



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1292

Introduced 02/09/05, by Rep. Richard T. Bradley - John D'Amico
- Michael P. McAuliffe - Daniel J. Burke - Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-209 from Ch. 108 1/2, par. 6-209
30 ILCS 805/8.29 new

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that a fireman is not required to make contributions to the Fund in order to receive service credit for annuity purposes for time spent on leave of absence during which he or she was engaged in active duty with the military or naval service of the United States of America. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 08638 AMC 38847 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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18 account of disability from any pension fund superseded by this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
24 purposes only: All periods of (a) vacation, (b) leave of
25 absence with whole or part pay, (c) leave of absence during
26 which he was engaged in the military or naval service of the
27 United States of America, (d) disability for which he receives
28 any disability benefit, (e) disability for which he receives
29 whole or part pay, (f) leave of absence, or other authorized
30 relief from active duty, during which he served as president of
31 The Firemen's Association of Chicago, (g) periods of suspension
32 from duty not to exceed a total of one year during the total

1 period of service of the fireman, and (h) a period of time not
2 to exceed 23 days in 1980 in accordance with an agreement with
3 the City on a settlement of strike; provided that the fireman
4 elects to make contributions to the Fund for the various
5 annuity and benefit purposes according to the provisions of
6 this Article as though he were an active fireman, based upon
7 the salary attached to the civil service rank held by him
8 during such absence from duty, and if the fireman so elects,
9 the city shall make the prescribed concurrent contributions for
10 such annuity and benefit purposes as provided in this Article,
11 all to the end that such fireman shall be entitled to receive
12 the same annuities and benefits for which he would otherwise be
13 eligible if he had continued as an active fireman during the
14 periods of absence from duty. Beginning September 11, 2001,
15 however, a fireman is not required to make contributions to the
16 Fund in order to receive service credit for annuity purposes
17 for time spent on leave of absence during which he was engaged
18 in active duty with the military or naval service of the United
19 States of America. The changes made to this Section by this
20 amendatory Act of the 94th General Assembly apply to persons
21 who are on such a leave of absence on or after September 11,
22 2001, but do not entitle any person to a refund of
23 contributions already paid.

24 (C) In computing service on and after the effective date
25 for ordinary disability benefit, all periods described in the
26 preceding paragraph, except any period for which a fireman
27 receives ordinary disability benefit, shall be counted as
28 periods of service.

29 (D) In computing service for any of the purposes of this
30 Article, credit shall be given for any periods prior to January
31 9, 1997, during which an active fireman (or fire paramedic) who
32 is a member of the General Assembly is on leave of absence or
33 is otherwise authorized to be absent from duty to enable him to
34 perform his legislative duties, notwithstanding any reduction
35 in salary for such periods and notwithstanding that the
36 contributions paid by the fireman were based on such reduced

1 salary rather than the full amount of salary attached to his
2 civil service rank.

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

11 No overtime or extra service shall be included in computing
12 service of a fireman and not more than one year or a proper
13 fractional part thereof of service shall be allowed for service
14 rendered during any calendar year.

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

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.29 as follows:

18 (30 ILCS 805/8.29 new)

19 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 94th General Assembly.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.