

**BOARD OF TRUSTEES OF THE
PARK RIDGE FIREFIGHTERS' PENSION FUND**

RULES

**CITY OF
PARK RIDGE FIRE DEPARTMENT
COOK COUNTY, ILLINOIS**

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**RULES OF THE BOARD OF TRUSTEES OF
THE PARK RIDGE FIREFIGHTERS' PENSION FUND**

CHAPTER I - BOARD OF TRUSTEES

1.01 Membership of the Board

The Board of Trustees of the Park Ridge Firefighters' Pension Fund (the "Board") shall consist of the following five (5) members: two (2) members appointed by the City's Mayor; two (2) active firefighters of the Park Ridge Fire Department; and one (1) person who has retired under the Firemen's Pension Fund Act of 1919 (former Ill.Rev.Stat. ch. 24, par. 918 *et seq.*) or Article 4 of the Illinois Pension Code (40 ILCS 5/4-101 *et seq.*). A firefighter receiving a disability pension shall be considered a retired firefighter for purposes of membership on the Board of Trustees. (40 ILCS 5/4-121)

1.02 Election of Board Members

The members of the Board chosen from the active and retired firefighters shall be elected by ballot at elections to be held near the third Monday in April as practical of the applicable years under the Australian ballot system. No person shall cast more than one vote for each candidate for whom he or she is eligible to vote.

The Board shall accept self-nominations for candidates prior to the election in the applicable years. Candidates for the positions of active firefighters may be nominated by active firefighters. Candidates for the position of retired firefighter may be nominated by retired firefighters. In the elections for board members to be chosen from the active firefighters, only active firefighters may vote. In the elections for board members to be chosen from retired firefighters, only retired firefighters may vote. In the event that there are no retired firefighters under the Fund or if none is willing to serve on the Board, then an additional active firefighter shall be elected to the Board in lieu of the retired firefighter who would otherwise be elected. In this instance active members may vote for the substitute retired member. If no retired firefighters are serving on the Board and a newly retired firefighter becomes available and is willing to serve on the Board, the next active firefighter seat that becomes available for election shall be returned to a retired member seat for election by retired firefighters.

At the Fund's annual meeting in the applicable years, the President shall appoint an election committee of three (3) active firefighters, one from each shift, to serve as election judges. The President shall designate one of the election judges as the chair of the election committee. The election committee shall give written notice to the membership of the Fund of the dates for the election. The election committee will prepare proper ballots and conduct the election for a seven (7) day period at the end of April. The committee members shall be available each day during this week on his or her shift to provide a ballot to the members and to collect the ballots. The committee members shall maintain the security of the ballot box and the secrecy of the ballots while in his or her possession and directly pass the ballot box to another committee member upon shift change.

On the day following the last day of the election, the election committee shall meet and count the ballots. Only candidates or a representative for a candidate may be present at the counting. The committee shall prepare the results of the election in writing, signed by all members of the committee, to the President or Secretary of the Board immediately. The Board shall conduct the election for the retired member.

The Board shall meet and canvass the ballots and declare which persons have been elected and for what term or terms respectively. If there are more than two candidates for a position and no single candidate receives a majority of the vote, the candidates with the two highest votes will participate in

a run-off election. The run-off election shall be conducted in the same manner as the initial election. In case of a tie vote between two or more candidates, the Board shall determine by lot which candidate or candidates have been elected and for what term or terms respectively. The results of the election shall be posted at each fire station. In the event that there are only as many nominated as there are vacancies on the Board, the Board shall declare that those nominated are elected by acclamation and dispense with an election by ballot. The elected Board members shall take office on May 1st of the applicable year. (40 ILCS 5/4-121)

1.03 Term of Office

Each elected and appointed member of the Board shall hold office for a term of three (3) years and until his or her successor has been duly elected or appointed, and qualified. (40 ILCS 5/4-121)

1.04 Vacancies

In the event of the failure, resignation, or inability to act of any elected Board member, a successor shall be elected for the unexpired term at a special election called by the Board and conducted in the same manner as a regular election. In the event of the failure, resignation, or inability to act of any appointed Board member, a successor shall be appointed by the City's mayor for the unexpired term. (40 ILCS 5/4-121)

1.05 Officers

A. President and Secretary

A President and Secretary shall be elected annually for a one-year term. All elections shall be conducted in open session of the Board. Candidates for President and Secretary must be nominated, seconded and voted upon individually. A candidate receiving a majority of the votes shall be elected.

If the President or Secretary is unable to complete his or her term, a permanent replacement shall be elected by the Board to complete the term. If the President or Secretary is absent from a meeting or is temporarily incapacitated, an officer *pro tempore* shall be appointed by the Board. (40 ILCS 5/4-121)

B. Treasurer

The City Treasurer shall serve as Treasurer of the Board and the custodian of the Fund, and shall secure and safely keep the Fund's assets, subject to the control and direction of the Board. The Treasurer shall keep books and accounts concerning the Fund in such manner as may be prescribed by the Board. The books and accounts shall be subject to the inspection of the Board or any member thereof.

Within ten (10) days after his or her appointment, the Treasurer shall execute a bond to the City, with good and sufficient securities, in such penal sums as the Board shall direct, or as may be set by statute and/or ordinance, to be approved by the Board, conditioned for the faithful performance of the duties of the office, and for the safekeeping and proper accounting of all monies and property which come to the Treasurer. The bond shall be filed in the office of the City Clerk.

On the expiration of the Treasurer's term, all monies and property of the Fund shall be turned over to his or her successor. (40 ILCS 5/4-121 and 4-130)

1.06 Powers and Duties of the Board

The powers and duties of the Board shall generally include, but are not limited to, the following:

- A. To control and manage the Fund, exclusively, and all money donated, paid, assessed or provided by law for the pensioning of disabled and retired firefighters, their surviving spouses, minor children, and dependent parents.
- B. To assess each firefighter for the contributions required by law, and to have the contributions deducted from salaries, together with all interest accruing thereon, placed by the Treasurer to the credit of the Fund, subject to the order of the Board.
- C. To hear and decide all applications for pensions and other benefits for pensions and other benefits under Article 4 of the Illinois Pension Code and to order and direct the payment of pensions and other benefits.
- D. To invest the money of the Fund in accordance with the Illinois Pension Code.
- E. To accept by gift, grant, transfer or bequest, any money, real estate or personal property, and to place such money and proceeds from the sale of or income from such real estate or personal property into the Fund.
- F. To make all rules and regulations necessary for the discharge of its duties; to keep a record of all its meetings and proceedings; to provide for the payment from the Fund of all necessary expenses of the Board; and to compel witnesses to attend and testify before it upon all matters connected with the administration of Article 4, in the manner provided by law for the taking of testimony before the circuit court. (40 ILCS 5/4-122, 4-123, 4-123.1, 4-124, 4-125, 4-126, 4-127, 4-128, 4-129, and 4-129.1)

1.07 Meetings Generally

A. Regular and Special Meetings

Regular meetings of the Board of Trustees shall be held not less than quarterly pursuant to the schedule adopted by the Board at its first meeting of the fiscal or calendar year. The Board shall meet on the second Tuesday of February, May, August, and November. All meetings shall be conducted in accordance with the Open Meetings Act.

Special meetings may be called by the President of the Board or any two (2) members upon at least forty-eight (48) hours' notice to all Board members. Such call shall set the time and place of holding the special meeting, and the purpose for which it is called. A special meeting may also be called for a future date at any meeting of the Board by a majority vote of the members attending the meeting.

Notice and the agenda of all regular and special meetings shall be provided pursuant to the Open Meetings Act. At least one copy of the notice and agenda will be continuously available for public review for the entire forty-eight (48) hour period preceding the meeting. This requirement may be met by posting the notice and agenda on a website that is maintained by the public body. In addition, the agenda for all meetings must be posted at both the principal place of business and at the meeting location; however, notice must only be posted at one location. Lack of continuous availability of a notice or agenda for the full 48-hour period due to actions outside of the control of the Board will not invalidate the meeting or any action taken at the meeting. (5 ILCS 120/1 *et seq.*)

B. Quorum

Three (3) members of the Board shall constitute a quorum to do business. No meeting shall be held unless a quorum of the Board is present.

C. Closed Sessions

All meetings of the Board shall be open, unless a motion is made, seconded and carried, to go to closed session pursuant to an exception set forth under the Open Meetings Act. The motion to go to closed session shall set forth the specific exception pursuant to which the closed session will be held. In addition to other exceptions set forth in the Open Meetings Act, the Board may hold a closed session where the sale or purchase of securities or investment contracts is to be considered, or to consider evidence or testimony presented in open hearing, provided that the Board prepared and made available for public inspection a written decision setting forth its determinative reasoning. (5 ILCS 120/2 and 2a)

D. Minutes

1. Generally

The Secretary of the Board shall keep a true and correct copy of all transactions of the Board in regular and special meetings, open or closed, and committee meetings. The minutes shall include the date, time and place of the meeting; the members of the Board as either present or absent; a summary of discussion on all matters proposed, deliberated, or decided; and a record of any votes taken, including the member making the motion, the second and the results of the voting.

The minutes of the proceedings of the Board at regular or special meetings shall be prepared in draft form and copies shall be mailed or delivered to all Board members along with the notice of the meeting five (5) days in advance of the meeting. The minutes of the preceding meeting, with any changes made by a motion properly made and carried or as directed by the President without objections, shall be approved by the Board and signed by the Secretary no later than 30 days after that meeting or the Board's second subsequent regular meeting, whichever is later. The official minutes of the Board shall be kept in the Board's files at the fire department and shall be made available to citizens for inspection upon request during regular business hours at the fire department within ten (10) days of approval. (5 ILCS 120/2.06)

2. Verbatim Record of Closed Meetings

The Secretary or his or her administrative designee shall audio record all closed meetings. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location.

After eighteen (18) months have passed since being made, the audio recording of a closed meeting shall be destroyed, provided that the Board has approved its destruction and approved written minutes of the particular closed meeting.

