

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 4-108.5 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.

24 (c) Creditable service includes:

25 (1) Service in the military, naval or air forces of the  
26 United States entered upon when the person was an active  
27 firefighter, provided that, upon applying for a permanent  
28 pension, and in accordance with the rules of the board the  
29 firefighter pays into the fund the amount that would have  
30 been contributed had he or she been a regular contributor  
31 during such period of service, if and to the extent that  
32 the municipality which the firefighter served made no such

1 contributions in his or her behalf. The total amount of  
2 such creditable service shall not exceed 5 years, except  
3 that any firefighter who on July 1, 1973 had more than 5  
4 years of such creditable service shall receive the total  
5 amount thereof as of that date.

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

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

21 (4) Time spent as an on-call fireman for a  
22 municipality, calculated at the rate of one year of  
23 creditable service for each 5 years of time spent as an  
24 on-call fireman, provided that (i) the firefighter has at  
25 least 18 years of creditable service as an active  
26 firefighter, (ii) the firefighter spent at least 14 years  
27 as an on-call firefighter for the municipality, (iii) the  
28 firefighter applies for such creditable service within 30  
29 days after the effective date of this amendatory Act of  
30 1989, (iv) the firefighter contributes to the Fund an  
31 amount representing employee contributions for the number  
32 of years of creditable service granted under this  
33 subdivision (4), based on the salary and contribution rate  
34 in effect for the firefighter at the date of entry into the  
35 Fund, to be determined by the board, and (v) not more than  
36 3 years of creditable service may be granted under this

1 subdivision (4).

2 Except as provided in Section 4-108.5, creditable  
3 ~~Creditable~~ service shall not ~~under any other circumstances~~  
4 include time spent as a volunteer firefighter, whether or  
5 not any compensation was received therefor. The change made  
6 in this Section by Public Act 83-0463 is intended to be a  
7 restatement and clarification of existing law, and does not  
8 imply that creditable service was previously allowed under  
9 this Article for time spent as a volunteer firefighter.

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

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

30 (7) Up to 3 years of time during which the firefighter  
31 receives a disability pension under Section 4-110,  
32 4-110.1, or 4-111, provided that (i) the firefighter  
33 returns to active service after the disability for a period  
34 at least equal to the period for which credit is to be  
35 established and (ii) the firefighter makes contributions  
36 to the fund based on the rates specified in Section 4-118.1

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

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

19 (40 ILCS 5/4-108.5 new)

20 Sec. 4-108.5. Service for providing certain fire  
21 protection services.

22 (a) A firefighter for a participating municipality who was  
23 employed as an active firefighter providing fire protection for  
24 a village or incorporated town with a population of greater  
25 than 10,000 but less than 11,000 located in a county with a  
26 population of greater than 600,000 and less than 700,000, as  
27 estimated by the United States Census on July 1, 2004, may  
28 elect to establish creditable service for periods of that  
29 employment in which the firefighter provided fire protection  
30 services for the participating municipality if, by May 1, 2007,  
31 the firefighter (i) makes written application to the Board and  
32 (ii) pays into the pension fund the amount that the person  
33 would have contributed had deductions from salary been made for  
34 this purpose at the time the service was rendered, plus  
35 interest thereon at 6% per annum compounded annually from the

1 time the service was rendered until the date of payment.

2 (b) Time spent providing fire protection on a part-time  
3 basis for a village or incorporated town with a population of  
4 greater than 10,000 but less than 11,000 located in a county  
5 with a population of greater than 600,000 and less than  
6 700,000, as estimated by the United States Census on July 1,  
7 2004, shall be calculated at the rate of one year of creditable  
8 service for each 5 years of time spent providing such fire  
9 protection, if the firefighter (i) has at least 5 years of  
10 creditable service as an active firefighter, (ii) has at least  
11 5 years of such service with a qualifying village or  
12 incorporated town, (iii) applies for the creditable service  
13 within 30 days after the effective date of this amendatory Act  
14 of the 94th General Assembly, and (iv) contributes to the Fund  
15 an amount representing employee contributions for the number of  
16 years of creditable service granted under this subsection (b)  
17 based on the salary and contribution rate in effect for the  
18 firefighter at the date of entry into the fund, as determined  
19 by the Board. The amount of creditable service granted under  
20 this subsection (b) may not exceed 3 years.

21 Section 90. The State Mandates Act is amended by adding  
22 Section 8.30 as follows:

23 (30 ILCS 805/8.30 new)

24 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8  
25 of this Act, no reimbursement by the State is required for the  
26 implementation of any mandate created by this amendatory Act of  
27 the 94th General Assembly.

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.