons who begin to receive such a  
16 disability pension after that date.

17 (b) Creditable service includes all periods of service in  
18 the military, naval or air forces of the United States entered  
19 upon while an active police officer of a municipality, provided  
20 that upon applying for a permanent pension, and in accordance  
21 with the rules of the board, the police officer pays into the  
22 fund the amount the officer would have contributed if he or she  
23 had been a regular contributor during such period, to the  
24 extent that the municipality which the police officer served  
25 has not made such contributions in the officer's behalf. The  
26 total amount of such creditable service shall not exceed 5

1 years, except that any police officer who on July 1, 1973 had  
2 more than 5 years of such creditable service shall receive the  
3 total amount thereof.

4 (c) Creditable service also includes service rendered by a  
5 police officer while on leave of absence from a police  
6 department to serve as an executive of an organization whose  
7 membership consists of members of a police department, subject  
8 to the following conditions: (i) the police officer is a  
9 participant of a fund established under this Article with at  
10 least 10 years of service as a police officer; (ii) the police  
11 officer received no credit for such service under any other  
12 retirement system, pension fund, or annuity and benefit fund  
13 included in this Code; (iii) pursuant to the rules of the board  
14 the police officer pays to the fund the amount he or she would  
15 have contributed had the officer been an active member of the  
16 police department; and (iv) the organization pays a  
17 contribution equal to the municipality's normal cost for that  
18 period of service.

19 (d) (1) Creditable service also includes periods of  
20 service originally established in another police pension  
21 fund under this Article or in the Fund established under  
22 Article 7 of this Code for which (i) the contributions have  
23 been transferred under Section 3-110.7 or Section 7-139.9  
24 and (ii) any additional contribution required under  
25 paragraph (2) of this subsection has been paid in full in  
26 accordance with the requirements of this subsection (d).

1           (2) If the board of the pension fund to which  
2           creditable service and related contributions are  
3           transferred under Section 3-110.7 or 7-139.9 determines  
4           that the amount transferred is less than the true cost to  
5           the pension fund of allowing that creditable service to be  
6           established, then in order to establish that creditable  
7           service the police officer must pay to the pension fund,  
8           within the payment period specified in paragraph (3) of  
9           this subsection, an additional contribution equal to the  
10          difference, as determined by the board in accordance with  
11          the rules and procedures adopted under paragraph (6) of  
12          this subsection.

13          (3) Except as provided in paragraph (4), the additional  
14          contribution must be paid to the board (i) within 5 years  
15          from the date of the transfer of contributions under  
16          Section 3-110.7 or 7-139.9 and (ii) before the police  
17          officer terminates service with the fund. The additional  
18          contribution may be paid in a lump sum or in accordance  
19          with a schedule of installment payments authorized by the  
20          board.

21          (4) If the police officer dies in service before  
22          payment in full has been made and before the expiration of  
23          the 5-year payment period, the surviving spouse of the  
24          officer may elect to pay the unpaid amount on the officer's  
25          behalf within 6 months after the date of death, in which  
26          case the creditable service shall be granted as though the

1           deceased police officer had paid the remaining balance on  
2           the day before the date of death.

3           (5) If the additional contribution is not paid in full  
4           within the required time, the creditable service shall not  
5           be granted and the police officer (or the officer's  
6           surviving spouse or estate) shall be entitled to receive a  
7           refund of (i) any partial payment of the additional  
8           contribution that has been made by the police officer and  
9           (ii) those portions of the amounts transferred under  
10          subdivision (a)(1) of Section 3-110.7 or subdivisions  
11          (a)(1) and (a)(3) of Section 7-139.9 that represent  
12          employee contributions paid by the police officer (but not  
13          the accumulated interest on those contributions) and  
14          interest paid by the police officer to the prior pension  
15          fund in order to reinstate service terminated by acceptance  
16          of a refund.

17          At the time of paying a refund under this item (5), the  
18          pension fund shall also repay to the pension fund from  
19          which the contributions were transferred under Section  
20          3-110.7 or 7-139.9 the amount originally transferred under  
21          subdivision (a)(2) of that Section, plus interest at the  
22          rate of 6% per year, compounded annually, from the date of  
23          the original transfer to the date of repayment. Amounts  
24          repaid to the Article 7 fund under this provision shall be  
25          credited to the appropriate municipality.