Requests for access to a recording of a closed meeting will be denied unless the Board has found that the recording no longer needs confidential treatment. Individual Board members may listen to verbatim recordings when that action is germane to their responsibilities, e.g., in order to check the accuracy of minutes or

to determine whether the recordings no longer require confidential treatment. (5 ILCS 120/2.06(c))

3. Semi-Annual Review of Minutes

The Board shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings not previously released for public inspection. At such meetings, a determination shall be made, and reported in open session that the need for confidentiality still exists as to all or part of those minutes or that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. (See **Form 1 – Closed Session Minutes Review Record**). (5 ILCS 120/2, 2.02, 2.03, 2.06, and 2a)

During the Board's semi-annual meetings to review the closed session minutes, the Board will also review the audio recordings of closed meetings in order to determine whether (1) there continues to be a need for confidentiality, or (2) the recordings no longer require confidential treatment and are available for public inspection. At no time will an audio recording be released that would violate state or federal privacy or confidentiality requirements, including, but not limited to, any matter concerning ((1) communications between the Board and an attorney representing the Board; and (2) all information exempted from disclosure under the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*). (5 ILCS 120/2, 2.02, 2.03, 2.06, and 2a)

E. Open Meeting Act Designee

The Board shall designate one or more individuals to receive training on compliance with the Illinois Open Meetings Act. The Board shall submit a list of its designated individuals to the Public Access Counselor of the Illinois Attorney General's Office. The designated individuals must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program. Whenever the Board designates an additional individual to receive this training, that individual must successfully complete the electronic training curriculum within 30 days after that designation. (5 ILCS 120/1.05)

F. Open Meeting Act Training

Each Board member must complete the electronic training curriculum developed and administered by the Public Access Counselor and file a copy of the certificate of completion with the Fund. Any Board member who begins serving on the Board after January 1, 2012 must complete this training within 90 days of election or appointment to the Board. (5 ILCS 120/1.05)

1.08 Rules of Order

A. Rule 1. Agenda

All regular meeting agendas shall generally be prepared pursuant to the following outline:

**Agenda
Regular Meeting of the
Park Ridge Firefighters' Pension Fund
Board of Trustees
(Date)**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC COMMENT
- IV. APPROVAL OF MINUTES
- V. TREASURER'S/INVESTMENT REPORT
- VI. COMMUNICATIONS AND SPECIAL REPORTS/PRESENTATIONS
- VII. CONSIDERATION OF AND ACTION UPON APPLICANTS FOR ADMISSIONS TO AND/OR WITHDRAW OF MEMBERS FROM FUND
- VIII. UNFINISHED BUSINESS
- IX. NEW BUSINESS
- X. CLOSED SESSION
- XI. TRAINING
- XII. ADJOURNMENT

Prior to each regular meeting, the Secretary or his or her designee shall prepare an agenda. Any Board member may place items on the regular meeting agenda by submitting a written request to the Secretary or his or her designee prior to the posting of the final agenda, which can in no case occur less than 48 hours before the meeting. Agendas and other information for each meeting shall be provided to each Board member prior to or at the beginning of the meeting.

B. Rule 2. Presiding Officer

The President of the Board shall serve as presiding officer at all meetings. If the President is absent, the members present at the meeting shall elect a President *pro tempore* who shall act in the President's stead. The President may call on any member to perform the duties of presiding officer during any meeting. A *pro tempore* appointment shall not extend beyond the adjournment of the particular meeting.

The President shall preserve order and decorum, may speak to points of order in preference to other members, vote on all issues before the Board of Trustees, and shall decide all questions of order subject to an appeal of any three (3) members.

C. Rule 3. Voting

The ayes and nays shall be taken upon the passage of all resolutions, all propositions to create any liability against the Fund, for the expenditure or appropriation of its money, on the question of granting or denying a disability pension, and in all other cases at the request of any member. All aye/nay votes shall be taken in the following order: the motioner shall vote first, the seconder second, and the remaining members in alphabetical order. All ayes and

nays taken shall be recorded in the meeting's minutes. An affirmative vote of at least three (3) members shall be necessary to the passage of any such proposition unless otherwise provided by law. (5 ILCS 120/1.02)

D. Rule 4. Questions Before the Board

Every question before the Board of Trustees shall be distinctly stated by the President before it is open for debate. A motion shall be reduced to writing before a vote if so requested by any member. Members discussing a question shall address the President, and no member shall be deemed to have the floor until recognized by the President. If any question under consideration contains several distinct propositions, the Board may, by a majority of the members present, divide such questions.

E. Rule 5. Resolutions

All resolutions, as well as amendments thereto, shall be reduced to writing before action shall be taken on them. The title of resolutions shall be read aloud before a vote is taken, except when any member present requests that it be read in its entirety. All resolutions shall be recorded in a sequential manner referencing the year. (Ex., "Resolution YR-XX")

F. Rule 6. Addressing the Board

Except during the public comment portion of the Board agenda, or as stated in this rule, no person other than the Board's attorney or members of the Fund may address the Board of Trustees.

A portion of every regular Board of Trustees meeting shall be provided for public comment. The person wishing to speak shall raise his or her hand in a signal to the President. The speaker must be designated and authorized to speak by the President. Each speaker shall limit his or her public participation to a period of three (3) minutes or less so that all persons shall have an adequate opportunity to make their statements to the Board.

The purpose of public participation is to allow the public the opportunity to make a statement to the Board of Trustees. The purpose of public participation is not to provoke a debate with the Board. Once an individual has spoken, that individual may not speak on the same issue again. Any limitation regarding addressing the Board may be waived by a majority vote of the Board of Trustees.

G. Rule 7. Attendance by Other Means

Board members may attend meetings by video or audio conference subject to the following conditions:

1. A quorum of Board members must be physically present at the meeting location.
2. The Board member requesting to attend by audio or video conference must be unable to physically attend the meeting because of: (a) personal illness or disability; (b) employment purposes or the business of the Board; or (c) a family or other emergency.
3. The Board member requesting to attend by audio or video conference must notify the Secretary before the meeting if practicable.
4. A majority of the Board members must approve the member's request to attend by audio or video conference.
5. Equipment must be available that will permit the Board member to participate in the meeting so that the Board member can hear and/or see the other Board

members and the other Board members can hear and/or see the Board member attending by audio or video conference.

If a member attends a meeting by audio or video conference, the minutes of that meeting shall reflect that the member was present via audio or video conference. Board members attending by audio or video conference shall be permitted to participate in the meeting as if they were physically present to the extent permitted by the equipment used including the right to vote on any matters that come before the Board. (5 ILCS 120/7)

H. Rule 8. Recording of Open Meetings

Members of the public attending an open meeting of the Board may record the proceedings of the open meeting as long as the method of recording does not interfere with the meeting. Members of the public who wish to record the proceedings of an open meeting shall, prior to the commencement of the meeting, advise the Board President that the meeting will be recorded. The Board reserves the right to deny the ability to record where a witness refuses to testify before the Board if a portion of his/her testimony is to be broadcast or televised or if motion pictures are to be taken of him/her while he/she is testifying. The Board's recording secretary shall not record open meetings unless authorized by a majority of the Board. (5 ILCS 120/2.05)

I. Rule 9. Temporary Suspension of Rules

These rules may be temporarily suspended by an affirmative vote of three (3) Board members.

1.09 Board Member Ethics

Each Trustee shall agree that as a member of the Board of Trustees, he or she shall do his or her utmost to represent the Fund by adhering to the following commitments:

- A. He or she will represent the Fund members honestly and equally and refuse to surrender his or her responsibilities to special interest or partisan political groups.
- B. He or she will avoid any conflict of interest or any appearance of impropriety which could result from his or her position and shall not use his or her Board membership for personal gain or publicity.
- C. He or she will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board of Trustees meeting.
- D. He or she will take no private action that might compromise the Board or administration of the Fund and will respect the confidentiality of privileged information.
- E. He or she will abide by majority decisions of the Board while retaining the right to seek changes through ethical and constructive channels.
- F. He or she will encourage and respect the free expression of opinion of fellow Board members and others who seek to be heard before the Board of Trustees.
- G. He or she shall faithfully and diligently perform the duties of Board of Trustees, including attendance at all Board of Trustees meetings and other functions where Board of Trustees attendance is required.

- H. He or she shall not intentionally solicit or accept any gift from any prohibited source as prescribed in Article 10 of the State Officials and Employees Ethics Act. However, Board members may accept gifts from prohibited sources under the limited exceptions set forth in Section 10-15 of the Act, except for educational missions and travel expenses. If the City adopts or maintains a more restrictive policy on the acceptance of gifts, the Board members shall adhere to the City's policy. (5 ILCS 430/10-10 and 10-15; 40 ILCS 5/1-125)

1.10 Fiduciary Responsibilities of Board Members

Board members, as fiduciaries with respect to the Fund, shall discharge their duties with respect to the Fund solely in the interest of the participants and beneficiaries and:

- A. For the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the retirement system or pension fund;
- B. With the care, skill, prudence and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character with like aims;
- C. By diversifying the investments of the retirement system or pension fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;
- D. In accordance with the provisions of the Article of the Pension Code governing the retirement system or pension fund, (40 ILCS 5/1-101.2; 40 ILCS 5/1-109); and
- E. May indemnify and protect the trustees, staff and consultants against all damage claims and suits, including defense thereof, when damages are sought for negligent or wrongful acts alleged to have been committed in the scope of employment or under the direction of the trustees. However, the trustees, staff and consultants shall not be indemnified for willful misconduct and gross negligence. The Board is authorized to insure against loss or liability which may result from these damage claims. This fiduciary liability and other insurance shall be carried by a company authorized to provide such coverage in the State of Illinois. This fiduciary liability and other insurance shall be carried by a company authorized to provide such coverage in the State of Illinois. (40 ILCS 5/1-107 and 1-108(c))

1.11 Authority of Members

The Board may act only in a properly convened meeting, and no member shall have the authority to act for the Board or under the title of his or her Board position unless specifically authorized by statute or by the Board. Any act delegated to a member by the Board must be ratified by the Board.

1.12 Written Communications

Written communications to the Board may be submitted to any Trustee of the Board at any time. Such communications shall be brought to the attention of the members of the Board at their next meeting and will be acknowledged in the minutes as having been received. The Secretary may respond to correspondence received prior to the Board's next meeting, as long as the response does not involve a policy change. A copy of all written communications made on behalf of the Board shall be provided to each Trustee.

1.13 Committees

The President may appoint ad hoc committees to study and evaluate specific issues and to report their recommendations to the Board. No committee recommendations shall be implemented without approval by the Board.

1.14 Tax Levy and Audit Report

A. Determination of Tax Levy

The Board shall report to the City Council of the City of Park Ridge on the condition of the pension fund as requested by the City, or as required by statute, using the Board's Annual Tax Levy Report Form (See **Form 2 – Annual Tax Levy Report**) or a substantially similar form. The Board shall provide this report prior to the City Council meeting held for appropriating and levying taxes for the year in which the report is made. The Board in the report shall certify and provide the following information:

1. The total assets of the Fund and their current market value;
2. The estimated receipts during the next succeeding fiscal year from deductions from the salaries or wages of firefighters, and from all other sources;
3. The total net income estimated received from investment of assets compared to such income received during the preceding fiscal year;
4. The estimated amount necessary during the fiscal year to meet the annual actuarial requirements of the Fund as provided in Sections 4-118 and 4-120 of the Illinois Pension Code;
5. The increase in employer pension contributions that result from the implementation of the provisions of P.A. 93-689 (effective July 1, 2004). (40 ILCS 5/4-118 and 4-120);
6. The total number of active employees who are financially contributing to the Fund;
7. The total amount that was disbursed in benefits during the fiscal year, including the number of and total amount disbursed to (i) annuitants in receipt of a regular retirement pension, (ii) recipients being paid a disability pension, and (iii) survivors and children in receipt of benefits;
8. The funded ratio of the Fund;
9. The unfunded liability carried by the Fund, along with an actuarial explanation of the unfunded liability; and
10. The investment policy of the Board.

