

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 Sections 5-157 and 5-212 as follows:

6 (40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)

7 Sec. 5-157. Administration of disability benefits.

8 (a) If a policeman who is granted duty or ordinary
9 disability benefit refuses to submit to examination by a
10 physician appointed by the board, he shall have no further
11 right to receive the benefit.

12 (b) A policeman who has withdrawn from service while
13 disabled and entered upon annuity prior to the effective date,
14 and who has thereafter been reinstated as a policeman, shall
15 have no right to ordinary disability benefit in excess of the
16 amount previously received unless he serves at least one year
17 after such reinstatement. This provision shall apply
18 throughout the duration of any disability incurred by the
19 policeman within one year after his reinstatement resulting
20 from any cause other than injury incurred in the performance
21 of an act of duty.

22 (c) Until the effective date of this amendatory Act of the
23 92nd General Assembly, a policeman who assumes regular

1 employment for compensation, while in receipt of ordinary or
2 duty disability benefits, shall not be entitled to receive any
3 amount of such disability benefits which, when added to his
4 compensation for such employment during disability, would
5 exceed 150% of the rate of salary which would be paid to him if
6 he were working in his regularly appointed civil service
7 position as a policeman. The changes made to this Section by
8 Public Act 90-766 are not limited to persons in service on or
9 after the effective date of that Act.

10 Beginning on the effective date of this amendatory Act of
11 the 92nd General Assembly, the reduction of disability
12 benefits due to compensation for employment previously imposed
13 under this subsection (c) no longer applies to any person
14 receiving a disability benefit under this Article, without
15 regard to whether the person is in service on or after that
16 date. The removal of this limitation by this amendatory Act is
17 not retroactive and does not entitle any person to the
18 restoration of amounts previously reduced or withheld under
19 this subsection.

20 (d) Disability benefit shall not be paid for any part of
21 time for which a disabled policeman shall receive any part of
22 his salary.

23 (e) Except as herein otherwise provided, disability
24 benefit shall not be paid for any disability based upon or
25 caused by any mental or physical defect which the policeman
26 had at the time he entered the police service.

1 (f) Disability benefit shall not be allowed to any
2 policeman who re-enters the public service in any capacity
3 where his salary is payable in whole or in part by taxes levied
4 upon taxable property in the city in which this Article is in
5 effect, or out of special revenues of any department of the
6 city. The disability benefit shall be suspended during the
7 period he is in the public service for compensation, and shall
8 be resumed when he withdraws from such service.

9 (g) If a policeman receives any compensation as temporary
10 total disability, permanent total disability, a lump sum
11 settlement award, or other payment under the Workers'
12 Compensation Act or the Workers' Occupational Diseases Act as
13 a result of the policeman's secondary employment for any
14 injury resulting in disability, any disability benefit
15 provided to the policeman for such disability under this
16 Article shall be reduced by any compensation amount so
17 received, if that compensation amount is less than the amount
18 of the disability benefit. If the amount received as
19 compensation exceeds the amount of the disability benefit, the
20 policeman shall not receive the disability benefit until the
21 disability benefit payable equals the amount of the
22 compensation received without consideration of interest. The
23 calculation of compensation received by the policeman as
24 provided in this Section shall not take into consideration any
25 benefits received under the Line of Duty Compensation Act.

26 If the widow, child or children, or parent or parents of a

1 policeman, or any of these persons, receives any compensation
2 under the Workers' Compensation Act or the Workers'
3 Occupational Diseases Act as a result of the policeman's
4 secondary employment for any injury resulting in the
5 policeman's death, the annuities provided under this Article
6 for those beneficiaries shall be reduced by any compensation
7 amount so received, if that compensation amount is less than
8 the amount of the annuities. If the amount received as
9 compensation exceeds the amount of the annuities for the
10 widow, child or children, or parent or parents, the annuities
11 shall not be payable until the accumulated value of the
12 annuities equals the amount of the compensation received
13 without consideration of interest. In making the adjustment,
14 the annuity to the widow shall first be reduced. The
15 calculation of compensation received by the widow, child or
16 children, or parent or parents of a policeman, or any of these
17 persons, as provided in this Section shall not take into
18 consideration any benefits received under the Line of Duty
19 Compensation Act or the Public Safety Officers Benefits Act of
20 1976, 34 U.S.C. 10281 et seq.