26          Transferred credit that is not granted due to failure

1 to pay the additional contribution within the required time  
2 is lost; it may not be transferred to another pension fund  
3 and may not be reinstated in the pension fund from which it  
4 was transferred.

5 (6) The Public Employee Pension Fund Division of the  
6 Department of Insurance shall establish by rule the manner  
7 of making the calculation required under paragraph (2) of  
8 this subsection, taking into account the appropriate  
9 actuarial assumptions; the police officer's service, age,  
10 and salary history; the level of funding of the pension  
11 fund to which the credits are being transferred; and any  
12 other factors that the Division determines to be relevant.  
13 The rules may require that all calculations made under  
14 paragraph (2) be reported to the Division by the board  
15 performing the calculation, together with documentation of  
16 the creditable service to be transferred, the amounts of  
17 contributions and interest to be transferred, the manner in  
18 which the calculation was performed, the numbers relied  
19 upon in making the calculation, the results of the  
20 calculation, and any other information the Division may  
21 deem useful.

22 (e) (1) Creditable service also includes periods of  
23 service originally established in the Fund established  
24 under Article 7 of this Code for which the contributions  
25 have been transferred under Section 7-139.11.

26 (2) If the board of the pension fund to which

1           creditable service and related contributions are  
2 transferred under Section 7-139.11 determines that the  
3 amount transferred is less than the true cost to the  
4 pension fund of allowing that creditable service to be  
5 established, then the amount of creditable service the  
6 police officer may establish under this subsection (e)  
7 shall be reduced by an amount equal to the difference, as  
8 determined by the board in accordance with the rules and  
9 procedures adopted under paragraph (3) of this subsection.

10           (3) The Public Pension Division of the Department of  
11 Financial and Professional Regulation shall establish by  
12 rule the manner of making the calculation required under  
13 paragraph (2) of this subsection, taking into account the  
14 appropriate actuarial assumptions; the police officer's  
15 service, age, and salary history; the level of funding of  
16 the pension fund to which the credits are being  
17 transferred; and any other factors that the Division  
18 determines to be relevant. The rules may require that all  
19 calculations made under paragraph (2) be reported to the  
20 Division by the board performing the calculation, together  
21 with documentation of the creditable service to be  
22 transferred, the amounts of contributions and interest to  
23 be transferred, the manner in which the calculation was  
24 performed, the numbers relied upon in making the  
25 calculation, the results of the calculation, and any other  
26 information the Division may deem useful.



1           (4) Until January 1, 2010, a police officer who  
2           transferred service from the Fund established under  
3           Article 7 of this Code under the provisions of Public Act  
4           94-356 may establish additional credit, but only for the  
5           amount of the service credit reduction in that transfer, as  
6           calculated under paragraph (3) of this subsection (e). This  
7           credit may be established upon payment by the police  
8           officer of an amount to be determined by the board, equal  
9           to (1) the amount that would have been contributed as  
10           employee and employer contributions had all of the service  
11           been as an employee under this Article, plus interest  
12           thereon at the rate of 6% per year, compounded annually  
13           from the date of service to the date of transfer, less (2)  
14           the total amount transferred from the Article 7 Fund, plus  
15           (3) interest on the difference at the rate of 6% per year,  
16           compounded annually, from the date of the transfer to the  
17           date of payment. The additional service credit is allowed  
18           under this amendatory Act of the 95th General Assembly  
19           notwithstanding the provisions of Article 7 terminating  
20           all transferred credits on the date of transfer.

21           (Source: P.A. 94-356, eff. 7-29-05.)

22           (40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

23           Sec. 7-139. Credits and creditable service to employees.

24           (a) Each participating employee shall be granted credits  
25           and creditable service, for purposes of determining the amount

1 of any annuity or benefit to which he or a beneficiary is  
2 entitled, as follows:

3 1. For prior service: Each participating employee who  
4 is an employee of a participating municipality or  
5 participating instrumentality on the effective date shall  
6 be granted creditable service, but no credits under  
7 paragraph 2 of this subsection (a), for periods of prior  
8 service for which credit has not been received under any  
9 other pension fund or retirement system established under  
10 this Code, as follows:

11 If the effective date of participation for the  
12 participating municipality or participating  
13 instrumentality is on or before January 1, 1998, creditable  
14 service shall be granted for the entire period of prior  
15 service with that employer without any employee  
16 contribution.

