

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 and by adding Section 3-110.12 as follows:

6 (40 ILCS 5/3-110.12 new)

7 Sec. 3-110.12. Transfer to Article 4 fund.

8 (a) At any time during the 6 months following the effective
9 date of this Section, an active member of an Article 4
10 firefighters' pension fund may apply for transfer to that fund
11 of up to 6 years of his or her creditable service accumulated
12 in the police pension fund under this Article that is
13 administered by the same unit of local government if that
14 active member was not subject to disciplinary action when he or
15 she terminated employment with that police department. The
16 creditable service shall be transferred upon payment by the
17 police pension fund to the Article 4 fund of an amount equal
18 to:

19 (1) the amounts accumulated to the credit of the
20 applicant on the books of the fund on the date of transfer
21 for the service to be transferred; and

22 (2) employer contributions in an amount equal to the
23 amount determined under item (1); and

1 (3) any interest paid by the applicant in order to
2 reinstate service.

3 Participation in the police pension fund with respect to
4 the transferred creditable service shall terminate on the date
5 of transfer.

6 (b) At the time of applying for transfer of creditable
7 service under this Section, an active member of an Article 4
8 firefighters' pension fund may, for the purpose of that
9 transfer, reinstate creditable service that was terminated by
10 receipt of a refund, by payment to the police pension fund of
11 the amount of the refund with interest thereon at the rate of
12 6% per year, compounded annually, from the date of the refund
13 to the date of payment.

14 (40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

15 Sec. 4-108. Creditable service.

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

23 (b) Furloughs and leaves of absence of 30 days or less in
24 any one year may be counted as creditable service, if the
25 firefighter makes the contribution to the fund that would have

1 been required had he or she not been on furlough or leave of
2 absence. To qualify for this creditable service, the
3 firefighter must pay the required contributions to the fund not
4 more than 90 days subsequent to the termination of the furlough
5 or leave of absence, to the extent that the municipality has
6 not made such contribution on his or her behalf.

7 (c) Creditable service includes:

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

21 (1.5) Up to 24 months of service in the military,
22 naval, or air forces of the United States that was served
23 prior to employment by a municipality or fire protection
24 district as a firefighter. To receive the credit for the
25 military service prior to the employment as a firefighter,
26 the firefighter must apply in writing to the fund and must

1 make contributions to the fund equal to (i) the employee
2 contributions that would have been required had the service
3 been rendered as a member, plus (ii) an amount determined
4 by the fund to be equal to the employer's normal cost of
5 the benefits accrued for that military service, plus (iii)
6 interest at the actuarially assumed rate provided by the
7 Department of Financial and Professional Regulation,
8 compounded annually from the first date of membership in
9 the fund to the date of payment on items (i) and (ii). The
10 changes to this paragraph (1.5) by this amendatory Act of
11 the 95th General Assembly apply only to participating
12 employees in service on or after its effective date.

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

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

1 board, and (iv) for all leaves of absence under this
2 subdivision (3), including those beginning before the
3 effective date of this amendatory Act of the 97th General
4 Assembly, the firefighter continues to remain in sworn
5 status, subject to the professional standards of the public
6 employer or those terms established in statute.

7 (4) Time spent as an on-call fireman for a
8 municipality, calculated at the rate of one year of
9 creditable service for each 5 years of time spent as an
10 on-call fireman, provided that (i) the firefighter has at
11 least 18 years of creditable service as an active
12 firefighter, (ii) the firefighter spent at least 14 years
13 as an on-call firefighter for the municipality, (iii) the
14 firefighter applies for such creditable service within 30
15 days after the effective date of this amendatory Act of
16 1989, (iv) the firefighter contributes to the Fund an
17 amount representing employee contributions for the number
18 of years of creditable service granted under this
19 subdivision (4), based on the salary and contribution rate
20 in effect for the firefighter at the date of entry into the
21 Fund, to be determined by the board, and (v) not more than
22 3 years of creditable service may be granted under this
23 subdivision (4).

24 Except as provided in Section 4-108.5, creditable
25 service shall not include time spent as a volunteer
26 firefighter, whether or not any compensation was received

1 therefor. The change made in this Section by Public Act
2 83-0463 is intended to be a restatement and clarification
3 of existing law, and does not imply that creditable service
4 was previously allowed under this Article for time spent as
5 a volunteer firefighter.

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

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

26 (7) Up to 3 years of time during which the firefighter

1 receives a disability pension under Section 4-110,
2 4-110.1, or 4-111, provided that (i) the firefighter
3 returns to active service after the disability for a period
4 at least equal to the period for which credit is to be
5 established and (ii) the firefighter makes contributions
6 to the fund based on the rates specified in Section 4-118.1
7 and the salary upon which the disability pension is based.
8 These contributions may be paid at any time prior to the
9 commencement of a retirement pension. The firefighter may,
10 but need not, elect to have the contributions deducted from
11 the disability pension or to pay them in installments on a
12 schedule approved by the board. If not deducted from the
13 disability pension, the contributions shall include
14 interest at the rate of 6% per year, compounded annually,
15 from the date for which service credit is being established
16 to the date of payment. If contributions are paid under
17 this subdivision (c)(7) in excess of those needed to
18 establish the credit, the excess shall be refunded. This
19 subdivision (c)(7) applies to persons receiving a
20 disability pension under Section 4-110, 4-110.1, or 4-111
21 on the effective date of this amendatory Act of the 91st
22 General Assembly, as well as persons who begin to receive
23 such a disability pension after that date.

24 (8) Up to 6 years of service as a police officer and
25 participant in an Article 3 police pension fund
26 administered by the unit of local government that employs

1 the firefighter under this Article, provided that the
2 service has been transferred to, and the required payment
3 received by, the Article 4 fund in accordance with Section
4 3-110.12 of this Code.

5 (Source: P.A. 97-651, eff. 1-5-12.)

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.41 as follows:

8 (30 ILCS 805/8.41 new)

9 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by this amendatory Act of
12 the 100th General Assembly.

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