B. Audit of the Pension Fund

The Board hereby recognizes the City's obligation under the Governmental Account Audit Act to have the assets of the Fund and their current market value, as well as all financial transactions, verified by an independent certified public

accountant each year. The Board shall obtain a copy of the accountant's report as soon as is reasonably possible at the end of each fiscal year, for use in making its report to the City. In the event the City fails to provide an accounting of the Fund in accordance with the Government Account Audit Act, the Board shall make its annual report to the City based upon the best information it has available.

C. Audit Committee

The President shall appoint a three-member audit committee to review the audit report, and other financial reports and documents, including management letters, prepared by or on behalf of the Fund. The committee shall report the results of the audit to the Board as soon as reasonably possible at the end of each fiscal year. (40 ILCS 5/4-118 and 4-134; 50 ILCS 310/0.01 *et seq.*)

1.15 Trustee Training

A. Initial Certification Requirement

All newly-appointed or newly-elected Board members must participate in a mandatory trustee certification training seminar that consists of at least 32 hours of initial trustee certification at a training facility that is accredited and affiliated with a State of Illinois certified college or university (see **Form 3 – Annual Board Member Training Record**). For the 32 hours of initial trustee certification training, Board members who are firefighters or who are employed by the City shall be allowed time away from their duties to attend the training required under Section 1-109.3 of the Illinois Pension Code without reduction of accrued leave or benefit time. (40 ILCS 5/1-109.3) This training must include all of the following topics:

1. Duties and liabilities of a fiduciary under Article 1 of the Illinois Pension Code;
2. Adjudication of pension claims;
3. Basic accounting and actuarial training;
4. Trustee ethics;
5. The Illinois Open Meetings Act; and
6. The Illinois Freedom of Information Act.

B. Annual Training Requirements

All elected and appointed Board members must annually complete a minimum of 16 hours of educational training after the first year that the trustee is elected or appointed (see **Form 3 – Annual Board Meeting Training Record**). At least eight (8) hours of this annual requirement shall include training on ethics, fiduciary duty, investment issues, and any other curriculum the Board establishes as being important for the administration of the Fund. The Board shall annually certify its members' compliance and submit an annual certification to the Illinois Department of Insurance.

C. Eligibility; Replacing Board Members

Any Board member who does not complete the required training is not eligible to serve on the Board unless he or she completes the missed training within 6 months after the date the member failed to complete the required training.

If a Board member fails to complete the required training, a successor shall be appointed or elected to complete the Board member's unexpired term. (40 ILCS 5/1-109.3; 40 ILCS 5/1-113.8)

D. Time Off to Attend Training

For the 32 hours of the initial trustee certification training, Board members who are firefighters or who are employed by the City shall be allowed time away from their duties to attend the training required under Section 1-109.3 of the Illinois Pension Code without reduction of accrued leave or benefit time. (40 ILCS 5/1-109.3)

1.16 Fraudulent Statements or Records

No person, member, trustee, or employee of the Board shall knowingly make any false statement or falsify or permit to be falsified any Fund record in any attempt to defraud the Fund as a result of such act, or intentionally or knowingly defraud the Fund in any manner. (40 ILCS 5/1-135 and 4-138.5)

Any reasonable suspicion by any member of the Board of a false statement or falsified record being submitted or permitted by a person under the Illinois Pension Code shall be immediately referred to the Board. "Reasonable suspicion" means a belief, based upon specific and articulable facts, taken together with rational inferences from these facts that would lead a reasonable person to believe that a fraud has been, or will be, committed. A mere inconsistency, standing alone, does not give rise to a reasonable suspicion. The Board shall immediately notify the State's Attorney about the alleged fraudulent activity so an investigation may be performed. (40 ILCS 5/1-135)

1.17 Statement of Economic Interest

By February 1 of each year, the County Clerk must be notified of the names of all persons affiliated with the Fund who must file a Statement of Economic Interest. By May 1 of each year, each Board member must file a Statement of Economic Interest with the County Clerk as required by Article 4A of the Illinois Governmental Ethics Act (5 ILCS 420/4A-101 *et seq.*), either by mail or online. The Statement of Economic Interest must include all information required by Section 4A-102 and shall be in the form required by Section 4A-103 of the Act (5 ILCS 420/4A-102; 4A-103).

1.18 Freedom of Information

It is the policy of the Fund to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced, however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the Fund. The Fund shall appoint a Freedom of Information Officer, who shall ensure that the Fund complies with the Act through execution this policy. The Freedom of Information Officer shall comply with the training curriculum required by the Act. (5 ILCS 140/3.5)

A. Introduction

1. **Brief Description of the Fund**

The Park Ridge Firefighters' Pension Fund is an Article 4 pension fund organized pursuant to the Illinois Pension Code (40 ILCS 4-101 *et seq.*) for the benefit of its members and of their surviving spouses, children and certain other dependents. The Fund's administrative office is located at 901 Devon Avenue, Park Ridge, Illinois 60068.

2. **Brief Description of the Method to Request Information**

All public requests for information and/or records will be processed through the administrative offices of the Fund. Requests shall be directed in writing to the Freedom of Information Officer at the address noted above. The first 50 black and white copies are free. Thereafter, each page will be charged \$.15 per page. Electronic, color or oversized copies will be charged at the actual cost to the Fund of reproduction.

For any additional information, the administrative office's telephone number is (847) 318-5284. (5 ILCS 140/4; 5 ILCS 140/6)

B. Public Access to Records

1. **Generally**

The Fund shall make available its public records to any person requesting access pursuant to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) (the "Act"), as well as other applicable law. The Fund shall not provide access to public records or portions thereof that are exempt from disclosure under the Act or as provided by other applicable law. Denials of requests for records will contain a detailed factual basis for the denial. (5 ILCS 140/3; 5 ILCS 140/7; 5 ILCS 140/7.5; 5 ILCS 140/9)

2. **Nonexempt Materials Contained in Exempt Records**

The Fund shall delete any information which is exempt from disclosure under the Act from a public document which contains nonexempt material, and make the remaining information available for inspection and copying. (5 ILCS 140/7)

3. **Denial of Request for Public Records; Appeal**

Any person denied access to inspect or copy any public record may appeal the denial to the Office of the Public Access Counselor at Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois; telephone (312) 814-3000. (5 ILCS 140/9.5)

C. General Materials Available

The following information will be made available to the public:

1. **List of all Types or Categories of Records Under the Fund's Control**

a. **Financial records**

- i. Financial Statements
- ii. Audits
- iii. Warrant lists
- iv. Investment reports

b. **General Records**

- i. Board meeting agendas and minutes
- ii. Board resolutions
- iii. Board policies, administrative procedures and forms
- iv. Member names, benefits and dates of employment
- v. Insurance
- vi. Legal notices
- vii. Consulting contracts

D. Request Procedures

1. **Initiation of Request**

Any person wishing to inspect or copy a Fund's public record shall submit a written request to the Freedom of Information Officer. While the use of a specific form is not required, the Fund will provide a form upon request (see **Form 4 – Freedom of Information Act Written Request for Records**). Requests are accepted via personal delivery, mail, facsimile or email. Requests must specify Fund records with reasonable particularity to avoid inefficient use of staff time in retrieving and preparing records for inspection. (5 ILCS 140/4)

2. **Response to Request**

a. Upon receipt, the Freedom of Information Officer shall:

- i. note the date the Fund received the written request;
- ii. compute the day on which the period for response will expire and make a notation of that date on the written request;
- iii. maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- iv. create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

b. The Fund shall either comply with or deny the written request for public records within five (5) working days after its receipt. (see **Form 5 – Freedom of Information Act Approval of Request for Public Records, Form 6 – Freedom of Information Act Denial of Request for Public Records and Form 7 – Freedom of Information Act Partial Approval of**

Request for Public Records). Denial shall be by letter as provided below and contain a detailed factual basis for the denial. Failure to respond to a written request within five (5) working days after its receipt shall be considered a denial of the request. (5 ILCS 140/3)

- c. The Fund's time for response may be extended for not more than five (5) additional working days from the original due date for any of the following reasons (see **Form 8 – Freedom of Information Act Deferral of Response to Request for Public Records**):
- i. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
 - ii. The request requires the collection of a substantial number of specified records;
 - iii. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
 - iv. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
 - v. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the Act or should be revealed only with appropriate deletions;
 - vi. The request for records cannot be complied with by the Fund within five (5) working days without unduly burdening or interfering with the operations of the public body;
 - vii. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of the Fund having a substantial interest in the determination or in the subject matter of the request. (5 ILCS 140/3)
- d. When additional time is required for any of the reasons listed, the Fund shall notify by letter the person making the written request within five (5) working days of receipt of request (see **Form 8 - Freedom of Information Act Deferral of Response to Request for Public Records**).
- e. The response times contained in this Section may be extended with the written agreement of the requestor.
- f. The Freedom of Information Officer shall:
- i. maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
 - ii. create a file for the retention of the original request, a copy of the response, a record of written communications with the requester,

and a copy of other communications.

3. **Procedure for Inspection or Copying**

- a. Inspection of Fund public records not excluded from inspection under the Act shall be permitted on days the Fund's office is open for business.
- b. Inspection must be made at the Fund's office, and records are not to be removed from the Fund's office.
- c. The Freedom of Information Officer or his/her designee shall be present during inspection of Fund records.
- d. Inspection will not be allowed when records are in immediate use by persons exercising official duties which require use of the records.
- e. Copies of requested records will be provided by the Fund within the limitations of Fund's copying equipment.
- f. When requested information is available online, the Freedom of Information Officer shall direct the requestor to the website where the records can be accessed. If the requestor cannot reasonably access the records on the website where the records are available, the Freedom of Information Officer shall allow the requestor to physically inspect the records or provide copies to the requestor. (5 ILCS 140/8.5)

4. **Fees**

- a. Letter-sized, black and white copies are charged at \$.15 per page after the first 50 copies. Each color copy will be charged at \$.25 per page. Persons requesting electronic or oversized copies of Fund public records shall reimburse the Fund for its actual cost for reproducing public records, as determined by the Freedom of Information Officer or his designee. Each record certified shall cost \$1.00.
- b. Documents shall be furnished without charge or at a reduced charge, as determined by the Freedom of Information Officer, if the person requesting the documents states the specific purpose for the request and indicates that a "waiver or reduction of the fee is in the public interest" pursuant to Section 6(b) of the Act (5 ILCS 140/6(b)). In setting the amount of the waiver or reduction, the Fund shall take into consideration the amount of materials requested and the cost of copying them.
- c. Records may be produced electronically, if requested. The Fund will email records where practicable. When requests are unable to be sent via email or the requestor does not desire emailed copies, the Fund shall purchase appropriate electronic media and copy the documents to the electronic media. The requestor will pay the actual cost of the media. In no event may the Fund accept electronic media from a requestor. (5 ILCS 140/6)
- d. For a voluminous request (as defined below) for electronic records that are not in a portable document format ("PDF"), the Fund may charge up to \$20 if the file is less than two megabytes; \$40 if the file is between two and four megabytes; and \$100 if the file is larger than four megabytes. If an electronic document is available as a PDF, the Fund may charge up to \$20

if the file is less than eighty megabytes; \$40 if the file is between eighty and 160 megabytes; and \$100 if the file is larger than 160 megabytes. (5 ILCS 140/3.6)