17 If the effective date of participation for the  
18 participating municipality or participating  
19 instrumentality is after January 1, 1998, creditable  
20 service shall be granted for the last 20% of the period of  
21 prior service with that employer, but no more than 5 years,  
22 without any employee contribution. A participating  
23 employee may establish creditable service for the  
24 remainder of the period of prior service with that employer  
25 by making an application in writing, accompanied by payment  
26 of an employee contribution in an amount determined by the

1 Fund, based on the employee contribution rates in effect at  
2 the time of application for the creditable service and the  
3 employee's salary rate on the effective date of  
4 participation for that employer, plus interest at the  
5 effective rate from the date of the prior service to the  
6 date of payment. Application for this creditable service  
7 may be made at any time while the employee is still in  
8 service.

9 A municipality that (i) has at least 35 employees; (ii)  
10 is located in a county with at least 2,000,000 inhabitants;  
11 and (iii) maintains an independent defined benefit pension  
12 plan for the benefit of its eligible employees may restrict  
13 creditable service in whole or in part for periods of prior  
14 service with the employer if the governing body of the  
15 municipality adopts an irrevocable resolution to restrict  
16 that creditable service and files the resolution with the  
17 board before the municipality's effective date of  
18 participation.

19 Any person who has withdrawn from the service of a  
20 participating municipality or participating  
21 instrumentality prior to the effective date, who reenters  
22 the service of the same municipality or participating  
23 instrumentality after the effective date and becomes a  
24 participating employee is entitled to creditable service  
25 for prior service as otherwise provided in this subdivision  
26 (a)(1) only if he or she renders 2 years of service as a

1 participating employee after the effective date.  
2 Application for such service must be made while in a  
3 participating status. The salary rate to be used in the  
4 calculation of the required employee contribution, if any,  
5 shall be the employee's salary rate at the time of first  
6 reentering service with the employer after the employer's  
7 effective date of participation.

8 2. For current service, each participating employee  
9 shall be credited with:

10 a. Additional credits of amounts equal to each  
11 payment of additional contributions received from him  
12 under Section 7-173, as of the date the corresponding  
13 payment of earnings is payable to him.

14 b. Normal credits of amounts equal to each payment  
15 of normal contributions received from him, as of the  
16 date the corresponding payment of earnings is payable  
17 to him, and normal contributions made for the purpose  
18 of establishing out-of-state service credits as  
19 permitted under the conditions set forth in paragraph 6  
20 of this subsection (a).

21 c. Municipality credits in an amount equal to 1.4  
22 times the normal credits, except those established by  
23 out-of-state service credits, as of the date of  
24 computation of any benefit if these credits would  
25 increase the benefit.

26 d. Survivor credits equal to each payment of

1 survivor contributions received from the participating  
2 employee as of the date the corresponding payment of  
3 earnings is payable, and survivor contributions made  
4 for the purpose of establishing out-of-state service  
5 credits.

6 3. For periods of temporary and total and permanent  
7 disability benefits, each employee receiving disability  
8 benefits shall be granted creditable service for the period  
9 during which disability benefits are payable. Normal and  
10 survivor credits, based upon the rate of earnings applied  
11 for disability benefits, shall also be granted if such  
12 credits would result in a higher benefit to any such  
13 employee or his beneficiary.

14 4. For authorized leave of absence without pay: A  
15 participating employee shall be granted credits and  
16 creditable service for periods of authorized leave of  
17 absence without pay under the following conditions:

18 a. An application for credits and creditable  
19 service is submitted to the board while the employee is  
20 in a status of active employment, and within 2 years  
21 after termination of the leave of absence period for  
22 which credits and creditable service are sought.

23 b. Not more than 12 complete months of creditable  
24 service for authorized leave of absence without pay  
25 shall be counted for purposes of determining any  
26 benefits payable under this Article.

1           c. Credits and creditable service shall be granted  
2           for leave of absence only if such leave is approved by  
3           the governing body of the municipality, including  
4           approval of the estimated cost thereof to the  
5           municipality as determined by the fund, and employee  
6           contributions, plus interest at the effective rate  
7           applicable for each year from the end of the period of  
8           leave to date of payment, have been paid to the fund in  
9           accordance with Section 7-173. The contributions shall  
10          be computed upon the assumption earnings continued  
11          during the period of leave at the rate in effect when  
12          the leave began.

