



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### HB4689

by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-108

from Ch. 108 1/2, par. 4-108

30 ILCS 805/8.32 new

Amends the Downstate Firefighter Article of the Illinois Pension Code. Allows a firefighter to establish creditable service for up to 3 years of service as an on-call firefighter at the rate of one year of creditable service for each 5 years of time spent as an on-call firefighter for a municipality, township, fire district, or volunteer firefighter association. Requires the employing municipality to consent to the establishment of the creditable service and the payment of employee contributions. Provides that "on-call firefighter" includes any firefighter, whether or not he or she is compensated, who is not qualified to participate in a pension fund established under the Code in that capacity. Amends the State Mandates Act to require implementation without reimbursement.

LRB095 16681 AMC 42712 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 4-108 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.

1 (c) Creditable service includes:

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

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

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

1 association contributes to the fund an amount equal to the  
2 employer's required contribution as determined by the  
3 board.

4 (4) Time spent as an on-call firefighter ~~fireman~~ for a  
5 municipality, township, fire district, or volunteer  
6 firefighter association calculated at the rate of one year  
7 of creditable service for each 5 years of time spent as an  
8 on-call firefighter ~~fireman~~, provided that (i) the  
9 firefighter has at least 5 ~~10~~ years of creditable service  
10 as an active firefighter, (ii) the firefighter spent at  
11 least 5 ~~14~~ years as an on-call firefighter for a ~~the~~  
12 municipality, township, fire district, or volunteer  
13 firefighter association (iii) the employing municipality  
14 consents to the purchase of additional creditable service,  
15 ~~the firefighter applies for such creditable service within~~  
16 ~~30 days after the effective date of this amendatory Act of~~  
17 ~~1989,~~ (iv) the firefighter contributes to the Fund an  
18 amount representing employee contributions for the number  
19 of years of creditable service granted under this  
20 subdivision (4), based on the salary and contribution rate  
21 in effect for the firefighter at the date of entry into the  
22 Fund, to be determined by the board, and (v) not more than  
23 3 years of creditable service may be granted under this  
24 subdivision (4). As used in this subdivision (4), "on-call  
25 firefighter" includes any firefighter, whether or not he or  
26 she is compensated, who is not qualified to participate in

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

1 reason of age who becomes a participant under the amendment  
2 to Section 4-107 made by this amendatory Act of 1993 and  
3 pays the required contributions for such service.

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

1           such a disability pension after that date.

2           (Source: P.A. 94-856, eff. 6-15-06.)

3           Section 90. The State Mandates Act is amended by adding  
4           Section 8.32 as follows:

5           (30 ILCS 805/8.32 new)

6           Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
7           of this Act, no reimbursement by the State is required for the  
8           implementation of any mandate created by this amendatory Act of  
9           the 95th General Assembly.