

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
5 changing Section 13-310 as follows:

6 (40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

7 Sec. 13-310. Ordinary disability benefit.

8 (a) Any employee who becomes disabled as the result of any
9 cause other than injury or illness incurred in the performance
10 of duty for the employer or any other employer, or while
11 engaged in self-employment activities, shall be entitled to an
12 ordinary disability benefit. The eligible period for this
13 benefit shall be 25% of the employee's total actual service
14 prior to the date of disability with a cumulative maximum
15 period of 5 years.

16 (b) The benefit shall be allowed only if the employee
17 files an application in writing with the Board, and a medical
18 report is submitted by at least one licensed and practicing
19 physician as part of the employee's application.

20 The benefit is not payable for any disability which begins
21 during any period of unpaid leave of absence. No benefit shall
22 be allowed for any period of disability prior to 30 days before
23 application is made, unless the Board finds good cause for the

1 delay in filing the application. The benefit shall not be paid
2 during any period for which the employee receives or is
3 entitled to receive any part of salary.

4 The benefit is not payable for any disability which begins
5 during any period of absence from duty other than allowable
6 vacation time in any calendar year. An employee whose
7 disability begins during any such ineligible period of absence
8 from service may not receive benefits until the employee
9 recovers from the disability and is in service for at least 15
10 consecutive working days after such recovery.

11 In the case of an employee who first enters service on or
12 after June 13, 1997, an ordinary disability benefit is not
13 payable for the first 3 days of disability that would
14 otherwise be payable under this Section if the disability does
15 not continue for at least 11 additional days.

16 Beginning on the effective date of this amendatory Act of
17 the 94th General Assembly, an employee who first entered
18 service on or after June 13, 1997 is also eligible for ordinary
19 disability benefits on the 31st day after the last day worked,
20 provided all sick leave is exhausted.

21 (c) The benefit shall be 50% of the employee's salary at
22 the date of disability, and shall terminate when the earliest
23 of the following occurs:

24 (1) The employee returns to work or receives a
25 retirement annuity paid wholly or in part under this
26 Article;

1 (2) The disability ceases;

2 (3) The employee willfully and continuously refuses to
3 follow medical advice and treatment to enable the employee
4 to return to work. However this provision does not apply
5 to an employee who relies in good faith on treatment by
6 prayer through spiritual means alone in accordance with
7 the tenets and practice of a recognized church or
8 religious denomination, by a duly accredited practitioner
9 thereof;

10 (4) The employee (i) refuses to submit to a reasonable
11 physical examination within 30 days of application by a
12 physician appointed by the Board, (ii) in the case of
13 chronic alcoholism, the employee refuses to join a
14 rehabilitation program licensed by the Department of
15 Public Health of the State of Illinois and certified by
16 the Joint Commission on the Accreditation of Hospitals,
17 (iii) fails or refuses to consent to and sign an
18 authorization allowing the Board to receive copies of or
19 to examine the employee's medical and hospital records, or
20 (iv) fails or refuses to provide complete information
21 regarding any other employment for compensation he or she
22 has received since becoming disabled; or

23 (5) The eligible period for this benefit has been
24 exhausted.

25 The first payment of the benefit shall be made not later
26 than one month after the same has been granted, and subsequent

1 payments shall be made at least monthly ~~intervals of not more~~
2 ~~than 30 days.~~

3 (Source: P.A. 94-621, eff. 8-18-05.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.