13          d. Benefits under the provisions of Sections  
14          7-141, 7-146, 7-150 and 7-163 shall become payable to  
15          employees on authorized leave of absence, or their  
16          designated beneficiary, only if such leave of absence  
17          is creditable hereunder, and if the employee has at  
18          least one year of creditable service other than the  
19          service granted for leave of absence. Any employee  
20          contributions due may be deducted from any benefits  
21          payable.

22          e. No credits or creditable service shall be  
23          allowed for leave of absence without pay during any  
24          period of prior service.

25          5. For military service: The governing body of a  
26          municipality or participating instrumentality may elect to

1 allow creditable service to participating employees who  
2 leave their employment to serve in the armed forces of the  
3 United States for all periods of such service, provided  
4 that the person returns to active employment within 90 days  
5 after completion of full time active duty, but no  
6 creditable service shall be allowed such person for any  
7 period that can be used in the computation of a pension or  
8 any other pay or benefit, other than pay for active duty,  
9 for service in any branch of the armed forces of the United  
10 States. If necessary to the computation of any benefit, the  
11 board shall establish municipality credits for  
12 participating employees under this paragraph on the  
13 assumption that the employee received earnings at the rate  
14 received at the time he left the employment to enter the  
15 armed forces. A participating employee in the armed forces  
16 shall not be considered an employee during such period of  
17 service and no additional death and no disability benefits  
18 are payable for death or disability during such period.

19 Any participating employee who left his employment  
20 with a municipality or participating instrumentality to  
21 serve in the armed forces of the United States and who  
22 again became a participating employee within 90 days after  
23 completion of full time active duty by entering the service  
24 of a different municipality or participating  
25 instrumentality, which has elected to allow creditable  
26 service for periods of military service under the preceding

1 paragraph, shall also be allowed creditable service for his  
2 period of military service on the same terms that would  
3 apply if he had been employed, before entering military  
4 service, by the municipality or instrumentality which  
5 employed him after he left the military service and the  
6 employer costs arising in relation to such grant of  
7 creditable service shall be charged to and paid by that  
8 municipality or instrumentality.

9 Notwithstanding the foregoing, any participating  
10 employee shall be entitled to creditable service as  
11 required by any federal law relating to re-employment  
12 rights of persons who served in the United States Armed  
13 Services. Such creditable service shall be granted upon  
14 payment by the member of an amount equal to the employee  
15 contributions which would have been required had the  
16 employee continued in service at the same rate of earnings  
17 during the military leave period, plus interest at the  
18 effective rate.

19 5.1. In addition to any creditable service established  
20 under paragraph 5 of this subsection (a), creditable  
21 service may be granted for up to 48 months of service in  
22 the armed forces of the United States.

23 In order to receive creditable service for military  
24 service under this paragraph 5.1, a participating employee  
25 must (1) apply to the Fund in writing and provide evidence  
26 of the military service that is satisfactory to the Board;



1 (2) obtain the written approval of the current employer;  
2 and (3) make contributions to the Fund equal to (i) the  
3 employee contributions that would have been required had  
4 the service been rendered as a member, plus (ii) an amount  
5 determined by the board to be equal to the employer's  
6 normal cost of the benefits accrued for that military  
7 service, plus (iii) interest on items (i) and (ii) from the  
8 date of first membership in the Fund to the date of  
9 payment. The required interest shall be calculated at the  
10 regular interest rate.

11 The changes made to this paragraph 5.1 by Public Acts  
12 95-483 and 95-486 ~~this amendatory Act of the 95th General~~  
13 ~~Assembly~~ apply only to participating employees in service  
14 on or after August 28, 2007 (the effective date of those  
15 Public Acts) ~~its effective date.~~

16 6. For out-of-state service: Creditable service shall  
17 be granted for service rendered to an out-of-state local  
18 governmental body under the following conditions: The  
19 employee had participated and has irrevocably forfeited  
20 all rights to benefits in the out-of-state public employees  
21 pension system; the governing body of his participating  
22 municipality or instrumentality authorizes the employee to  
23 establish such service; the employee has 2 years current  
24 service with this municipality or participating  
25 instrumentality; the employee makes a payment of  
26 contributions, which shall be computed at 8% (normal) plus

1           2% (survivor) times length of service purchased times the  
2           average rate of earnings for the first 2 years of service  
3           with the municipality or participating instrumentality  
4           whose governing body authorizes the service established  
5           plus interest at the effective rate on the date such  
6           credits are established, payable from the date the employee  
7           completes the required 2 years of current service to date  
8           of payment. In no case shall more than 120 months of  
9           creditable service be granted under this provision.