- e. With respect to a commercial request, the Fund may charge up to \$10 for each hour, in excess of eight (8) hours, spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions. An accounting of all fees, costs, and personnel hours will be provided to the requestor. (5 ILCS 140/6(f))
- f. With respect to a commercial request, the Fund may charge the actual cost of receiving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the Fund. An accounting of all costs will be provided to the requestor. (5 ILCS 140/6(f))

5. **Unduly Burdensome Request Exemption**

- a. Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the Fund and there is no way to narrow the request, and the burden on the Fund outweighs the public interest in the information.
- b. Before invoking this exemption, the Fund shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
- c. The Fund shall invoke this exemption in writing to the person making the request specifying the reasons why it would unduly burden the Fund and the extent to which compliance would so burden the operations of the Fund.
- d. Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision. (5 ILCS 140/3)

6. **Commercial Requests**

- a. Prior to responding to a request for records, the Freedom of Information Officer shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the Freedom of Information Officer determines that the request is for one of these purposes, it shall be deemed a commercial request and response shall be governed by this section. Requests received from news media, non-profit, scientific or academic organizations shall not be considered commercial requests.
- b. When a request is for a commercial purpose, the Freedom of Information Officer shall respond to the requestor within five (5) business days, informing the requestor that the request is considered commercial.
- c. Within twenty-one (21) business days after the receipt of the commercial purpose request, the Freedom of Information Officer shall respond to the requestor. Such response shall either:

- i. provide an estimate of the time required to provide the records, including a requirement that the requestor pay for the copies;
 - ii. deny the request pursuant to one or more exemptions found in the Freedom of Information Act;
 - iii. notify the requestor that the request is unduly burdensome and extend an opportunity to the requestor to reduce the request to manageable proportions; or
 - iv. provide the requested records.
- d. When estimating the time required for responding to a commercial records request, the Freedom of Information Officer should consider the size and complexity of the request. Priority shall be given to non-commercial requests. (5 ILCS 140/3.1)

7. **Voluminous Requests**

- a. There are three types of voluminous requests:
- i. Requests that require the compilation of more than 500 pages, unless the request only targets a single record that happens to be over 500 pages;
 - ii. Requests that contain more than five (5) individual sub-requests for more than five (5) different kinds of records; and
 - iii. Five (5) separate FOIA requests for five (5) different types of records made in a twenty (20) day period by a single requester.
- b. When a request is a voluminous request, the Freedom of Information Officer shall respond to the requestor within five (5) business days informing the requestor that the request is considered voluminous. The requestor shall have ten (10) business days to amend his or her request. If the requestor does not amend his or her request, the Freedom of Information Officer must again respond within five (5) business days. The Freedom of Information Officer shall estimate the fees to be charged and respond in one of three ways:
- i. Deny the request under an applicable FOIA exemption;
 - ii. Notify the requester that his or her request is unduly burdensome; or
 - iii. Provide the records as requested. (5 ILCS 140/3.6)

1.19 Identity and Personal Privacy Protection

A. Generally

It is the policy of the Pension Fund to protect the identity and personal privacy of all Pension Fund officials, officers, members, agents, and members of the public. The Pension Fund shall comply with the Illinois Identity Protection Act ("IPA," 5 ILCS 179/1 *et seq.*) and Personal Information Protection Act ("PIPA," 815 ILCS 530/1 *et seq.*) through implementation of this policy. (5 ILCS 179/35)

Except where required or authorized by law or regulation, the Pension Fund, its Board and its agents shall not collect, use, or disclose a person's Social Security Number ("SSN"). The Pension Fund shall not request SSNs except when it falls under a delineated exception permitted under the IPA. Persons not serving on the Pension Fund shall generally have no access to documents or information containing individuals' SSNs. Any more restrictive law, rule, or regulation regarding the collection, use or disclosure of a SSN shall control over Pension Fund rules set forth here. (5 ILCS 179/55)

The Pension Fund shall implement and maintain reasonable security measures to protect records that contain personal information from unauthorized access, acquisition, destruction, use, modification, or disclosure. (815 ILCS 530/45)

B. Identity and Privacy Protections

1. Pursuant to the IPA, the Pension Fund's Freedom of Information Officer(s) or designee shall redact SSNs and private information from documents, including all or any portion of an individual's SSN requested for public inspection and copying of information pursuant to federal or state law, such as the Freedom of Information Act. (5 ILCS 179/15; 5 ILCS 140/2(c-5)). The Pension Fund shall provide a means to ensure that SSNs collected on Pension Fund documents may be readily redacted in the event of a FOIA request.
2. Except where expressly permitted, the following actions are prohibited by the Pension Fund, and its officials, officers, members, agents, and employees. (5 ILCS 179/10)
 - a. To publicly post or publicly display in any manner an individual's SSN.
 - b. To print an individual's SSN on any card required for the individual to access products or services provided by the Pension Fund, unless otherwise required by law. This limitation includes encoding or embedding a SSN in any identification scheme, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of the SSN.
 - c. To require an individual to transmit his or her SSN over the internet, unless the connection is secure or the SSN is encrypted.
 - d. To print an individual's SSN on any materials that are mailed to the individual through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless state or federal law requires the SSN to be on the document to be mailed.

The limitation of this sub-paragraph shall not apply to applications and forms sent by mail including, but not limited to:

- i. material mailed in connection with the administration of the Unemployment Act;
 - ii. material mailed in connection with any tax administered by the Illinois Department of Revenue; and
 - iii. documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the SSN, as long as the SSN is not printed, in whole or in part, on a postcard or other mailer that does not require an envelope, or that is visible without opening the envelope.
- e. To collect, use or disclose an individual's SSN unless:
- i. required by federal or state law or regulation;
 - ii. the need and purpose is documented prior to the collection, use or disclosure; and
 - iii. the collection, use or disclosure is relevant to the documented need and purpose.

C. Exceptions

1. SSN may be disclosed under the following circumstances:
 - a. Disclosure to another local government when required by law or regulation, and if documented protections are provided.
 - b. Disclosure pursuant to court order, warrant or subpoena.
2. SSN may be collected, used or disclosed under the following circumstances:
 - a. When collection, use or disclosure is required to ensure the safety of state and local government employees; persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the state; and all persons working in or visiting a state or local government agency facility.
 - b. When collection, use or disclosure is required for internal verification or administrative purposes.
 - c. Collection or use to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.

D. Notice of Breach; Violations

The Pension Fund shall provide notice to affected individuals in the event of an unauthorized disclosure of their personal information. (815 ILCS 530/10) The Pension Fund shall cooperate with affected individuals in the case of such security breach, by:

- Informing the affected individuals of the breach, including giving notice of the date or approximate date of the breach and the nature of the breach; and
- Informing those individuals of any steps the Pension Fund has taken or plans to take relating to the breach.

Anyone violating this policy may be subject to disciplinary action up to termination and/or criminal prosecution as provided by the IPA and other applicable law. (5 ILCS 179/45)

E. Training

All employees and officials who have access to SSNs and other personal information in the course of their position with the Pension Fund shall undergo approved training on the handling and safeguarding the confidentiality of SSNs and other personal information

1.20 Code of Conduct for Fund Service Providers

Any public or private individual or entity who provides goods or services to the Fund shall adhere to the following commitments:

- A. Act in a professional and ethical manner at all times in dealings with the Fund.
- B. Act for the benefit of the Fund
- C. Act with independence and objectivity.
- D. Fully disclose to the Fund any conflicts of interest that arise that may impair the ability to act independently or objectively.
- E. Act with reasonable care, skill, competence, and diligence when engaging in professional activities, and in accordance with all applicable professional codes and standards for the individual's or entity's profession.
- F. Communicate with the Fund in a timely, accurate, and transparent manner.
- G. Uphold the applicable law, rules and regulations governing the individual's or entity's profession.
- H. Refrain from advocating for the diminishment of public pension defined benefit plans.

Public and private individuals and entities who provide goods or services to the Fund shall sign and submit to the Fund an acknowledgement that they have received a copy of the Fund's Code of Conduct and certify that they agree to abide by its provisions. (See **Form 9 - Certification of Fund Service Provider**).

CHAPTER II - MEMBERSHIP IN FUND

2.01 Application for Membership

A. Generally

Any person appointed as a firefighter in the Park Ridge Fire Department shall, within three (3) months after receiving his or her first appointment and within three (3) months after any reappointment, make written application to the Board to come under the provisions of Article 4 of the Illinois Pension Code. The eligibility of all applicants shall be determined by the Board in accordance with all applicable law.

B. Procedure for Application

Application to the Fund shall be made in writing on the Board's standard form (see **Form 10 – Application for Membership**) and submitted with a completed background information form (see **Form 11 – Background Information Form**). Any person appointed as a firefighter in the Fire Department who has previously served as a firefighter for at least one (1) year in any other Illinois fire department or fire protection district and has been a member in another Article 4 pension fund shall notify the Fund of all such periods on the Board's standard form (see **Form 10 - Application for Membership**). Any firefighter hired on or after July 1, 2004, must, within 21 months of being hired, notify the following of his or her intent to combine creditable service from multiple Article 4 pension funds: (1) the Fund; (2) the City; (3) all previous fire departments or fire protection districts at which he or she was employed and was a member of an Article 4 pension fund; and (4) the Illinois Department of Insurance.

As part of the City's examination given after a conditional offer of hire, the applicant shall also undergo a medical examination to whether he or she currently suffers from heart disease, stroke, tuberculosis, or any disease of the lungs or respiratory tract, or cancer. The results of that examination shall be submitted on the Board's standard physician's certification form (see **Form 12 – Physician's Certification Regarding Entry-Level Physical Condition**). The President may accept applications to join the Fund subject to approval by the Board. (40 ILCS 5/4-107)

2.02 Determination of Continuing Eligibility for Benefits

A. Affidavit of Eligibility

All members drawing benefits from the Fund shall annually complete an Affidavit of Eligibility (see **Form 13 – Affidavit of Eligibility – Retirement or Survivor's Benefits and Form 14 – Affidavit of Eligibility – Disability Pension**) to verify that the member is still living and to ensure that the members and their beneficiaries meet eligibility requirements. The Affidavit shall be mailed to the member or beneficiary. The form must be completed, notarized and returned to the Board with thirty (30) days of receipt or benefits may be withheld until the affidavit is received. The Board may initiate an investigation regarding the continued validity of any eligibility for pension benefits by any member or beneficiary.

B. Annual Medical Examination of Members Receiving Disability Pensions

Medical examination of a member receiving a disability pension shall be made at least once each year prior to attainment of age 50 in order to verify continuance of disability. No examination shall be required after age 50. All members receiving disability benefits under

the age of 50 shall sign an authorization for release of medical records to the Board of Trustees (see **Form 15 – Authorization for Release of Medical Records**).

