































































































referred to as the “window” retirees; persons who retired during the 1/1/88-8/23/89 “window” period, after the Korshak class date and before 86-273 was enacted.)

156. **Pre-8/23/1989 Hireses’ subclass.** The third group of class members, who share common legal issues, are those who “vested” in their retirement benefits by their joining one of the relevant Funds on or before August 23, 1989, regardless of their retirement date. (This group might be called the “Pre-8/23/89 Hiree Vesters”). Their entitlement is based primarily on their claim to the 1970 Constitution, Art. XIII, Section 5’s protection against diminution or impairment of their benefits of participation in one of the four Funds determined at their entry into the system, i.e., their hire date. *Buddell v. Bd. of Trustees, State Universities Retirement System*, 118 Ill.2d 99, 103 (1987).

157. **Subclass 3a-Pre-4/1/1986 hires.** This subclass of Subclass 3 has unique hardship status, because, under federal law, their work for the City, no matter how long, does not earn qualifying employment quarters to qualify the person for coverage under the federal Medicare program.<sup>31</sup> Although some of these persons may earn the required quarters by other employment, most of these subclass members (especially Municipal and Laborers participants) simply do not qualify for Medicare coverage, and thus will face the largest premiums imaginable in their retirement and separately pay for Medicare coverage that most people get free. Because of the long duration of City employment, it is believed that a substantial portion of this subclass is still yet to retire.

<sup>31</sup> Local government employees who were originally hired and began their work prior to April 1, 1986 (federal Combined Omnibus Budget Reconciliation Act of 1985 (“COBRA,” PL 99-272 § 13205(a)) cannot qualify for healthcare coverage under the Medicare plan by their government employment, regardless of their length of service.



















