

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 Sections 6-106, 6-109, and 6-111 and by adding Section 6-230 as
6 follows:

7 (40 ILCS 5/6-106) (from Ch. 108 1/2, par. 6-106)

8 Sec. 6-106. Fireman. "Fireman": Any person who:

9 (a) was, is, or shall be employed by a city in its fire
10 service as a fireman, fire paramedic, fire engineer, marine
11 engineer, or fire pilot, and whose duty is to participate in
12 the work of controlling and extinguishing fire at the location
13 of any such fire, whether or not he is assigned to fire service
14 other than the actual extinguishing of fire; ~~or~~

15 (b) is employed in the fire service of a city on the
16 effective date, whose duty shall not be as hereinbefore stated,
17 but who shall then be a contributor to, participant in, or
18 beneficiary of any firemen's pension fund in operation by
19 authority of law in such city on said date, unless he applies
20 to the retirement board, within 90 days from the effective
21 date, for exemption from the provisions of this Article. Any
22 person who would have been entitled on July 1, 1931 to
23 membership in this fund by reason of the definition of the word

1 "fireman" contained in "An Act to provide for a firemen's
2 pension fund and to create a board of trustees to administer
3 said fund in cities having a population exceeding two hundred
4 thousand (200,000) inhabitants", filed July 14, 1917, as
5 amended, who has not filed with the board prior to July 1,
6 1941, a written application to be a member shall not be a
7 fireman within the meaning of this Article; or -

8 (c) made the election under Section 6-230.

9 (Source: P.A. 83-780.)

10 (40 ILCS 5/6-109) (from Ch. 108 1/2, par. 6-109)

11 Sec. 6-109. Active fireman.

12 "Active fireman": Any person employed and receiving salary
13 as a fireman. "Active fireman" also includes a person who made
14 the election under Section 6-230 and is serving in a position
15 covered under Section 8-243.

16 (Source: P.A. 78-1242.)

17 (40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)

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

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

23 (b) For prior service annuity, widow's annuity, widow's
24 prior service annuity and child's annuity to and including

1 August 31, 1957, the amount of the annual salary up to a
2 maximum of \$3,000.

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

6 (d) "Salary" means the actual amount of the annual salary
7 attached to the permanent career service rank held by the
8 fireman, except as provided in subsections ~~subsection~~ (e) and
9 (e-5).

10 (e) In the case of a fireman who holds an exempt position
11 above career service rank:

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

15 (2) For the purpose of computing benefits: "salary"
16 means the actual salary attached to the exempt rank
17 position held by the fireman, if (i) the contributions
18 specified in Section 6-211 have been made, (ii) the fireman
19 has held one or more exempt positions for at least 5
20 consecutive years and has held the rank of battalion chief
21 or field officer for at least 5 years during the exempt
22 period, and (iii) the fireman was born before 1955;
23 otherwise, "salary" means the salary attached to the
24 permanent career service rank held by the fireman, as
25 provided in subsection (d).

26 (e-5) In the case of a person who made the election to

1 participate under Section 6-230, "salary" means the lesser
2 of (i) the salary associated with the highest career
3 service rank under this Article or (ii) the actual salary
4 received by that person for service in a position covered
5 under Section 8-243.

6 (f) Beginning on the effective date of this amendatory Act
7 of the 93rd General Assembly, and for any prior periods for
8 which contributions have been paid under subsection (g) of this
9 Section, all salary payments made to any active or former
10 fireman who holds or previously held the permanent assigned
11 position or classified career service rank, grade, or position
12 of ambulance commander shall be included as salary for all
13 purposes under this Article.

14 (g) Any active or former fireman who held the permanent
15 assigned position or classified career service rank, grade, or
16 position of ambulance commander may elect to have the full
17 amount of the salary attached to that permanent assigned
18 position or classified career service rank, grade, or position
19 included in the calculation of his or her salary for any period
20 during which the fireman held the permanent assigned position
21 or classified career service rank, grade, or position of
22 ambulance commander by applying in writing and making all
23 employee and employer contributions, without interest, related
24 to the actual salary payments corresponding to the permanent
25 assigned position or classified career service rank, grade, or
26 position of ambulance commander for all periods beginning on or

1 after January 1, 1995. All applicable contributions must be
2 paid in full to the Fund before January 1, 2006 before the
3 payment of any benefit under this subsection (g) will be made.

