

1 AN ACT in relation to 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
5 changing 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
9 firefighter of a municipality. In computing creditable
10 service, furloughs and leaves of absence without pay
11 exceeding 30 days in any one year shall not be counted, but
12 leaves of absence for illness or accident regardless of
13 length, and periods of disability for which a firefighter
14 received no disability pension payments under this Article,
15 shall be counted.

16 (b) Furloughs and leaves of absence of 30 days or less
17 in any one year may be counted as creditable service, if the
18 firefighter makes the contribution to the fund that would
19 have been required had he or she not been on furlough or
20 leave of absence. To qualify for this creditable service,
21 the firefighter must pay the required contributions to the
22 fund not more than 90 days subsequent to the termination of
23 the furlough or leave of absence, to the extent that the
24 municipality has not made such contribution on his or her
25 behalf.

26 (c) Creditable service includes:

27 (1) Service in the military, naval or air forces of
28 the United States entered upon when the person was an
29 active firefighter, provided that, upon applying for a
30 permanent pension, and in accordance with the rules of
31 the board the firefighter pays into the fund the amount

1 that would have been contributed had he or she been a
2 regular contributor during such period of service, if and
3 to the extent that the municipality which the firefighter
4 served made no such contributions in his or her behalf.
5 The total amount of such creditable service shall not
6 exceed 5 years, except that any firefighter who on July
7 1, 1973 had more than 5 years of such creditable service
8 shall receive the total amount thereof as of that date.

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

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

24 (4) Time spent as an on-call fireman for a
25 municipality, calculated at the rate of one year of
26 creditable service for each 5 years of time spent as an
27 on-call fireman, provided that (i) the firefighter has at
28 least 18 years of creditable service as an active
29 firefighter, (ii) the firefighter spent at least 14 years
30 as an on-call firefighter for the municipality, (iii) the
31 firefighter applies for such creditable service within 30
32 days after the effective date of this amendatory Act of
33 1989, (iv) the firefighter contributes to the Fund an
34 amount representing employee contributions for the number

1 of years of creditable service granted under this
2 subdivision (4), based on the salary and contribution
3 rate in effect for the firefighter at the date of entry
4 into the Fund, to be determined by the board, and (v) not
5 more than 3 years of creditable service may be granted
6 under this subdivision (4).

7 Creditable service shall not under any other
8 circumstances include time spent as a volunteer
9 firefighter, whether or not any compensation was received
10 therefor. The change made in this Section by Public Act
11 83-0463 is intended to be a restatement and clarification
12 of existing law, and does not imply that creditable
13 service was previously allowed under this Article for
14 time spent as a volunteer firefighter.

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

31 (6) Service before becoming a participant by a
32 firefighter initially excluded from participation by
33 reason of age who becomes a participant under the
34 amendment to Section 4-107 made by this amendatory Act of

1 1993 and pays the required contributions for such
2 service.

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

29 (8) Service for which credits have been transferred
30 pursuant to Section 7-210(d).

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

32 Section 90. The State Mandates Act is amended by adding
33 Section 8.26 as follows:

1 (30 ILCS 805/8.26 new)

2 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
3 and 8 of this Act, no reimbursement by the State is required
4 for the implementation of any mandate created by this
5 amendatory Act of the 92nd General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.