

1 AN ACT in relation to 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
5 changing Section 4-108 and adding Section 7-139.10 as
6 follows:

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

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

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

27 (c) Creditable service includes:

28 (1) Service in the military, naval or air forces of
29 the United States entered upon when the person was an
30 active firefighter, provided that, upon applying for a
31 permanent pension, and in accordance with the rules of

1 the board the firefighter pays into the fund the amount
2 that would have been contributed had he or she been a
3 regular contributor during such period of service, if and
4 to the extent that the municipality which the firefighter
5 served made no such contributions in his or her behalf.
6 The total amount of such creditable service shall not
7 exceed 5 years, except that any firefighter who on July
8 1, 1973 had more than 5 years of such creditable service
9 shall receive the total amount thereof as of that date.

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

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

25 (4) Time spent as an on-call fireman for a
26 municipality, calculated at the rate of one year of
27 creditable service for each 5 years of time spent as an
28 on-call fireman, provided that (i) the firefighter has at
29 least 18 years of creditable service as an active
30 firefighter, (ii) the firefighter spent at least 14 years
31 as an on-call firefighter for the municipality, (iii) the
32 firefighter applies for such creditable service within 30
33 days after the effective date of this amendatory Act of
34 1989, (iv) the firefighter contributes to the Fund an

1 amount representing employee contributions for the number
2 of years of creditable service granted under this
3 subdivision (4), based on the salary and contribution
4 rate in effect for the firefighter at the date of entry
5 into the Fund, to be determined by the board, and (v) not
6 more than 3 years of creditable service may be granted
7 under this subdivision (4).

8 Creditable service shall not under any other
9 circumstances include time spent as a volunteer
10 firefighter, whether or not any compensation was received
11 therefor. The change made in this Section by Public Act
12 83-0463 is intended to be a restatement and clarification
13 of existing law, and does not imply that creditable
14 service was previously allowed under this Article for
15 time spent as a volunteer firefighter.

16 (5) Time served between July 1, 1976 and July 1,
17 1988 in the position of protective inspection officer or
18 administrative assistant for fire services, for a
19 municipality with a population under 10,000 that is
20 located in a county with a population over 3,000,000 and
21 that maintains a firefighters' pension fund under this
22 Article, if the position included firefighting duties,
23 notwithstanding that the person may not have held an
24 appointment as a firefighter, provided that application
25 is made to the pension fund within 30 days after the
26 effective date of this amendatory Act of 1991, and the
27 corresponding contributions are paid for the number of
28 years of service granted, based upon the salary and
29 contribution rate in effect for the firefighter at the
30 date of entry into the pension fund, as determined by the
31 Board.

32 (6) Service before becoming a participant by a
33 firefighter initially excluded from participation by
34 reason of age who becomes a participant under the

1 amendment to Section 4-107 made by this amendatory Act of
2 1993 and pays the required contributions for such
3 service.

4 (7) Up to 3 years of time during which the
5 firefighter receives a disability pension under Section
6 4-110, 4-110.1, or 4-111, provided that (i) the
7 firefighter returns to active service after the
8 disability for a period at least equal to the period for
9 which credit is to be established and (ii) the
10 firefighter makes contributions to the fund based on the
11 rates specified in Section 4-118.1 and the salary upon
12 which the disability pension is based. These
13 contributions may be paid at any time prior to the
14 commencement of a retirement pension. The firefighter
15 may, but need not, elect to have the contributions
16 deducted from the disability pension or to pay them in
17 installments on a schedule approved by the board. If not
18 deducted from the disability pension, the contributions
19 shall include interest at the rate of 6% per year,
20 compounded annually, from the date for which service
21 credit is being established to the date of payment. If
22 contributions are paid under this subdivision (c)(7) in
23 excess of those needed to establish the credit, the
24 excess shall be refunded. This subdivision (c)(7)
25 applies to persons receiving a disability pension under
26 Section 4-110, 4-110.1, or 4-111 on the effective date of
27 this amendatory Act of the 91st General Assembly, as well
28 as persons who begin to receive such a disability pension
29 after that date.

30 (8) Service as a member of a municipal fire
31 department for which the firefighter earned credit in the
32 Illinois Municipal Retirement Fund, provided that (A)
33 credit for that service has been transferred to this Fund
34 under Section 7-139.10, and (B) the firefighter

1 contributes to the Fund the amount, if any, by which the
 2 total amount transferred to the Fund under Section
 3 7-139.10 for that service is less than the sum of (i) an
 4 amount representing employee contributions for the
 5 service to be transferred, based on the salary and
 6 contribution rate in effect for the firefighter at the
 7 date of entry into the Fund, plus (ii) an amount
 8 representing employer contributions for the service to be
 9 transferred, plus (iii) interest on items (i) and (ii) at
 10 the rate of 6% per year, compounded annually, from the
 11 date of entry into the Fund to the date of payment, all
 12 as determined by the Board.

13 (Source: P.A. 91-466, eff. 8-6-99.)

14 (40 ILCS 5/7-139.10 new)

15 Sec. 7-139.10. Transfer of fire department service credit
 16 to Article 4 pension fund.

17 (a) Until January 1, 2004, a person who has credit in
 18 this Fund for service as a member of a municipal fire
 19 department and has become an active participant in a
 20 firefighters' pension fund established under Article 4 of
 21 this Code may apply for transfer to that Article 4 fund of
 22 his or her creditable service accumulated under this Article
 23 for service as a member of a municipal fire department. At
 24 the time of the transfer the Fund shall pay to the Article 4
 25 pension fund an amount equal to:

26 (1) the amounts accumulated to the credit of the
 27 applicant for service as a member of a municipal fire
 28 department, including interest; and

29 (2) the municipality credits based on that service,
 30 including interest; and

31 (3) any interest paid by the applicant in order to
 32 reinstate that service.

33 Participation in this Fund with respect to the transferred

1 credits shall terminate on the date of transfer.

2 For the purposes of this Section, "member of a municipal
3 fire department" includes the chief of the department.

4 (b) An active member of a pension fund established under
5 Article 4 of this Code may reinstate credit for service as a
6 member of a municipal fire department under this Article that
7 was terminated by receipt of a refund, by paying to the Fund
8 the amount of the refund plus interest thereon at the rate of
9 6% per year, compounded annually, from the date of refund to
10 the date of repayment.

11 Section 90. The State Mandates Act is amended by adding
12 Section 8.26 as follows:

13 (30 ILCS 805/8.26 new)

14 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
15 and 8 of this Act, no reimbursement by the State is required
16 for the implementation of any mandate created by this
17 amendatory Act of the 92nd General Assembly.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.