

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 4-108 as follows:

6 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)  
7 Sec. 4-108. Creditable service.

8 (a) Creditable service is the time served as a firefighter  
9 of a municipality. In computing creditable service, furloughs  
10 and leaves of absence without pay exceeding 30 days in any one  
11 year shall not be counted, but leaves of absence for illness or  
12 accident regardless of length, and periods of disability for  
13 which a firefighter received no disability pension payments  
14 under this Article, shall be counted.

15 (b) Furloughs and leaves of absence of 30 days or less in  
16 any one year may be counted as creditable service, if the  
17 firefighter makes the contribution to the fund that would have  
18 been required had he or she not been on furlough or leave of  
19 absence. To qualify for this creditable service, the  
20 firefighter must pay the required contributions to the fund not  
21 more than 90 days subsequent to the termination of the furlough  
22 or leave of absence, to the extent that the municipality has  
23 not made such contribution on his or her behalf.

1 (c) Creditable service includes:

2 (1) Service in the military, naval or air forces of the  
3 United States entered upon when the person was an active  
4 firefighter, provided that, upon applying for a permanent  
5 pension, and in accordance with the rules of the board the  
6 firefighter pays into the fund the amount that would have  
7 been contributed had he or she been a regular contributor  
8 during such period of service, if and to the extent that  
9 the municipality which the firefighter served made no such  
10 contributions in his or her behalf. The total amount of  
11 such creditable service shall not exceed 5 years, except  
12 that any firefighter who on July 1, 1973 had more than 5  
13 years of such creditable service shall receive the total  
14 amount thereof as of that date.

15 (1.5) Up to 24 months of service in the military,  
16 naval, or air forces of the United States that was served  
17 prior to employment by a municipality or fire protection  
18 district as a firefighter. To receive the credit for the  
19 military service prior to the employment as a firefighter,  
20 the firefighter must apply in writing to the fund and must  
21 make contributions to the fund equal to (i) the employee  
22 contributions that would have been required had the service  
23 been rendered as a member, plus (ii) an amount determined  
24 by the fund to be equal to the employer's normal cost of  
25 the benefits accrued for that military service, plus (iii)  
26 interest at the actuarially assumed rate provided by the

1 Department of Financial and Professional Regulation,  
2 compounded annually from the first date of membership in  
3 the fund to the date of payment on items (i) and (ii). The  
4 changes to this paragraph (1.5) by this amendatory Act of  
5 the 95th General Assembly apply only to participating  
6 employees in service on or after its effective date.

7 (2) Service prior to July 1, 1976 by a firefighter  
8 initially excluded from participation by reason of age who  
9 elected to participate and paid the required contributions  
10 for such service.

11 (3) Up to 8 years of service by a firefighter as an  
12 officer in a statewide firefighters' association when he is  
13 on a leave of absence from a municipality's payroll,  
14 provided that (i) the firefighter has at least 10 years of  
15 creditable service as an active firefighter, (ii) the  
16 firefighter contributes to the fund the amount that he  
17 would have contributed had he remained an active member of  
18 the fund, and (iii) the employee or statewide firefighter  
19 association contributes to the fund an amount equal to the  
20 employer's required contribution as determined by the  
21 board.

22 (4) Time spent as an on-call fireman for a  
23 municipality, calculated at the rate of one year of  
24 creditable service for each 5 years of time spent as an  
25 on-call fireman, provided that (i) the firefighter has at  
26 least 18 years of creditable service as an active

1 firefighter, (ii) the firefighter spent at least 14 years  
2 as an on-call firefighter for the municipality, (iii) the  
3 firefighter applies for such creditable service within 30  
4 days after the effective date of this amendatory Act of  
5 1989, (iv) the firefighter contributes to the Fund an  
6 amount representing employee contributions for the number  
7 of years of creditable service granted under this  
8 subdivision (4), based on the salary and contribution rate  
9 in effect for the firefighter at the date of entry into the  
10 Fund, to be determined by the board, and (v) not more than  
11 3 years of creditable service may be granted under this  
12 subdivision (4).

13 Except as provided in Section 4-108.5, creditable  
14 service shall not include time spent as a volunteer  
15 firefighter, whether or not any compensation was received  
16 therefor. The change made in this Section by Public Act  
17 83-0463 is intended to be a restatement and clarification  
18 of existing law, and does not imply that creditable service  
19 was previously allowed under this Article for time spent as  
20 a volunteer firefighter.

21 (5) Time served between July 1, 1976 and July 1, 1988  
22 in the position of protective inspection officer or  
23 administrative assistant for fire services, for a  
24 municipality with a population under 10,000 that is located  
25 in a county with a population over 3,000,000 and that  
26 maintains a firefighters' pension fund under this Article,

1 if the position included firefighting duties,  
2 notwithstanding that the person may not have held an  
3 appointment as a firefighter, provided that application is  
4 made to the pension fund within 30 days after the effective  
5 date of this amendatory Act of 1991, and the corresponding  
6 contributions are paid for the number of years of service  
7 granted, based upon the salary and contribution rate in  
8 effect for the firefighter at the date of entry into the  
9 pension fund, as determined by the Board.

10 (6) Service before becoming a participant by a  
11 firefighter initially excluded from participation by  
12 reason of age who becomes a participant under the amendment  
13 to Section 4-107 made by this amendatory Act of 1993 and  
14 pays the required contributions for such service.

15 (7) Up to 3 years of time during which the firefighter  
16 receives a disability pension under Section 4-110,  
17 4-110.1, or 4-111, provided that (i) the firefighter  
18 returns to active service after the disability for a period  
19 at least equal to the period for which credit is to be  
20 established and (ii) the firefighter makes contributions  
21 to the fund based on the rates specified in Section 4-118.1  
22 and the salary upon which the disability pension is based.  
23 These contributions may be paid at any time prior to the  
24 commencement of a retirement pension. The firefighter may,  
25 but need not, elect to have the contributions deducted from  
26 the disability pension or to pay them in installments on a

1 schedule approved by the board. If not deducted from the  
2 disability pension, the contributions shall include  
3 interest at the rate of 6% per year, compounded annually,  
4 from the date for which service credit is being established  
5 to the date of payment. If contributions are paid under  
6 this subdivision (c)(7) in excess of those needed to  
7 establish the credit, the excess shall be refunded. This  
8 subdivision (c)(7) applies to persons receiving a  
9 disability pension under Section 4-110, 4-110.1, or 4-111  
10 on the effective date of this amendatory Act of the 91st  
11 General Assembly, as well as persons who begin to receive  
12 such a disability pension after that date.

13 (Source: P.A. 94-856, eff. 6-15-06.)

14 Section 90. The State Mandates Act is amended by adding  
15 Section 8.32 as follows:

16 (30 ILCS 805/8.32 new)

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.