The physician who examined the member shall complete and forward to the Board a certification of continuance of disability (see **Form 16 – Physician's Certification of Continuance of Disability**) indicating whether the member continues to suffer from the disability, along with copies of all pertinent medical records with the Board's standard certification form (see **Form 17 – Certification of Medical Records**).

C. Change Rendering Ineligibility

The Board shall review the completed forms to determine future eligibility. If the Board determines that the individual pensioner's or beneficiary's status has changed to render him or her ineligible to receive benefits, the Board shall notify the pensioner or beneficiary by certified mail of its decision to cease payment of benefits, indicating the reasons for ineligibility. In the case of a member receiving disability benefits, the member shall be entitled to ten (10) days' notice before any meeting or hearing of the Board at which the question of his or her disability is to be considered, and shall have the right to be present and represented by counsel at his or her expense. (40 ILCS 5/4-112)

2.03 Change of Records

All members and beneficiaries shall immediately notify the Board of any changes in address, children or marital status, and any other changes in circumstances that may affect their membership in the Fund or entitlement to benefits. Changes shall be submitted to the Board in writing on the Board's standard change of records form (see **Form 18 – Change of Records**).

2.04 Refund of Deductions

A. Generally

A firefighter with less than twenty (20) years of service is entitled to a refund of his or her total contributions during such service if:

1. He or she resigns or is discharged, or has been involuntarily laid off for other than disciplinary reasons for more than 180 calendar days; and
2. He or she has not received any disability pension payments.

The firefighter shall make application for refund on the Board's standard form (see **Form 18 – Change of Records**). (40 ILCS 5/4-116)

B. Repayment of Refund

A former firefighter who received a refund of contributions from the Fund may reinstate creditable service that was previously terminated upon receipt of the refund by repaying the refund together with interest thereon at the rate of six percent (6%) per year, compounded annually, from the date of the refund to the date of payment (see **Form 19 – Application for Refund**).

2.05 Maintenance of Pension After Separation From Service

A firefighter with less than twenty (20) years, but more than ten (10) years, of service who is leaving the City may request that the total deductions made from his or her salary during the employment

period to be left in the Fund (see **Form 20 – Maintenance of Pension After Separation From Service**). (40 ILCS 5/4-109)

2.06 Annual Statement of Contributions

The Board shall annually provide each member of the Fund with a statement of his or her aggregate contribution to the Fund, which may be accomplished by showing the total deductions on the member's City pay stub.

2.07 Credit for Military Service

A. Generally

Two types of credit for military service are available: (i) credit for military service performed prior to employment as an active firefighter; and (ii) credit for military service performed while serving as an active firefighter.

1. Credit for military service performed prior to employment

Firefighters in service on or after April 10, 2009, may obtain up to two (2) years of creditable service for pension purposes for service in the military, naval, or air forces of the United States that was served prior to employment as a firefighter. To receive this credit for military service, the firefighter must:

- a. Apply in writing to the Fund; and
- b. Make contributions to the Fund equal to:
 - (a) the employee contributions that would have been required had the service been rendered as a member; and
 - (b) an amount determined by the Fund to be equal to the employer's normal cost of the benefits accrued for that military service; and
 - (c) interest at the actuarially assumed rate applicable to the years for which creditable service is sought, provided by the Illinois Department of Insurance, compounded annually from the first date of membership in the Fund to the date of payment on items i and ii. (40 ILCS 5/4-108(c)(1.5))

2. Credit for military service performed while active firefighter

Firefighters may obtain up to five (5) years of creditable service for pension purposes for service in the military, naval, or air forces of the United States in the period during which the firefighter was an active firefighter of a municipality. To receive credit for this military service, the firefighter must pay into the fund the amount the firefighter would have contributed if he or she had been a regular contributor during such period, and to the extent that the municipality which the firefighter served has not made such contributions in the firefighter's behalf. (40 ILCS 5/4-108(c)(1))

B. Character of Military Service for Credit Eligibility

A member shall be entitled to credit for military service only if the member's military service entitles him/her to eligibility pursuant to Section 4304 of the Federal Uniform Services Employment and Re-Employment Rights Act (38 U.S.C. Section 4304).

C. Application for Military Service Credit

A member seeking to claim credit for military service shall provide written notification to the Board of the intent to do so, and make the corresponding contributions required by law, no later than the time prior to actual receipt of benefits from a permanent pension. The member shall submit to the Board, along with a written request identifying the period for which credit is sought, a copy of the active-participant's Member-4 copy of the Department of Defense form 214 (Certificate of Release of Discharge from Active Duty) for the relevant period for which creditable service for pension purposes has been requested. (See **Form 21 - Application for Military Service Credit**)

D. Mandatory Contribution for Military Service

To receive credit for military service, the member must pay into the Fund the contributions noted above. With respect to the purchase of creditable service pursuant to Section 4-108(c)(1), such payment may be made in equal installments over a period of the military service for which credit is sought, not to exceed five (5) years. Payment for purchasing creditable service, pursuant to Section 4-108(c)(1.5), for military service that was served prior to employment may be also be made in equal installments.

A member eligible for and desiring to purchase creditable service shall apply to the Fund for such service at the earliest opportunity in order to ensure that any and all contributions which may be required shall be paid in full prior to the commencement of retirement benefits. The actuarially assumed rate of interest during an installment repayment shall be determined based on the applicable Illinois Department of Insurance interest rate for the years in which repayment remains ongoing. This interest shall continue to apply to any unpaid balance during the payment period.

Credit for military service cannot be awarded if the member does not make this mandatory contribution. The Board shall notify the member of the amount due after consulting with the Illinois Department of Insurance to determine the amount due for the periods for which the member is seeking credit. (40 ILCS 5/4-108(c) and 4-108(c)(1.5))

2.08 Non-Disclosure of Medical Records

Medical records in the Board's possession shall not be released to anyone other than the member concerned. In the event that a member applies for a disability pension, the member's medical records will become part of the record for the member's disability hearing, and may be provided to Board members, evaluating physicians, witnesses, the member's attorney, any intervening party's attorney, and the Board's attorney for that purpose. Notwithstanding the foregoing, if any federal or state law mandates disclosure of a member's medical records, the Board will comply with the requirements of the law.

CHAPTER III - APPLICATION FOR BENEFITS AND HEARING PROCEDURES

3.01 Application for Benefits

A. Disability Pension

An application for a disability pension may be filed with the Board by or on behalf of any member who is qualified or who has allegedly become physically or mentally permanently disabled for service in the Park Ridge Fire Department. Application for a disability pension shall be made on the Board's standard application for disability benefits (see **Form 22 – Application for Disability Benefits**). Applications must be signed by the member, or in the event that he or she is unable to sign the application, by an appropriate representative as determined by the Board. An application for disability pension shall be submitted as soon as the applicant is aware of the need.

Applications for disability benefits shall include a clear and concise statement of the nature of the disability, including the relevant section under which the disability pension is sought, a description of the sickness, accident or injury giving rise to the disability, and the times and places of occurrence of each accident or injury involved. (40 ILCS 5/4-110, 4-110.1, 4-111, and 4-114)

B. Retirement Pension

Application for a retirement pension shall be made on the Board's standard application for retirement benefits (see **Form 23 – Application for Retirement Benefits**). An application for a retirement pension shall be filed at least ninety (90) days before the requested effective date of the pension.

C. Widow/Widower and/or Dependent Benefits

Application for widow/widower and/or dependent benefits shall be made on the Board's standard form for such benefits (see **Form 24 – Application for Widow / Widower and/or Dependent Benefits**).

A. Adult Disabled Child Benefits

Adult disabled children may be eligible for survivor benefits upon the death of a retiree or widow/widower. Application for adult disabled child benefits shall be made on the Board's standard form for such benefits (see **Form 24 – Application for Widow / Widower and/or Dependent Benefits**). To be eligible for survivor benefits from the Fund, an adult disabled child must establish the following:

1. Dependency

The child must be dependent upon the retiree or widow/widower at the time of death for at least one-half of the child's support.

2. Disability

The child must be dependent because of a physical or mental disability which may be evidenced by a court order under the Probate Act (755 ILCS 5/11a-1 *et seq.*). The Fund may also accept a finding of disability by the Social Security Administration. (40 ILCS 5/4-114)

3.02 Processing and Investigation of Applications for Benefits

Upon receipt of an application for benefits, the Secretary shall distribute a copy to each member of the Board and forward a copy to the Board's attorney. At the next regular meeting of the Board or any special meeting called for such purpose, the Board shall take official notice of the receipt of the application. The Board shall request any information pertaining to the application as it may deem necessary and may designate an appropriate non-Board person or persons to investigate the application.

An application for an on-duty disability pension will also be automatically considered as an application for a non-duty disability pension unless the applicant specifically requests otherwise. If the application is for a disability pension, the Board shall designate three (3) physicians who shall thoroughly examine the applicant and who shall transmit written certified reports of their medical examinations and copies of all medical records to the Board with the Board's standard certification form (see **Form 17 – Certification of Medical Records**). The physicians shall submit their conclusions regarding the applicant's condition on the Board's standard physician's certification of disability (see **Form 25 – Physician's Certification of Disability** and **Form 26 – Physician's Certification of Disability for Occupational Disease**). In the event that any designated physician is, for any reason, unable to make such an examination, the Board shall designate another physician to do so. The Board may designate one or more of its members or the Board's attorney to select the physicians. (40 ILCS 5/4-112)

3.03 Hearings

A. Generally

The Board shall cause the applicant to receive at least ten (10) days' notice by certified mail or personal service of the time and date of any preliminary hearing or hearings at which the question of the applicant's application is to be considered. An applicant shall have the right to be present at any such preliminary hearing or hearings; the right to be represented by counsel; the right to present witnesses, evidence or information relevant to the issues involved; and the right to cross examine all witnesses who testify at the hearing. However, the Board shall not have any obligation to provide the applicant with counsel. Continuances may be requested by the applicant or a board member from time to time upon motion to the Board. The granting of or refusal to grant a continuance of a hearing is within the discretion of the Board.

The technical rules of evidence shall not apply to hearings conducted hereunder. At the discretion of the Board, interested parties other than the applicant may petition to intervene in the matter, and if allowed to intervene, shall have the right to present evidence or information relevant to the issues involved, and the right to cross-examine all witnesses who testify at the hearing at the Board's discretion. However, the Board shall not have any obligation to provide any intervenor with counsel. The applicant and any intervenor who seeks to provide information in support of or object to the pension application shall direct such information either orally at the hearing or in writing to the Board.

