



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### HB1816

Introduced 2/23/2007, by Rep. Michael P. McAuliffe - Kevin Joyce - Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-209  
30 ILCS 805/8.31 new

from Ch. 108 1/2, par. 6-209

Amends the Chicago Firefighter Article of the Illinois Pension Code. Allows purchase of service credit for up to 2 years of military service during which the fireman was not on a leave of absence from employment. Allows purchase at a reduced interest rate for 6 months. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 09097 AMC 29289 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 changing  
5 Section 6-209 as follows:

6 (40 ILCS 5/6-209) (from Ch. 108 1/2, par. 6-209)

7 Sec. 6-209. Computation of service.

8 (A) In computing the service rendered by a fireman prior to  
9 the effective date, the following periods shall be counted, in  
10 addition to all periods during which he performed the duties of  
11 his position, as periods of service for annuity purposes only:  
12 All periods of (a) vacation, (b) leave of absence with whole or  
13 part pay, (c) leave of absence without pay which were necessary  
14 on account of disability, and (d) leave of absence during which  
15 he was engaged in the military or naval service of the United  
16 States of America. Service credit shall not be allowed for any  
17 period during which a fireman was in receipt of pension on  
18 account of disability from any pension fund superseded by this  
19 fund.

20 (B) In computing the service rendered by a fireman on and  
21 after the effective date, the following periods shall be  
22 counted in addition to all periods during which he performed  
23 the duties of his position, as periods of service for annuity

1 purposes only: All periods of (a) vacation, (b) leave of  
2 absence with whole or part pay, (c) leave of absence during  
3 which he was engaged in the military or naval service of the  
4 United States of America, (d) disability for which he receives  
5 any disability benefit, (e) disability for which he receives  
6 whole or part pay, (f) leave of absence, or other authorized  
7 relief from active duty, during which he served as president of  
8 The Firemen's Association of Chicago, (g) periods of suspension  
9 from duty not to exceed a total of one year during the total  
10 period of service of the fireman, and (h) a period of time not  
11 to exceed 23 days in 1980 in accordance with an agreement with  
12 the City on a settlement of strike; provided that the fireman  
13 elects to make contributions to the Fund for the various  
14 annuity and benefit purposes according to the provisions of  
15 this Article as though he were an active fireman, based upon  
16 the salary attached to the civil service rank held by him  
17 during such absence from duty, and if the fireman so elects,  
18 the city shall make the prescribed concurrent contributions for  
19 such annuity and benefit purposes as provided in this Article,  
20 all to the end that such fireman shall be entitled to receive  
21 the same annuities and benefits for which he would otherwise be  
22 eligible if he had continued as an active fireman during the  
23 periods of absence from duty.

24 (C) In computing service on and after the effective date  
25 for ordinary disability benefit, all periods described in  
26 subsection (B) ~~the preceding paragraph~~, except any period for

1 which a fireman receives ordinary disability benefit, shall be  
2 counted as periods of service.

3 (D) In computing service for any of the purposes of this  
4 Article, credit shall be given for any periods prior to January  
5 9, 1997, during which an active fireman (or fire paramedic) who  
6 is a member of the General Assembly is on leave of absence or  
7 is otherwise authorized to be absent from duty to enable him to  
8 perform his legislative duties, notwithstanding any reduction  
9 in salary for such periods and notwithstanding that the  
10 contributions paid by the fireman were based on such reduced  
11 salary rather than the full amount of salary attached to his  
12 civil service rank.

13 (E) In computing service for any of the purposes of this  
14 Article, credit shall be given for up to 24 months of service  
15 in the armed forces of the United States during which the  
16 fireman was not on leave of absence from employment under this  
17 Article. In order to receive creditable service for military  
18 service under this subsection (E), a fireman must (1) apply to  
19 the Fund in writing and provide evidence of the military  
20 service that is satisfactory to the Board and (2) make  
21 contributions to the Fund equal to (i) the employee  
22 contributions that would have been required had the service  
23 been rendered as a fireman, plus (ii) an amount determined by  
24 the Board to be equal to the employer's normal cost of the  
25 benefits accrued for that military service, plus (iii) interest  
26 on items (i) and (ii) from the date of first membership in the

1 Fund following that military service to the date of payment. If  
2 payment is made during the 6-month period that begins 3 months  
3 after the effective date of this amendatory Act of the 95th  
4 General Assembly, the required interest shall be at the rate of  
5 2.5% per year, compounded annually; otherwise, the required  
6 interest shall be calculated at the rate of 6% per year,  
7 compounded annually.

8 (F) In computing service for any of the purposes of this  
9 Article, no credit shall be given for any period during which a  
10 fireman was not rendering active service because of his  
11 discharge from the service, unless proceedings to test the  
12 legality of the discharge are filed in a court of competent  
13 jurisdiction within one year from the date of discharge and a  
14 final judgment is entered therein declaring the discharge  
15 illegal.

16 No overtime or extra service shall be included in computing  
17 service of a fireman and not more than one year or a proper  
18 fractional part thereof of service shall be allowed for service  
19 rendered during any calendar year.

20 (Source: P.A. 86-273; 86-1488; 87-1265.)

21 Section 90. The State Mandates Act is amended by adding  
22 Section 8.31 as follows:

23 (30 ILCS 805/8.31 new)

24 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the  
2 implementation of any mandate created by this amendatory Act of  
3 the 95th General Assembly.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.