21 (h) ~~(g)~~ Any disability benefit paid in violation of this
22 Section or of this Article shall be construed to have been paid
23 in error, and the amounts so paid shall be charged as a debit
24 in the account of any person to whom the same was paid and
25 shall be deducted from any moneys thereafter payable to such
26 person out of this fund, or to the widow, heirs or estate of

1 such person.

2 (Source: P.A. 92-52, eff. 7-12-01.)

3 (40 ILCS 5/5-212) (from Ch. 108 1/2, par. 5-212)

4 Sec. 5-212. Computation of service. In computing the
5 service rendered by a policeman prior to the effective date,
6 the following periods shall be counted, in addition to all
7 periods during where he performed the duties of his position,
8 as periods of service for annuity purposes only: all periods
9 of (a) vacation; (b) leave of absence with whole or part pay;
10 (c) leave of absence without pay on account of disability; and
11 (d) leave of absence during which the policeman was engaged in
12 the military or naval service of the United States of America.
13 Service credit shall not be allowed for a policeman in receipt
14 of a pension on account of disability from any pension fund
15 superseded by this fund.

16 In computing the service rendered by a policeman on or
17 after the effective date, the following periods shall be
18 counted, in addition to all periods during which he performed
19 the duties of his position, as periods of service for annuity
20 purposes only: all periods of (a) vacation; (b) leave of
21 absence with whole or part pay; (c) leave of absence during
22 which the policeman was engaged in the military or naval
23 service of the United States of America; (d) time that the
24 policeman was engaged in the military or naval service of the
25 United States of America, during which he was passed over on

1 any eligible list posted from an entrance examination, due to
2 the fact that he was in such military or naval service at the
3 time he was called for appointment to the Police Department,
4 to be computed from the date he was passed over on any eligible
5 list and would have been first sworn in as a policeman had he
6 not been engaged in the military or naval service of the United
7 States of America, until the date of his discharge from such
8 military or naval service; provided that such policeman shall
9 pay into this Fund the same amount that would have been
10 deducted from his salary had he been a policeman during the
11 aforementioned portion of such military or naval service; (e)
12 disability for which the policeman receives any disability
13 benefit or compensation under the Workers' Compensation Act or
14 the Workers' Occupational Diseases Act; (f) disability for
15 which the policeman receives whole or part pay; (g) service
16 for which credits and creditable service have been transferred
17 to this Fund under Section 9-121.1, 14-105.1 or 15-134.3 of
18 this Code; and (h) periods of service in the military, naval,
19 or air forces of the United States entered upon before
20 beginning service as an active policeman of a municipality as
21 provided in Section 5-214.3.

22 In computing service on or after the effective date for
23 ordinary disability benefit, all periods described in the
24 preceding paragraph, except any such period for which a
25 policeman receives ordinary disability benefit, shall be
26 counted as periods of service.

1 In computing service for any of the purposes of this
2 Article, no credit shall be given for any period during which a
3 policeman was not rendering active service because of his
4 discharge from the service, unless proceedings to test the
5 legality of the discharge are filed in a court of competent
6 jurisdiction within one year from the date of discharge and a
7 final judgment is entered therein declaring the discharge
8 illegal.

9 No overtime or extra service shall be included in
10 computing service of a policeman and not more than one year or
11 a fractional part thereof of service shall be allowed for
12 service rendered during any calendar year.

13 In computing service for any of the purposes of this
14 Article, credit shall be given for any periods during which a
15 policeman who is a member of the General Assembly is on leave
16 of absence or is otherwise authorized to be absent from duty to
17 enable him or her to perform legislative duties,
18 notwithstanding any reduction in salary for such periods and
19 notwithstanding that the contributions paid by the policeman
20 were based on a reduced salary rather than the full amount of
21 salary attached to his or her career service rank.

22 (Source: P.A. 96-1260, eff. 7-23-10.)

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.46 as follows:

1 (30 ILCS 805/8.46 new)

2 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and
3 8 of this Act, no reimbursement by the State is required for
4 the implementation of any mandate created by this amendatory
5 Act of the 102nd General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.