The Board shall inquire into all matters at issue, and no disability pension shall be given unless the Board establishes and determines that a disability exists based upon the examinations of the three (3) physicians and such other evidence as the Board may deem necessary. All hearings shall be held subject to the Open Meetings Act. (5 ILCS 120/1 *et seq.*; 40 ILCS 5/4-112)

B. Hearing Agenda

The following agenda essentially shall be used for all hearings:

**Agenda
Hearing on Request for Benefits
Park Ridge Firefighters' Pension Fund
Board of Trustees
(Date)**

- I. Call to Order
- II. Roll Call
- III. Presentation of Documents
 - A. Application to Pension Fund
 - B. Application for Benefits
 - C. Physicians' Certificates and Medical Records
 - D. Other Relevant Documents
- IV. Presentation by Applicant
- V. Presentation by Intervenor
- VI. Possible Closed Session
- VI. Discussion and Possible Action
- VII. Adjournment

C. Decision on Application

The Board shall cause to be prepared a written finding of fact, conclusions of law and a written order after the conclusion of the hearing. The Board shall send the applicant a copy of this finding, along with its written decision on the application, by certified mail or personal service. (5 ILCS 120/2(c)(4); 735 ILCS 5/3-103)

D. Effective Date of Pension

If the applicant is granted a disability pension by the Board, the pension shall be retroactive to the date the application was filed with the Board or the day following the end of the applicant's city benefits (including salary and any applicable fringe benefits), whichever is later.

3.04 Qualified Illinois Domestic Relations Orders (QILDRO)

A. Generally

1. Compliance with QILDROs

The Park Ridge Firefighters' Pension Fund shall comply with any Qualified Illinois Domestic Relations Order (QILDRO) properly issued by an Illinois court pursuant to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119). The Fund shall promptly notify the firefighter and the "alternate payee" (as defined in 40 ILCS 5/1-119(a)(1)) by first class mail of the receipt of the order. (40 ILCS 5/1-119(d)(1))

The Board has made available a QILDRO information form (**Form 27 – Information for Members in Divorce Proceedings**) for use by Fund members and attorneys inquiring about QILDROs. Fund members and attorneys seeking

information from the Fund about QILDROs will be referred to the information form.

2. Responding to subpoenas

Within forty-five (45) days after receiving a subpoena from any party to a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage in which a QILDRO may be issued, or after receiving a request from the firefighter, the Fund shall issue a statement of a firefighter's accumulated contributions, accrued benefits, and other interests in the Fund based on the data on file with the Fund on the date the subpoena is received, and of any relevant procedures, rules, or modifications to the model QILDRO form that have been adopted by the Fund.

In no event shall the Fund be required to furnish to any person an actuarial opinion as to the present value of the firefighter's benefits or other interests. The papers, entries, and records, or parts thereof, of the Fund may be proved by a copy thereof, certified under the signature of the Secretary of the Fund or other duly appointed keeper of the records of the Fund and the corporate seal, if any. (40 ILCS 5/1-119(h)(1), (2) and (3))

3. Valid QILDROs

For a court order to be a valid QILDRO (see **Form 28 – Qualified Illinois Domestic Relations Order**) (40 ILCS 5/1-119(n)), it must satisfy all of the following criteria:

- a. The order must be accompanied by a \$50.00 processing fee, payable to the Park Ridge Firefighters' Pension Fund. (40 ILCS 5/1-119(d)(3))
- b. If the order applies to a firefighter who became a member of the Park Ridge Firefighters' Pension Fund before July 1, 1999, an original **Consent of Issuance of QILDRO** must accompany it, signed by the firefighter (see **Form 29**). (40 ILCS 5/1-119(m)(1))
- c. The order must be a certified copy of the original. (40 ILCS 5/1-119(d)(1))
- d. The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for support or the distribution of property, or any proceeding to amend or enforce such support or property distribution. (40 ILCS 5/1-119(b)(1))
- e. The order must contain the name, mailing address, and last four digits of the Social Security number of the firefighter. (40 ILCS 5/1-119(c)(1))
- f. The order must contain the name, residence address, and last four digits of the Social Security number of the alternate payee. (40 ILCS 5/1-119(c)(1))
- g. The order must identify the Park Ridge Firefighters' Pension Fund as the retirement system to which it is directed. (40 ILCS 5/1-119(c)(1))
- h. The order must identify the court that issued it. (40 ILCS 5/1-119(c)(1))
- i. The order must specify either the dollar amount or percentage of the benefit and/or refund payable to the alternate payee. (40 ILCS 5/1-119(c)(2))
- j. If the QILDRO indicates that the alternate payee is to receive a percentage of any Fund benefit, the calculations required shall be provided to the Fund via a QILDRO Calculation Court Order issued by an Illinois court of competent jurisdiction in a proceeding for declaration of

- invalidity of marriage, legal separation, or dissolution of marriage. (see **Form 30 – QILDRO Calculation Court Order**). (40 ILCS 5/1-119(c)(5))
- k. The order must apply only to benefits that are statutorily subject to QILDROs. (40 ILCS 5/1-119(c)(2))
 - l. The order must be in the form adopted by the Park Ridge Firefighters' Pension Fund (see **Form 28 – Qualified Illinois Domestic Relations Order**). Any alterations to the form will invalidate the order. (40 ILCS 5/1-119(p)(2))
 - m. The effective date of the order must be on or after July 1, 1999. (40 ILCS 5/1-119(l)(2))

B. Deficiencies in order; cure period

Certain minor deficiencies in the court order may be corrected during the sixty (60) day period following the date the Park Ridge Firefighters' Pension Fund sends notice of the deficiency or deficiencies. This sixty (60) day period is called the "cure period."

1. Deficiencies that may be "cured"

Only the following deficiencies may be corrected during the cure period:

- a. The order is not accompanied by a \$50.00 processing fee payable to the Park Ridge Firefighters' Pension Fund, or the check does not clear.
- b. The order is not a certified copy of the original.
- c. The order omits the mailing address or Social Security number of the firefighter or alternate payee.
- d. The order contains an inaccurate Social Security number of the firefighter or alternate payee.
- e. The order contains a misspelled name of the firefighter or alternate payee.
- f. Any other deficiency deemed by the Park Ridge Firefighters' Pension Fund to be of a minor nature.
- g. The order applies to a firefighter who became a Park Ridge Firefighters' Pension Fund member before July 1, 1999, and is not accompanied by an original valid **Consent to Issuance of QILDRO** signed by the firefighter (see **Form 29**).
- h. The order specifies a percentage of the benefit and/or refund payable to the alternate payee and is not accompanied by a valid **QILDRO Calculation Court Order** (see **Form 30**).

2. Holding of benefits during cure period

If the firefighter is receiving monthly benefits or has a refund application pending when the court order is received, the Park Ridge Firefighters' Pension Fund will hold the portion of the benefit payable to the alternate payee during the cure period until:

- a. The order is resubmitted during the cure period and the Fund determines that all deficiencies have been corrected; or
- b. The cure period expires.

If the order is rejected, any amounts held during the cure period will be paid to the firefighter.

3. Deficiencies that cannot be “cured”

All other deficiencies will invalidate the order and cannot be cured during the cure period. An order that has one or more of the following deficiencies is invalid:

- a. The order is not issued by an Illinois court of competent jurisdiction.
- b. The order identifies a different retirement system.
- c. The order does not identify the court that issued it.
- d. The order does not specify the dollar amount or percentage of each benefit to be paid to the alternate payee.
- e. The order applies to a benefit that is not statutorily subject to QILDROs.
- f. The order is not in the form adopted by the Park Ridge Firefighters' Pension Fund.
- g. The effective date of the order is prior to July 1, 1999.

C. QILDRO Calculation Court Orders

If any QILDRO specifies a percentage of the benefit and/or refund payable to the alternate payee, a QILDRO Calculation Court Order issued by an Illinois Court of competent jurisdiction must also be provided to the Park Ridge Firefighters' Pension Fund. The calculations required shall be performed by the firefighter, the alternate payee, their designated representatives or their designated experts. The Park Ridge Firefighters' Pension Fund shall have no duty or obligation to assist in such calculations on in completion of the QILDRO Calculation Court Order, other than to provide the following information to the firefighter and to the alternate payee, or to one designated representative of each:

1. If the Park Ridge Firefighters' Pension Fund receives the QILDRO before the firefighter's effective date of retirement, then, within 45 days after the Fund receives the QILDRO, the Fund shall provide all of the following information:
 - a. The date of the firefighter's initial membership in the Park Ridge Firefighters' Pension Fund, expressed as month, day, and year, if available, or the most exact date that is available to the Fund.
 - b. The amount of permissive and regular service the member accumulated in the Fund from the time of initial membership through the most recent date available prior to the Fund receiving the QILDRO (the dates used by the Fund shall also be provided). Service amounts shall be expressed using the most exact time increments available to the Fund (e.g. months or fractions of years).
 - c. The gross amount of the firefighter's non-reduced monthly annuity benefit earned, calculated as of the most recent date available prior to the Fund receiving the QILDRO, the date used by the Fund, and the earliest date the firefighter may be eligible to commence the benefit. This amount shall include any permissive service and upgrades purchased by the member, and those amounts shall be noted separately.
 - d. The gross amount of the firefighter's refund or partial refund, including any interest payable on those amounts, calculated as of the most recent date available prior to the Fund receiving the QILDRO (the date used by the Fund shall also be provided).
 - e. The gross amount of the death benefits that would be payable to the member's death benefit beneficiaries or estate, assuming the member

- dies on the date or a date as close as possible to the date the QILDRO was received by the Fund, including any interest payable on the amounts, calculated as of the most recent date available prior to the Fund receiving the QILDRO (the date used by the Fund shall also be provided).
- f. Whether the firefighter has notified the Fund of the date the firefighter intends to retire, and if so, that date.
 - g. If the firefighter has provided a date that he or she intends to retire, the date, if available, that the Fund reasonably believes will be the firefighter's effective date of retirement.
2. If the Park Ridge Firefighters' Pension Fund receives the QILDRO after the effective date of retirement, then, within 45 days after the Fund receives the QILDRO, or if the Fund receives the QILDRO before the firefighter's already scheduled effective date of retirement, then as soon as administratively possible before or after the firefighter's effective date of retirement (but not later than 45 days after the firefighter's effective date of retirement), the Fund shall provide all of the following information:
- a. The firefighter's effective date of retirement.
 - b. The date the firefighter commenced benefits or, if not yet commenced, the date the Fund has scheduled the firefighter's benefits to commence.
 - c. The amount of permissive and regular service the firefighter accumulated in the Fund from the time of initial membership through the member's effective date of retirement. Service amounts shall be expressed using the most exact time increments available to the Fund (e.g., months or fractions of years).
 - d. The gross amount of the firefighter's monthly retirement benefit, calculated as of the firefighter's effective date of retirement. This amount shall include any permissive service and upgrades purchased by the firefighter, and those amounts shall be noted separately.
 - e. The gross amount of the firefighter's refund or partial refund, including any interest payable on those amounts, calculated as of the firefighter's effective date of retirement.
 - f. The gross amount of death benefits that would be payable to the firefighter's death benefit beneficiaries or estate, assuming the firefighter dies on the firefighter's effective date of retirement, including any interest payable on those amounts.
3. If, and only if, the alternate payee is entitled to benefits under Section VII of the QILDRO (See **Form 28 – Qualified Illinois Domestic Relations Order**), then, within 45 days after the Fund receives notice of the firefighter's death, the Fund shall provide the gross amount of death benefits payable, including any interest payable on those amounts, calculated as of the firefighter's date of death.

