



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4657

by Rep. Careen M. Gordon

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-108

from Ch. 108 1/2, par. 4-108

30 ILCS 805/8.34 new

Amends the Downstate Firefighter Article of the Illinois Pension Code. Allows an active firefighter to establish creditable service for time spent as an on-call firefighter or volunteer firefighter at the rate of one year of creditable service for each 5 years of time spent as an on-call firefighter or volunteer firefighter, provided that (i) the firefighter has at least 5 years of creditable service as an active firefighter, (ii) the firefighter spent at least 5 years as an on-call firefighter or volunteer firefighter for a municipality, (iii) the firefighter contributes to the Fund an amount representing employee contributions for the number of years of creditable service granted, based on the salary and contribution rate in effect for the firefighter at the date of entry into the Fund, to be determined by the board, (iv) not more than 3 years of creditable service may be granted, and (v) the municipality consents to allow the employee to establish the creditable service. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 15101 AMC 30132 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 firefighter or volunteer
23 firefighter ~~fireman~~ for a municipality, calculated at the
24 rate of one year of creditable service for each 5 years of
25 time spent as an on-call firefighter or volunteer
26 firefighter ~~fireman~~, provided that (i) the firefighter has

1 at least 5 ~~18~~ years of creditable service as an active
2 firefighter, (ii) the firefighter spent at least 5 ~~14~~ years
3 as an on-call firefighter or volunteer firefighter for a
4 ~~the~~ municipality, (iii) ~~the firefighter applies for such~~
5 ~~creditable service within 30 days after the effective date~~
6 ~~of this amendatory Act of 1989,~~ (iv) the firefighter
7 contributes to the Fund an amount representing employee
8 contributions for the number of years of creditable service
9 granted under this subdivision (4), based on the salary and
10 contribution rate in effect for the firefighter at the date
11 of entry into the Fund, to be determined by the board, (iv)
12 ~~and (v)~~ not more than 3 years of creditable service may be
13 granted under this subdivision (4), and (v) the
14 municipality consents to allow the employee to establish
15 the creditable service.

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

24 (5) Time served between July 1, 1976 and July 1, 1988
25 in the position of protective inspection officer or
26 administrative assistant for fire services, for a

1 municipality with a population under 10,000 that is located
2 in a county with a population over 3,000,000 and that
3 maintains a firefighters' pension fund under this Article,
4 if the position included firefighting duties,
5 notwithstanding that the person may not have held an
6 appointment as a firefighter, provided that application is
7 made to the pension fund within 30 days after the effective
8 date of this amendatory Act of 1991, and the corresponding
9 contributions are paid for the number of years of service
10 granted, based upon the salary and contribution rate in
11 effect for the firefighter at the date of entry into the
12 pension fund, as determined by the Board.

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

18 (7) Up to 3 years of time during which the firefighter
19 receives a disability pension under Section 4-110,
20 4-110.1, or 4-111, provided that (i) the firefighter
21 returns to active service after the disability for a period
22 at least equal to the period for which credit is to be
23 established and (ii) the firefighter makes contributions
24 to the fund based on the rates specified in Section 4-118.1
25 and the salary upon which the disability pension is based.
26 These contributions may be paid at any time prior to the

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

16 (Source: P.A. 94-856, eff. 6-15-06; 95-1056, eff. 4-10-09.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.34 as follows:

19 (30 ILCS 805/8.34 new)

20 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by this amendatory Act of
23 the 96th General Assembly.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.