



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5892

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-115

from Ch. 108 1/2, par. 3-115

40 ILCS 5/4-112

from Ch. 108 1/2, par. 4-112

Amends the Downstate Police and Downstate Firefighter Articles of the Illinois Pension Code. Requires an affirmative vote of at least 4 members of the board of a downstate police or downstate firefighter pension fund to award a disability pension under the Articles. Effective immediately.

LRB100 22217 MJP 40803 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 3-115 and 4-112 as follows:

6 (40 ILCS 5/3-115) (from Ch. 108 1/2, par. 3-115)

7 Sec. 3-115. Certificate of disability. A disability
8 pension shall not be paid unless: (1) there is filed with the
9 board certificates of the police officer's disability,
10 subscribed and sworn to by the police officer if not under
11 legal disability, or by a representative if the officer is
12 under legal disability, and by the police surgeon (if there be
13 one) and 3 practicing physicians selected by the board; and (2)
14 at least 4 board members cast an affirmative vote to award a
15 disability pension. The board may require other evidence of
16 disability. Medical examination of a police officer retired for
17 disability shall be made at least once each year prior to
18 attainment of age 50, as verification of the continuance of
19 disability for service as a police officer. No examination
20 shall be required after age 50.

21 (Source: P.A. 83-1440.)

22 (40 ILCS 5/4-112) (from Ch. 108 1/2, par. 4-112)

1 Sec. 4-112. Determination of disability; restoration to
2 active service; disability cannot constitute cause for
3 discharge. A disability pension shall not be paid until
4 disability has been established by the board, with the
5 affirmative vote of at least 4 board members, by examinations
6 of the firefighter at pension fund expense by 3 physicians
7 selected by the board and such other evidence as the board
8 deems necessary. The 3 physicians selected by the board need
9 not agree as to the existence of any disability or the nature
10 and extent of a disability. Medical examination of a
11 firefighter receiving a disability pension shall be made at
12 least once each year prior to attainment of age 50 in order to
13 verify continuance of disability. No examination shall be
14 required after age 50. No physical or mental disability that
15 constitutes, in whole or in part, the basis of an application
16 for benefits under this Article may be used, in whole or in
17 part, by any municipality or fire protection district employing
18 firefighters, emergency medical technicians, or paramedics as
19 cause for discharge.

20 Upon satisfactory proof to the board that a firefighter on
21 the disability pension has recovered from disability, the board
22 shall terminate the disability pension. The firefighter shall
23 report to the marshal or chief of the fire department, who
24 shall thereupon order immediate reinstatement into active
25 service, and the municipality shall immediately return the
26 firefighter to its payroll, in the same rank or grade held at

1 the date he or she was placed on disability pension. If the
2 firefighter must file a civil action against the municipality
3 to enforce his or her mandated return to payroll under this
4 paragraph, then the firefighter is entitled to recovery of
5 reasonable court costs and attorney's fees.

6 The firefighter shall be entitled to 10 days notice before
7 any hearing or meeting of the board at which the question of
8 his or her disability is to be considered, and shall have the
9 right to be present at any such hearing or meeting, and to be
10 represented by counsel; however, the board shall not have any
11 obligation to provide such fireman with counsel.

12 (Source: P.A. 95-681, eff. 10-11-07.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.