In no event shall the Park Ridge Firefighters' Pension Fund be required to furnish to any person an actuarial opinion as to the present value of the firefighter's benefits or other interests.

D. Processing a valid QILDRO

The Board shall review each QILDRO it receives to ensure compliance with the Illinois Pension Code and its Rules (see **Form 31 – QILDRO Verification Checklist**). Once the Board has determined that a QILDRO is valid, one of the two following scenarios will occur:

1. If the firefighter has not yet started receiving benefits, the QILDRO will be placed in the firefighter's pension file and will be implemented when the first affected benefit payment begins unless some later date is specified in the QILDRO.
2. If the firefighter is already receiving benefits, payment to the alternate payee will begin with the first payment occurring at least thirty (30) days after the QILDRO was received by the Park Ridge Firefighters' Pension Fund.

E. Current address of alternate payee

Each alternate payee is responsible for keeping the Park Ridge Firefighters' Pension Fund informed of his or her current address. The Fund must have the alternate payee's current address in order for him or her to receive payment. The law does not require the Fund to search for a missing alternate payee, other than sending notice to the last known address. (40 ILCS 5/1-119(e)(1))

When a firefighter becomes eligible to receive a retirement benefit or refund, the Fund will send notice to the alternate payee's last known address. If the notice is returned undelivered, the Fund will hold the amount payable to the alternate payee for 180 days from the date that the notice is returned or the date the benefit becomes payable, whichever is later. The amount held will not bear interest. If the Fund is notified of the alternate payee's current address within 180 days, the Fund will pay that amount held to the alternate payee. (40 ILCS 5/1-119(e)(2))

If the Fund does not learn of the alternate payee's current address within 180 days, the Fund will pay that amount to the firefighter. If the fund later becomes aware of the alternate payee's current address, the fund will implement the QILDRO, but the alternate payee will have no right to any amounts already paid to the firefighter. (40 ILCS 5/1-119(e)(2))

F. Rights of the alternate payee

An alternate payee's rights are no greater than the firefighter's rights. An alternate payee is only eligible to receive payment if and when the firefighter becomes eligible to receive the benefit or refund. A QILDRO cannot order payment to an alternate payee that will not otherwise have been payable to the firefighter.

Any required application for benefits may be made by an alternate payee who is entitled to all of a termination refund or retirement benefit or part of a death benefit that is payable under a QILDRO, provided that all other qualifications and requirements have been met. However, the alternate payee may not make the required application for death benefits while the firefighter is alive or for a firefighter's refund or a retirement benefit if the firefighter is in active service or below the minimum age for receiving an undiscounted retirement annuity in the Fund that has received the QILDRO or in an other retirement system in which the firefighter has regular or permissive service and in which the firefighter's rights under the Retirement Systems Reciprocal Act (40 ILCS 5/20-101 *et*

seq.) would be affected as a result of the alternate payee's application for a firefighter's refund or retirement benefit. (40 ILCS 5/1-119(i))

G. "Amount payable" exceeding benefits; multiple QILDROs

If the amount payable to an alternate payee exceeds the actual amount of the benefit payable to the firefighter, the excess shall be disregarded. If there are multiple QILDROs against a firefighter, the Fund will honor all of them to the extent possible. If the total amount payable to all alternate payees exceeds the actual amount of the benefit, the QILDROs will be satisfied in the order that the Fund received them. Amounts payable to multiple alternate payees will not be adjusted *pro rata*. Amounts that cannot be paid because the benefit is not large enough to cover all amounts payable shall be disregarded. The Park Ridge Firefighters' Pension Fund is not responsible to an alternate payee or any other person for amounts that remain unpaid because the benefit is not large enough. (40 ILCS 5/1-119(f)(1) and (2))

If a benefit subject to a QILDRO subsequently becomes subject to a tax lien or withholding order, the amount due will be deducted from the portion of the benefit payable to the person who is subject to the tax lien or withholding order. The remainder of the benefit will be payable to the recipient who is not affected by the tax lien or withholding order. The Park Ridge Firefighters' Pension Fund is not required to make up any amounts not paid due to recoupment of an overpayment, tax lien, or withholding order.

H. Increases in benefits

The QILDRO form approved by the Park Ridge Firefighters' Pension Fund includes a place to indicate whether the alternate payee is to receive a portion of any automatic annual increase in the firefighter's retirement benefit. If the "WILL NOT" box is checked, then the amount of the firefighter's retirement benefit that the alternate payee is receiving will remain constant, unless a modified QILDRO is received.

If the "WILL" box is checked, then the alternate payee will receive a portion of any increase in the firefighter's retirement benefit. Thus, for example, if the "WILL" box is checked, and the firefighter's total retirement benefit increases 3%, the portion going to the alternate payee will increase by 3%.

I. Modified QILDROs

A modified QILDRO must be sent to the Park Ridge Firefighters' Pension Fund in the same manner as a new one. A separate \$50.00 processing fee payable to the Park Ridge Firefighters' Pension Fund must be paid each time a modified QILDRO is submitted.

A modified QILDRO will hold the same priority of payment that the original one held, as long as the modified QILDRO does not increase the amount of any benefit payable to the alternate payee as that amount was designated in the QILDRO or affect a different benefit.

If a modified QILDRO increases the amount or affects different benefits, it will lose the priority held by the original QILDRO. Priority of payment will then be based on the date the Park Ridge Firefighters' Pension Fund received the modified QILDRO. If the benefit is subject to multiple QILDROs, losing the original QILDRO's priority could actually result in a reduced payment to the alternate payee. If the benefit is not large enough to pay the

total due under all QILDROs, only the amount remaining after all other QILDROs have been paid will be available. (40 ILCS 5/1-119(f)(3))

J. Election of benefit payment; Recoupment of overpayments

As long as there is in effect a QILDRO relating to a firefighter's retirement benefit, the firefighter may not elect a form of payment that has the effect of diminishing the amount of the payment to which any alternate payee is entitled, unless the alternate payee has consented to the election in a writing that includes the alternate payee's notarized signature, and this written and notarized consent has been filed with the Fund. If the firefighter attempts to make such an election, the Fund shall reject the election and advise the firefighter of the need to obtain the alternate payee's consent. (40 ILCS 5/1-119(j)(1) and (2))

If the Fund discovers that it has mistakenly allowed such election, it shall thereupon disallow that election and recalculate any benefits affected thereby. If the Fund determines that an amount paid to a regular payee should have been paid to an alternate payee, the Fund shall, if possible, recoup the amounts by deducting the overpayment from future payments and making payment to the alternate payee. (40 ILCS 5/1-119(j)(3) and (k))

The Fund may make deductions for recoupment over a period of time in the same manner as is provided by law or rule for the recoupment of other amounts incorrectly disbursed by the Fund in instances not involving a QILDRO. The Fund shall incur no liability to either the alternate payee or the regular payee as a result of any payment made in good faith, regardless of whether the Fund is able to accomplish recoupment. (40 ILCS 5/1-119(k))

K. Expiration of a QILDRO

A QILDRO expires upon the death of the alternate payee. The right to receive the affected benefit will then revert to the firefighter. A QILDRO will also expire upon the death of the firefighter or when the firefighter takes a refund that terminates his or her participation in the Park Ridge Firefighters' Pension Fund. This is true even if the firefighter's refund is paid to an alternate payee. (40 ILCS 5/1-119(g)(1) and (2))

3.05 Termination of Pension Benefits - Application of Pensioner

A. Generally

A pensioner receiving a disability pension may file an application with the Board to terminate the pension benefits in order to seek reinstatement to active service (see **Form 32 – Application for Termination of Disability Benefits**). Upon satisfactory proof to the Board that a firefighter on the disability pension has recovered from disability, the Board shall terminate the disability pension. The Board shall conduct a hearing on the termination application in generally the same manner as hearings for disability pension applications. The pensioner shall be responsible for all medical and physician costs in excess of those associated with an independent medical evaluation regarding the pensioner's original disability. (40 ILCS 5/4-112)

B. Establishment of Creditable Service After Return to Active Duty

A firefighter may establish creditable service for a period up to three (3) years of time during which the firefighter received a disability pension (see **Form 33 – Application for**

Establishment of Creditable Service after Return to Active Service). In order to establish such creditable service, the firefighter must have returned to active service after the disability for which credit is to be established. The firefighter shall make contributions with interest to the Fund based upon the salary upon which the disability pension was based prior to commencement of a retirement pension in accordance with Section 4-108(c)(7) of the Illinois Pension Code. (40 ILCS 5/4-108(c)(7))

3.06 Conversion of Disability Pension to Retirement Pension

A. Less than twenty (20) years of creditable service

A pensioner receiving a disability pension who is 50 years old or older and who has not completed 20 years of creditable service whose disability continues for a period which when added to his or her period of active service equals 20 years may elect to retire by submitting a written application to the Board (see **Form 34 – Application for Conversion of Disability Pension to Retirement Pension**). (40 ILCS 5/4-113(a))

B. Twenty (20) or more years of creditable service

A pensioner receiving a disability pension who is 50 years old or older and who has sufficient creditable service to qualify for a retirement pension may elect to retire at any time by submitting a written application to the Board (see **Form 34 – Application for Conversion of Disability Pension to Retirement Pension**). (40 ILCS 5/4-113(b))

3.07 Benefits for Firefighters with Creditable Service in Multiple Article 4 Pension Funds

A. Retirement Pension

1. Qualifications

A firefighter who seeks retirement benefits from multiple Article 4 pension funds must:

- a. Be a firefighter at the time of withdrawal from the last pension fund and for at least the final three (3) years of employment prior to that withdrawal;
- b. Establish service credit with at least two (2) Article 4 pension funds under the Illinois Pension Code (40 ILCS 5/4-101 *et seq.*);
- c. Have a total of at least twenty (20) years of service under the various Article 4 firefighter pension funds;
- d. Be at least 50 years of age; and
- e. Be an active firefighter after July 1, 2004. (40 ILCS 5/4-109.3(b))

2. Retirement Benefits

A current City of Park Ridge firefighter who is eligible for retirement benefits from the Park Ridge Firefighters' Pension Fund and at least one other Article 4 pension fund may elect to receive a retirement pension from the Fund and any other Article 4 pension fund in which he or she has at least one (1) year of service credit but has not received a refund under Section 4-116 of the Illinois Pension

Code (40 ILCS 5/4-116) or has repaid any such refund in accordance with Section 4-109.3(g) of the Illinois Pension Code (40 ILCS 5/4-109.3(g)). (See **Form 35 – Creditable Service Claim Form and Affidavit and Form 36 – Application for Repayment of Refund.**)

In such cases, the Fund shall calculate the retirement pension that would be payable to the firefighter as if he or she had participated in the Fund during his or her entire period of service under all Article 4 pension funds (the “hypothetical pension”).

