

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.