

# HB1973



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1973

Introduced 2/26/2007, by Rep. Daniel J. Burke

### SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-111

from Ch. 108 1/2, par. 6-111

Amends the Chicago Fire Article of the Illinois Pension Code. Includes specialty pay in the definition of "salary".

LRB095 09095 AMC 29287 b

PENSION IMPACT  
NOTE ACT MAY  
APPLY

A BILL FOR

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 6-111 as follows:

6 (40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)

7 Sec. 6-111. Salary. "Salary": Subject to Section 6-211, the  
8 annual salary of a fireman, as follows:

9 (a) For age and service annuity, minimum annuity, and  
10 disability benefits, the actual amount of the annual salary,  
11 except as otherwise provided in this Article.

12 (b) For prior service annuity, widow's annuity, widow's  
13 prior service annuity and child's annuity to and including  
14 August 31, 1957, the amount of the annual salary up to a  
15 maximum of \$3,000.

16 (c) Except as otherwise provided in Section 6-141.1, for  
17 widow's annuity, beginning September 1, 1957, the amount of  
18 annual salary up to a maximum of \$6,000.

19 (d) "Salary" means the actual amount of the annual salary  
20 attached to the permanent career service rank held by the  
21 fireman, including specialty pay, except as provided in  
22 subsection (e).

23 (e) In the case of a fireman who holds an exempt position

1 above career service rank:

2 (1) For the purpose of computing employee and city  
3 contributions, "salary" means the actual salary attached  
4 to the exempt rank position held by the fireman.

5 (2) For the purpose of computing benefits: "salary"  
6 means the actual salary attached to the exempt rank  
7 position held by the fireman, if (i) the contributions  
8 specified in Section 6-211 have been made, (ii) the fireman  
9 has held one or more exempt positions for at least 5  
10 consecutive years and has held the rank of battalion chief  
11 or field officer for at least 5 years during the exempt  
12 period, and (iii) the fireman was born before 1955;  
13 otherwise, "salary" means the salary attached to the  
14 permanent career service rank held by the fireman, as  
15 provided in subsection (d).

16 (f) Beginning on the effective date of this amendatory Act  
17 of the 93rd General Assembly, and for any prior periods for  
18 which contributions have been paid under subsection (g) of this  
19 Section, all salary payments made to any active or former  
20 fireman who holds or previously held the permanent assigned  
21 position or classified career service rank, grade, or position  
22 of ambulance commander shall be included as salary for all  
23 purposes under this Article.

24 (g) Any active or former fireman who held the permanent  
25 assigned position or classified career service rank, grade, or  
26 position of ambulance commander may elect to have the full

1 amount of the salary attached to that permanent assigned  
2 position or classified career service rank, grade, or position  
3 included in the calculation of his or her salary for any period  
4 during which the fireman held the permanent assigned position  
5 or classified career service rank, grade, or position of  
6 ambulance commander by applying in writing and making all  
7 employee and employer contributions, without interest, related  
8 to the actual salary payments corresponding to the permanent  
9 assigned position or classified career service rank, grade, or  
10 position of ambulance commander for all periods beginning on or  
11 after January 1, 1995. All applicable contributions must be  
12 paid in full to the Fund before January 1, 2006 before the  
13 payment of any benefit under this subsection (g) will be made.

14 Any former fireman or widow of a fireman who (i) held the  
15 permanent assigned position or classified career service rank,  
16 grade, or position of ambulance commander, (ii) is in receipt  
17 of annuity on the effective date of this amendatory Act of the  
18 93rd General Assembly, and (iii) pays to the Fund contributions  
19 under this subsection (g) for salary payments at the permanent  
20 assigned position or classified career service rank, grade, or  
21 position of ambulance commander shall have his or her annuity  
22 recalculated to reflect the ambulance commander salary and the  
23 resulting increase shall become payable on the next annuity  
24 payment date following the date the contribution is received by  
25 the Fund.

26 In the case of an active or former fireman who (i) dies

1 before January 1, 2006 without making an election under this  
2 subsection and (ii) was eligible to make an election under this  
3 subsection at the time of death (or would have been eligible  
4 had the death occurred after the effective date of this  
5 amendatory Act), any surviving spouse, child, or parent of the  
6 fireman who is eligible to receive a benefit under this Article  
7 based on the fireman's salary may make that election and pay  
8 the required contributions on behalf of the deceased fireman.  
9 If the death occurs within the 30 days immediately preceding  
10 January 1, 2006, the deadline for application and payment is  
11 extended to January 31, 2006.

12 Any portion of the compensation received for service as an  
13 ambulance commander for which the corresponding contributions  
14 have not been paid shall not be included in the calculation of  
15 salary.

16 (h) Beginning January 1, 1999, with respect to a fireman  
17 who is licensed by the State as an Emergency Medical  
18 Technician, references in this Article to the fireman's salary  
19 or the salary attached to or appropriated for the permanent  
20 assigned position or classified career service rank, grade, or  
21 position of the fireman shall be deemed to include any  
22 additional compensation payable to the fireman by virtue of  
23 being licensed as an Emergency Medical Technician, as provided  
24 under a collective bargaining agreement with the city.

25 (i) Beginning on the effective date of this amendatory Act  
26 of the 93rd General Assembly (and for any period prior to that

1 date for which contributions have been paid under subsection  
2 (j) of this Section), the salary of a fireman, as calculated  
3 for any purpose under this Article, shall include any duty  
4 availability pay received by the fireman (i) pursuant to a  
5 collective bargaining agreement or (ii) pursuant to an  
6 appropriation ordinance in an amount equivalent to the amount  
7 of duty availability pay received by other firemen pursuant to  
8 a collective bargaining agreement, and references in this  
9 Article to the salary attached to or appropriated for the  
10 permanent assigned position or classified career service rank,  
11 grade, or position of the fireman shall be deemed to include  
12 that duty availability pay.

13 (j) An active or former fireman who received duty  
14 availability pay at any time after December 31, 1994 and before  
15 the effective date of this amendatory Act of the 93rd General  
16 Assembly and who either (1) retired during that period or (2)  
17 had attained age 46 and at least 16 years of service by the  
18 effective date of this amendatory Act may elect to have that  
19 duty availability pay included in the calculation of his or her  
20 salary for any portion of that period for which the pay was  
21 received, by applying in writing and paying to the Fund, before  
22 January 1, 2006, the corresponding employee contribution,  
23 without interest.

24 In the case of an applicant who is receiving an annuity at  
25 the time the application and contribution are received by the  
26 Fund, the annuity shall be recalculated and the resulting

1 increase shall become payable on the next annuity payment date  
2 following the date the contribution is received by the Fund.

3 In the case of an active or former fireman who (i) dies  
4 before January 1, 2006 without making an election under this  
5 subsection and (ii) was eligible to make an election under this  
6 subsection at the time of death (or would have been eligible  
7 had the death occurred after the effective date of this  
8 amendatory Act), any surviving spouse, child, or parent of the  
9 fireman who is eligible to receive a benefit under this Article  
10 based on the fireman's salary may make that election and pay  
11 the required contribution on behalf of the deceased fireman. If  
12 the death occurs within the 30 days immediately preceding  
13 January 1, 2006, the deadline for application and payment is  
14 extended to January 31, 2006.

15 Any duty availability pay for which the corresponding  
16 employee contribution has not been paid shall not be included  
17 in the calculation of salary.

18 (k) The changes to this Section made by this amendatory Act  
19 of the 93rd General Assembly are not limited to firemen in  
20 service on or after the effective date of this amendatory Act.

21 (Source: P.A. 93-654, eff. 1-16-04.)