Any period of service for which the firefighter has received a refund under Section 4-116 of the Illinois Pension Code (40 ILCS 5/4-116) shall be excluded from this calculation unless the firefighter repays that refund to the applicable pension fund as required in Section 4-109.3(g) of the Illinois Pension Code (40 ILCS 5/4-109.3(g)). Proof of such creditable service and any refunds to other Article 4 pension funds must be provided to the Fund by the firefighter and confirmed by the applicable pension fund (see **Form 35 – Creditable Service Claim Form and Affidavit, Form 36 – Application for Repayment of Refund and Form 37 – Notice and Verification of Request for Creditable Service.**)

The Fund shall subtract the original amounts of the retirement pensions payable to the firefighter by all other pension funds as provided in Section 4-109.3(d) of the Illinois Pension Code (40 ILCS 5/4-109.3(d)) from the firefighter’s hypothetical pension, and the remainder shall be the retirement pension payable to the firefighter by the Fund. (40 ILCS 5/4-109.3)

3. Former City of Park Ridge Firefighters seeking Retirement Benefits

A former City of Park Ridge firefighter who is eligible for retirement benefits from another Article 4 pension fund may elect to also receive a pension from the Fund and any other Article 4 pension fund in which he or she has at least one (1) year of creditable service but has not received a refund under Section 4-116 of the Illinois Pension Code (40 ILCS 5/4-116) (see **Form 38 – Application for Retirement Benefits – Former Employee.**)

If the former firefighter had received a refund from the Fund, he or she may reinstate creditable service in the Fund by payment to the Fund of the amount of the refund together with interest thereon at the rate of 6% per year, compounded annually, from the date of the refund to the date of payment. This repayment may be made in equal installments over a period of up to ten (10) years but must be paid in full prior to retirement.

Upon retirement, the former firefighter shall receive a monthly retirement pension from the Fund as provided in Section 4-104.3(d) of the Illinois Pension Code. (40 ILCS 5/4-109.3(d))

B. Duty-Related Disability Pension

If a firefighter who is a participant in the Fund and who has creditable service in other Article 4 pension funds becomes entitled to a disability pension under Section 4-110 of the Illinois Pension Code (40 ILCS 5/4-110), the Fund shall pay the disability pension based only on the firefighter’s service with the Fund. (40 ILCS 5/4-109.3(l))

C. Occupational Disease Disability Pension

If a firefighter who is a participant in the Fund and who has creditable service in other Article 4 pension funds becomes entitled to an occupational disease pension under Section 4-110.1 (40 ILCS 5/4-110.1), the Fund shall only pay a portion of that occupational disease disability pension equal to the proportion that the firefighter's service credit with the Fund bears to the firefighter's total service credit with all of the Article 4 pension funds to which he or she has made contributions.

A firefighter who has contributed to Article 4 pension funds for at least five (5) years of creditable service shall be deemed to have met the five (5) year creditable service requirement under Section 4-110.1 regardless of whether the firefighter has five (5) years of creditable service with the Fund.

D. Non-Duty Disability Pension

If a firefighter who is a participant in the Fund and who has creditable service in other Article 4 pension funds becomes entitled to a non-duty disability pension under Section 4-111 of the Illinois Pension Code (40 ILCS 5/4-111), the Fund shall pay the entire disability pension, provided that the firefighter has at least seven (7) years of creditable service with the Fund. (40 ILCS 5/4-109.3(n))

3.08 Intervention

The City may seek permission to intervene in a pending hearing. Intervention may be granted in the sole discretion of the Board. If granted, the City shall be considered a party to the case, and depending on the circumstances, the hearing may be treated as an adversarial one with the City and applicant acting as opposing parties. Any petition to intervene must be received by the Board no later than sixty (60) days from the date of the Board's receipt of the application.

3.09 Correcting Benefit Mistakes

If the Fund commits a mistake by setting any benefit at an incorrect amount, it shall adjust the benefit to the correct level as soon as may be practical. (40 ILCS 5/4-138.10)

A. Mistake

A mistake includes clerical or administrative errors executed by the Fund or the participant. However, a "mistake" does not include the reasonable calculation of the benefit or aspects of the benefit based on salary, service credit, calculation or determination of a disability, date of retirement, or other factors significant to the calculation of the benefit that were reasonably understood or agreed to by the Fund at the time of retirement. (40 ILCS 5/4-138.10(a))

B. Underpayment

If a pension benefit is mistakenly set too low, the Fund shall make a lump sum payment to the recipient in an amount equal to the difference between the benefits that should have been paid and the benefits that actually were paid, plus interest. The interest rate shall be the rate prescribed by the Public Pension Division of the Illinois Department of Insurance from the date that the unpaid amounts accrued to the date of payment. (40 ILCS 5/4-138.10(b))

C. Overpayment

If a pension benefit is mistakenly set too high, the Fund may recover the amount overpaid. The Fund may do so either by directly seeking a lump sum repayment or it may deduct such amount from the participants remaining benefits as is indicated by the recipient. If the overpayment is recovered by deductions from the remaining benefits payable to the recipient, the monthly deduction shall not exceed 10% of the corrected monthly benefit, unless otherwise indicated by the recipient.

If, however, the mistaken overpayment was undiscovered for 3 years or longer and was not the result of fraud committed by the affected participant or beneficiary, then the mistake shall be adjusted to the correct benefit level but the Fund shall not seek repayment of excess benefits received. (40 ILCS 5/4-138.10(c))

D. Procedure

The Board may hold a meeting to receive evidence, deliberate, and determine whether a mistake was made with regard to the amount of a benefit. Any affected pensioner shall be given notice of the meeting and shall be given an opportunity to be heard and present evidence to the Board.

CHAPTER IV - EXPENDITURES AND INVESTMENTS

4.01 Expenditures

The Treasurer shall provide the Board with a detailed expenditure analysis prior to each quarterly meeting. The Board shall review this analysis to determine if expenditures have been made in accordance with the Illinois Pension Code.

The President and the Treasurer shall review any expenditures between meetings. If it is determined that a debt needs immediate payment and that the debt is a reasonable and customary expense, the President and the Treasurer, in concert, shall direct that the debt be paid. At the next meeting, the debt/expense shall be discussed and voted on by the Board. If the President and Treasurer are not able to reach an agreement to pay such debt/expense, the debt/expense shall be held for payment until the Board meets to discuss and vote for approval or denial. The President and Secretary shall sign warrants prepared by the Treasurer upon an affirmative vote of the Board for the payment of the bills.

The Board shall maintain a petty cash account in an amount to be determined from time to time by the Board. The Board's officers shall have access to the petty cash account to pay small expenses of the Board, and a summary of debits and credits to this account shall be provided to the Board at each regular meeting.

All payouts to pensioners or beneficiaries shall be examined at a Board meeting to verify check amounts for accuracy, review of benefit status (i.e. eligibility requirements, automatic increases or decreases), and current medical status, if on disability. Any disbursement in excess of \$10,000 shall require two (2) signatures, one of which shall be the Board's treasurer, if available. Disability or retirement pension checks must be mailed directly to the recipient, as opposed to a third party, or deposited in a direct deposit account as directed by the member. (40 ILCS 5/4-131 and 4-132)

4.02 Investments

A. Investment Committee and Policy

The President shall annually appoint an investment committee consisting of the Treasurer and two additional members of the Board. The committee shall comply with the Open Meetings Act (5/ ILCS 120/1 *et seq.*). The committee shall review the investment practices of the Board and make written findings and recommendations to the Board. The committee shall also be responsible for drafting an investment policy consistent with the requirements of the Illinois Pension Code for review and adoption by the Board. The policy shall be reviewed annually by the committee and changes recommended to the Board for adoption.

The Treasurer shall be responsible for implementation of the investment policy and for filing a copy of the policy with the Illinois Department of Insurance within thirty (30) days after its adoption or amendment. (See **APPENDIX B – Investment Policy**). (40 ILCS 5/1-113.6 and 1-113.16)

B. Purchase, Sale or Transfer of Investments

The Board shall authorize the purchase, transfer or sale of any investment instrument or security owned by the Fund. The signatures of the Treasurer and one other Board member shall be required. If necessary, approval may be obtained with one facsimile signature and one original signature. (40 ILCS 5/4-128 and 4-130)

C. Investment Transparency

The Board shall make available for inspection by the public information concerning the investment of its funds as set forth in Section 1-113.16 of the Illinois Pension Code and update the information at least quarterly. (40 ILCS 5/1-113.16)

4.03 Investment Advisors/Consultants

A. Appointment of Advisors and/or Consultants

The Board may appoint one or more investment advisors and/or consultants to assist the Board in investing the assets of the Fund. Such appointments shall be made pursuant to a written contract between the investment advisor/consultant and the Board, and shall comply with the Board's investment policy and the requirements of Section 1-113.5(b) of the Illinois Pension Code. All investment advisors and/or consultants appointed by the Board shall acknowledge in writing that they are fiduciaries with respect to the Fund. (40 ILCS 5/1-113.5(b))

B. Investing with Investment Advisors/Consultants

No Board member or other fiduciary of the Fund shall knowingly cause or advise the Fund to engage in an investment transaction with an investment advisor when the Board member or other fiduciary (i) has any direct interest in the income, gains, or profits of the investment advisor through which the investment transaction is made or (ii) has a business relationship with that investment advisor that would result in a pecuniary benefit to the Board member or other fiduciary as a result of the investment transaction. (40 ILCS 4/1-110(d)).

C. Five-Year Limitation of Consultants' Agreements

All contracts to provide consulting services to the Fund with respect to the selection of fiduciaries shall be limited in term to a maximum of five (5) years. No contract to provide consulting services to the Fund may be renewed or extended. At the end of the term of a consulting services contract, however, the contractor is eligible to compete for a new contract. (40 ILCS 5/1-113.5(a-5))

4.04 Servicer Certification

All Illinois finance entities (as defined by Section 1-110.10 of the Illinois Pension Code) with which the Fund invests or deposits Fund assets must annually certify that it complies with the requirements of the High Risk Home Loan Act and the rules adopted pursuant to that Act that are applicable to that Illinois finance entity, prior to the investment or deposit of Fund assets. The Fund shall submit the certifications of each Illinois finance entity with which the Fund invests or deposits fund assets to the Illinois Department of Insurance. (40 ILCS 5/1-110.10)

4.05 Travel Expenses

A. Generally

The Board shall regulate the reimbursement of all travel, meal, and lodging expenses of its Board members, including, but not limited to:

- The types of official business for which travel, meal, and lodging expenses are allowed; and
- The maximum allowable reimbursement for such expenses.

B. Payment of Expenses

All requests for the payment of such expenses shall be made using a standardized form (see **Form 39 - Application for Travel Expense/Reimbursement**) and shall be supported, at a minimum, by the following documentation:

- The name of the individual who received or is requesting the travel, meal, or lodging expense;
- The title or office of the individual who received or is requesting the travel, meal or lodging expense;
- The date or dates and the nature of the official business in which the travel, meal, or lodging expense was or will be incurred; and
- An estimate of the cost of the travel, meal, or lodging expenses if the expenses have not been incurred or a receipt(s) for such expenses if the expenses have already been incurred.

All travel, meal and lodging expenses shall be approved by a roll call vote at an open meeting of the Board. No Board member may be reimbursed for any entertainment expense, including but not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event. (See 50 ILCS 150/1 *et seq.*)