4 Any former fireman or widow of a fireman who (i) held the
5 permanent assigned position or classified career service rank,
6 grade, or position of ambulance commander, (ii) is in receipt
7 of annuity on the effective date of this amendatory Act of the
8 93rd General Assembly, and (iii) pays to the Fund contributions
9 under this subsection (g) for salary payments at the permanent
10 assigned position or classified career service rank, grade, or
11 position of ambulance commander shall have his or her annuity
12 recalculated to reflect the ambulance commander salary and the
13 resulting increase shall become payable on the next annuity
14 payment date following the date the contribution is received by
15 the Fund.

16 In the case of an active or former fireman who (i) dies
17 before January 1, 2006 without making an election under this
18 subsection and (ii) was eligible to make an election under this
19 subsection at the time of death (or would have been eligible
20 had the death occurred after the effective date of this
21 amendatory Act), any surviving spouse, child, or parent of the
22 fireman who is eligible to receive a benefit under this Article
23 based on the fireman's salary may make that election and pay
24 the required contributions on behalf of the deceased fireman.
25 If the death occurs within the 30 days immediately preceding
26 January 1, 2006, the deadline for application and payment is

1 extended to January 31, 2006.

2 Any portion of the compensation received for service as an
3 ambulance commander for which the corresponding contributions
4 have not been paid shall not be included in the calculation of
5 salary.

6 (h) Beginning January 1, 1999, with respect to a fireman
7 who is licensed by the State as an Emergency Medical
8 Technician, references in this Article to the fireman's salary
9 or the salary attached to or appropriated for the permanent
10 assigned position or classified career service rank, grade, or
11 position of the fireman shall be deemed to include any
12 additional compensation payable to the fireman by virtue of
13 being licensed as an Emergency Medical Technician, as provided
14 under a collective bargaining agreement with the city.

15 (i) Beginning on the effective date of this amendatory Act
16 of the 93rd General Assembly (and for any period prior to that
17 date for which contributions have been paid under subsection
18 (j) of this Section), the salary of a fireman, as calculated
19 for any purpose under this Article, shall include any duty
20 availability pay received by the fireman (i) pursuant to a
21 collective bargaining agreement or (ii) pursuant to an
22 appropriation ordinance in an amount equivalent to the amount
23 of duty availability pay received by other firemen pursuant to
24 a collective bargaining agreement, and references in this
25 Article to the salary attached to or appropriated for the
26 permanent assigned position or classified career service rank,

1 grade, or position of the fireman shall be deemed to include
2 that duty availability pay.

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

14 In the case of an applicant who is receiving an annuity at
15 the time the application and contribution are received by the
16 Fund, the annuity shall be recalculated and the resulting
17 increase shall become payable on the next annuity payment date
18 following the date the contribution is received by the Fund.

19 In the case of an active or former fireman who (i) dies
20 before January 1, 2006 without making an election under this
21 subsection and (ii) was eligible to make an election under this
22 subsection at the time of death (or would have been eligible
23 had the death occurred after the effective date of this
24 amendatory Act), any surviving spouse, child, or parent of the
25 fireman who is eligible to receive a benefit under this Article
26 based on the fireman's salary may make that election and pay

1 the required contribution on behalf of the deceased fireman. If
2 the death occurs within the 30 days immediately preceding
3 January 1, 2006, the deadline for application and payment is
4 extended to January 31, 2006.

5 Any duty availability pay for which the corresponding
6 employee contribution has not been paid shall not be included
7 in the calculation of salary.

8 (k) The changes to this Section made by this amendatory Act
9 of the 93rd General Assembly are not limited to firemen in
10 service on or after the effective date of this amendatory Act.
11 (Source: P.A. 93-654, eff. 1-16-04.)

12 (40 ILCS 5/6-230 new)

13 Sec. 6-230. Participation by an alderman or member of city
14 council.

15 (a) A person shall be a member under this Article if he or
16 she (1) is or was employed and receiving a salary as a fireman
17 under item (a) of Section 6-106, (2) has at least 5 years of
18 service under this Article, (3) is employed in a position
19 covered under Section 8-243, (4) made an election under Article
20 8 to not receive service credit or be a participant under that
21 Article, and (5) made an election to participate under this
22 Article.

23 (b) For the purposes of determining employee and employer
24 contributions under this Article, the employee and employer
25 shall be responsible for any and all contributions otherwise

1 required if the person was employed and receiving salary as a
2 fireman under item (a) of Section 6-106.

3 Section 90. The State Mandates Act is amended by adding
4 Section 8.42 as follows:

5 (30 ILCS 805/8.42 new)

6 Sec. 8.42. 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 100th General Assembly.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.