10           7. For retroactive service: Any employee who could have  
11           but did not elect to become a participating employee, or  
12           who should have been a participant in the Municipal Public  
13           Utilities Annuity and Benefit Fund before that fund was  
14           superseded, may receive creditable service for the period  
15           of service not to exceed 50 months; however, a current or  
16           former elected or appointed official of a participating  
17           municipality may establish credit under this paragraph 7  
18           for more than 50 months of service as an official of that  
19           municipality, if the excess over 50 months is approved by  
20           resolution of the governing body of the affected  
21           municipality filed with the Fund before January 1, 2002.

22           Any employee who is a participating employee on or  
23           after September 24, 1981 and who was excluded from  
24           participation by the age restrictions removed by Public Act  
25           82-596 may receive creditable service for the period, on or  
26           after January 1, 1979, excluded by the age restriction and,

1 in addition, if the governing body of the participating  
2 municipality or participating instrumentality elects to  
3 allow creditable service for all employees excluded by the  
4 age restriction prior to January 1, 1979, for service  
5 during the period prior to that date excluded by the age  
6 restriction. Any employee who was excluded from  
7 participation by the age restriction removed by Public Act  
8 82-596 and who is not a participating employee on or after  
9 September 24, 1981 may receive creditable service for  
10 service after January 1, 1979. Creditable service under  
11 this paragraph shall be granted upon payment of the  
12 employee contributions which would have been required had  
13 he participated, with interest at the effective rate for  
14 each year from the end of the period of service established  
15 to date of payment.

16 8. For accumulated unused sick leave: A participating  
17 employee who is applying for a retirement annuity shall be  
18 entitled to creditable service for that portion of the  
19 employee's accumulated unused sick leave for which payment  
20 is not received, as follows:

21 a. Sick leave days shall be limited to those  
22 accumulated under a sick leave plan established by a  
23 participating municipality or participating  
24 instrumentality which is available to all employees or  
25 a class of employees.

26 b. Only sick leave days accumulated with a

1 participating municipality or participating  
2 instrumentality with which the employee was in service  
3 within 60 days of the effective date of his retirement  
4 annuity shall be credited; If the employee was in  
5 service with more than one employer during this period  
6 only the sick leave days with the employer with which  
7 the employee has the greatest number of unpaid sick  
8 leave days shall be considered.

9 c. The creditable service granted shall be  
10 considered solely for the purpose of computing the  
11 amount of the retirement annuity and shall not be used  
12 to establish any minimum service period required by any  
13 provision of the Illinois Pension Code, the effective  
14 date of the retirement annuity, or the final rate of  
15 earnings.

16 d. The creditable service shall be at the rate of  
17 1/20 of a month for each full sick day, provided that  
18 no more than 12 months may be credited under this  
19 subdivision 8.

20 e. Employee contributions shall not be required  
21 for creditable service under this subdivision 8.

22 f. Each participating municipality and  
23 participating instrumentality with which an employee  
24 has service within 60 days of the effective date of his  
25 retirement annuity shall certify to the board the  
26 number of accumulated unpaid sick leave days credited

1 to the employee at the time of termination of service.

2 9. For service transferred from another system:  
3 Credits and creditable service shall be granted for service  
4 under Article 3, 4, 5, 8, 14, or 16 of this Act, to any  
5 active member of this Fund, and to any inactive member who  
6 has been a county sheriff, upon transfer of such credits  
7 pursuant to Section 3-110.3, 4-108.3, 5-235, 8-226.7,  
8 14-105.6, or 16-131.4, and payment by the member of the  
9 amount by which (1) the employer and employee contributions  
10 that would have been required if he had participated in  
11 this Fund as a sheriff's law enforcement employee during  
12 the period for which credit is being transferred, plus  
13 interest thereon at the effective rate for each year,  
14 compounded annually, from the date of termination of the  
15 service for which credit is being transferred to the date  
16 of payment, exceeds (2) the amount actually transferred to  
17 the Fund. Such transferred service shall be deemed to be  
18 service as a sheriff's law enforcement employee for the  
19 purposes of Section 7-142.1.

