



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3446

by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-146
40 ILCS 5/7-150

from Ch. 108 1/2, par. 7-146
from Ch. 108 1/2, par. 7-150

Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. In a provision concerning eligibility for temporary disability benefits or total and permanent disability benefits, removes a requirement that an interruption in service for a specified period must have been with the same participating municipality or participating instrumentality. Effective immediately.

LRB101 09924 RPS 55026 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 7-146 and 7-150 as follows:

6 (40 ILCS 5/7-146) (from Ch. 108 1/2, par. 7-146)

7 Sec. 7-146. Temporary disability benefits - Eligibility.
8 Temporary disability benefits shall be payable to
9 participating employees as hereinafter provided.

10 (a) The participating employee shall be considered
11 temporarily disabled if:

12 1. He is unable to perform the duties of any position
13 which might reasonably be assigned to him by his employing
14 municipality or instrumentality thereof or participating
15 instrumentality due to mental or physical disability
16 caused by bodily injury or disease, other than as a result
17 of self-inflicted injury or addiction to narcotic drugs;

18 2. The Board has received written certifications from
19 at least one licensed and practicing physician and the
20 governing body of the employing municipality or
21 instrumentality thereof or participating instrumentality
22 stating that the employee meets the conditions set forth in
23 subparagraph 1 of this paragraph (a).

1 (b) A temporary disability benefit shall be payable to a
2 temporarily disabled employee provided:

3 1. He:

4 (i) has at least one year of service immediately
5 preceding the date the temporary disability was
6 incurred and has made contributions to the fund for at
7 least the number of months of service normally required
8 in his position during a 12-month period, or has at
9 least 5 years of service credit, the last year of which
10 immediately precedes such date; or

11 (ii) had qualified under clause (i) above, but had
12 an interruption in service ~~with the same participating~~
13 ~~municipality or participating instrumentality~~ of not
14 more than 3 months in the 12 months preceding the date
15 the temporary disability was incurred and was not paid
16 a separation benefit; or

17 (iii) had qualified under clause (i) above, but had
18 an interruption after 20 or more years of creditable
19 service, was not paid a separation benefit, and
20 returned to service prior to the date the disability
21 was incurred.

22 Item (iii) of this subdivision shall apply to all
23 employees whose disabilities were incurred on or after July
24 1, 1985, and any such employee who becomes eligible for a
25 disability benefit under item (iii) shall be entitled to
26 receive a lump sum payment of any accumulated disability

1 benefits which may accrue from the date the disability was
2 incurred until the effective date of this amendatory Act of
3 1987.

4 Periods of qualified leave granted in compliance with
5 the federal Family and Medical Leave Act shall be ignored
6 for purposes of determining the number of consecutive
7 months of employment under this subdivision (b)1.

8 2. He has been temporarily disabled for at least 30
9 days, except where a former temporary or permanent and
10 total disability has reoccurred within 6 months after the
11 employee has returned to service.

12 3. He is receiving no earnings from a participating
13 municipality or instrumentality thereof or participating
14 instrumentality, except as allowed under subsection (f) of
15 Section 7-152.

16 4. He has not refused to submit to a reasonable
17 physical examination by a physician appointed by the Board.

18 5. His disability is not the result of a mental or
19 physical condition which existed on the earliest date of
20 service from which he has uninterrupted service, including
21 prior service, at the date of his disability, provided that
22 this limitation is not applicable if the date of disability
23 is after December 31, 2001, nor is it applicable to a
24 participating employee who: (i) on the date of disability
25 has 5 years of creditable service, exclusive of creditable
26 service for periods of disability; or (ii) received no

1 medical treatment for the condition for the 3 years
2 immediately prior to such earliest date of service.

3 6. He is not separated from the service of the
4 participating municipality or instrumentality thereof or
5 participating instrumentality which employed him on the
6 date his temporary disability was incurred; for the
7 purposes of payment of temporary disability benefits, a
8 participating employee, whose employment relationship is
9 terminated by his employing municipality, shall be deemed
10 not to be separated from the service of his employing
11 municipality or participating instrumentality if he
12 continues disabled by the same condition and so long as he
13 is otherwise entitled to such disability benefit.

14 7. He has not failed or refused to consent to and sign
15 an authorization allowing the Board to receive copies of or
16 to examine his medical and hospital records.

17 8. He has not failed or refused to provide complete
18 information regarding any other employment for
19 compensation he has received since becoming disabled.

20 (Source: P.A. 97-415, eff. 8-16-11; 98-218, eff. 8-9-13.)

21 (40 ILCS 5/7-150) (from Ch. 108 1/2, par. 7-150)

22 Sec. 7-150. Total and permanent disability benefits -
23 Eligibility. Total and permanent disability benefits shall be
24 payable to participating employees as hereinafter provided,
25 including those employees receiving disability benefit on July

1 1, 1962.

2 (a) A participating employee shall be considered totally
3 and permanently disabled if:

4 1. He is unable to engage in any gainful activity
5 because of any medically determinable physical or mental
6 impairment which can be expected to result in death or be
7 of a long continued and indefinite duration, other than as
8 a result of self-inflicted injury or addiction to narcotic
9 drugs;

10 2. The Board has received a written certification by at
11 least 1 licensed and practicing physician stating that the
12 employee meets the qualifications of subparagraph 1 of this
13 paragraph (a).

14 (b) A totally and permanently disabled employee is entitled
15 to a permanent disability benefit provided:

16 1. He has exhausted his temporary disability benefits.

17 2. He:

18 (i) has at least one year of service immediately
19 preceding the date the disability was incurred and has
20 made contributions to the fund for at least the number
21 of months of service normally required in his position
22 during a 12 month period, or has at least 5 years of
23 service credit, the last year of which immediately
24 preceded the date the disability was incurred; or

25 (ii) had qualified under clause (i) above, but had
26 an interruption in service ~~with the same participating~~

1 ~~municipality or participating instrumentality~~ of not
2 more than 3 months in the 12 months preceding the date
3 the temporary disability was incurred and was not paid
4 a separation benefit; or

5 (iii) had qualified under clause (i) above, but had
6 an interruption after 20 or more years of creditable
7 service, was not paid a separation benefit, and
8 returned to service prior to the date the disability
9 was incurred.

10 Item (iii) of this subdivision shall apply to all
11 employees whose disabilities were incurred on or after July
12 1, 1985, and any such employee who becomes eligible for a
13 disability benefit under item (iii) shall be entitled to
14 receive a lump sum payment of any accumulated disability
15 benefits which may accrue from the date the disability was
16 incurred until the effective date of this amendatory Act of
17 1987.

18 Periods of qualified leave granted in compliance with
19 the federal Family and Medical Leave Act shall be ignored
20 for purposes of determining the number of consecutive
21 months of employment under this subdivision (b)2.

22 3. He is receiving no earnings from a participating
23 municipality or instrumentality thereof or participating
24 instrumentality, except as allowed under subsection (f) of
25 Section 7-152.

26 4. He has not refused to submit to a reasonable

1 physical examination by a physician appointed by the Board.

2 5. His disability is not the result of a mental or
3 physical condition which existed on the earliest date of
4 service from which he has uninterrupted service, including
5 prior service, at the date of his disability, provided that
6 this limitation shall not be applicable to a participating
7 employee who, without receiving a disability benefit,
8 receives 5 years of creditable service.

9 6. He is not separated from the service of his
10 employing participating municipality or instrumentality
11 thereof or participating instrumentality on the date his
12 temporary disability was incurred; for the purposes of
13 payment of total and permanent disability benefits, a
14 participating employee, whose employment relationship is
15 terminated by his employing municipality, shall be deemed
16 not to be separated from the service of his employing
17 municipality or participating instrumentality if he
18 continues disabled by the same condition and so long as he
19 is otherwise entitled to such disability benefit.

20 7. He has not refused to apply for a disability benefit
21 under the Federal Social Security Act at the request of the
22 Board.

23 8. He has not failed or refused to consent to and sign
24 an authorization allowing the Board to receive copies of or
25 to examine his medical and hospital records.

26 9. He has not failed or refused to provide complete

1 information regarding any other employment for
2 compensation he has received since becoming disabled.

3 (c) A participating employee shall remain eligible and may
4 make application for a total and permanent disability benefit
5 within 90 days after the termination of his temporary
6 disability benefits or within such longer period terminating at
7 the end of the period during which his employing municipality
8 is prevented from employing him by reason of any statutory
9 prohibition.

10 (Source: P.A. 97-415, eff. 8-16-11.)

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