20 10. For service transferred from an Article 3 system  
21 under Section 3-110.8: Credits and creditable service  
22 shall be granted for service under Article 3 of this Act as  
23 provided in Section 3-110.8, to any active member of this  
24 Fund upon transfer of such credits pursuant to Section  
25 3-110.8. If the amount by which (1) the employer and  
26 employee contributions that would have been required if he

1 had participated in this Fund during the period for which  
2 credit is being transferred, plus interest thereon at the  
3 effective rate for each year, compounded annually, from the  
4 date of termination of the service for which credit is  
5 being transferred to the date of payment, exceeds (2) the  
6 amount actually transferred to the Fund, then the amount of  
7 creditable service established under this paragraph 10  
8 shall be reduced by a corresponding amount in accordance  
9 with the rules and procedures established under this  
10 paragraph 10.

11 The board shall establish by rule the manner of making  
12 the calculation required under this paragraph 10, taking  
13 into account the appropriate actuarial assumptions; the  
14 member's service, age, and salary history; the level of  
15 funding of the employer; and any other factors that the  
16 board determines to be relevant.

17 Until January 1, 2010, members who transferred service  
18 from an Article 3 system under the provisions of Public Act  
19 94-356 may establish additional credit in this Fund, but  
20 only up to the amount of the service credit reduction in  
21 that transfer, as calculated under the actuarial  
22 assumptions. This credit may be established upon payment by  
23 the member of an amount to be determined by the board,  
24 equal to (1) the amount that would have been contributed as  
25 employee and employer contributions had all the service  
26 been as an employee under this Article, plus interest

1 thereon compounded annually from the date of service to the  
2 date of transfer, less (2) the total amount transferred  
3 from the Article 3 system, plus (3) interest on the  
4 difference at the effective rate for each year, compounded  
5 annually, from the date of the transfer to the date of  
6 payment. The additional service credit is allowed under  
7 this amendatory Act of the 95th General Assembly  
8 notwithstanding the provisions of Article 3 terminating  
9 all transferred credits on the date of transfer.

10 (b) Creditable service - amount:

11 1. One month of creditable service shall be allowed for  
12 each month for which a participating employee made  
13 contributions as required under Section 7-173, or for which  
14 creditable service is otherwise granted hereunder. Not  
15 more than 1 month of service shall be credited and counted  
16 for 1 calendar month, and not more than 1 year of service  
17 shall be credited and counted for any calendar year. A  
18 calendar month means a nominal month beginning on the first  
19 day thereof, and a calendar year means a year beginning  
20 January 1 and ending December 31.

21 2. A seasonal employee shall be given 12 months of  
22 creditable service if he renders the number of months of  
23 service normally required by the position in a 12-month  
24 period and he remains in service for the entire 12-month  
25 period. Otherwise a fractional year of service in the  
26 number of months of service rendered shall be credited.

1           3. An intermittent employee shall be given creditable  
2           service for only those months in which a contribution is  
3           made under Section 7-173.

4           (c) No application for correction of credits or creditable  
5           service shall be considered unless the board receives an  
6           application for correction while (1) the applicant is a  
7           participating employee and in active employment with a  
8           participating municipality or instrumentality, or (2) while  
9           the applicant is actively participating in a pension fund or  
10          retirement system which is a participating system under the  
11          Retirement Systems Reciprocal Act. A participating employee or  
12          other applicant shall not be entitled to credits or creditable  
13          service unless the required employee contributions are made in  
14          a lump sum or in installments made in accordance with board  
15          rule.

16          (d) Upon the granting of a retirement, surviving spouse or  
17          child annuity, a death benefit or a separation benefit, on  
18          account of any employee, all individual accumulated credits  
19          shall thereupon terminate. Upon the withdrawal of additional  
20          contributions, the credits applicable thereto shall thereupon  
21          terminate. Terminated credits shall not be applied to increase  
22          the benefits any remaining employee would otherwise receive  
23          under this Article.

24          (Source: P.A. 95-483, eff. 8-28-07; 95-486, eff. 8-28-07;  
25          95-504, eff. 8-28-07; revised 11-9-07.)



1           Section 90. The State Mandates Act is amended by adding  
2           Section 8.32 as follows:

3           (30 ILCS 805/8.32 new)

4           Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
5           of this Act, no reimbursement by the State is required for the  
6           implementation of any mandate created by this amendatory Act of  
7           the 95th General Assembly.

8           Section 99. Effective date. This Act takes effect upon  
9           becoming law.