

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 adding  
5 Sections 7-130.1, 7-130.2, 7-130.3, 7-130.4, and 7-130.5 and  
6 by changing Sections 7-145.1, 7-146, 7-149, and 7-150 as  
7 follows:

8 (40 ILCS 5/7-130.1 new)

9 Sec. 7-130.1. Advanced practice registered nurse.

10 "Advanced practice registered nurse": a person licensed as an  
11 advanced practice registered nurse under the Nurse Practice  
12 Act.

13 (40 ILCS 5/7-130.2 new)

14 Sec. 7-130.2. Clinical psychologist. "Clinical

15 psychologist": a person licensed under the Clinical  
16 Psychologist Licensing Act.

17 (40 ILCS 5/7-130.3 new)

18 Sec. 7-130.3. Health care professional. "Health care

19 professional": a person currently licensed as a physician,  
20 advanced practice registered nurse, clinical psychologist, or  
21 physician assistant diagnosing the condition or conditions for

1 which disability benefits are sought in accordance with the  
2 person's level of education, training, and licensure.

3 (40 ILCS 5/7-130.4 new)

4 Sec. 7-130.4. Physician. "Physician": a person licensed to  
5 practice medicine in all its branches under the Medical  
6 Practice Act of 1987.

7 (40 ILCS 5/7-130.5 new)

8 Sec. 7-130.5. Physician assistant. "Physician assistant":  
9 a person licensed under the Physician Assistant Practice Act  
10 of 1987.

11 (40 ILCS 5/7-145.1)

12 Sec. 7-145.1. Alternative annuity for county officers.

13 (a) The benefits provided in this Section and Section  
14 7-145.2 are available only if, prior to the effective date of  
15 this amendatory Act of the 97th General Assembly, the county  
16 board has filed with the Board of the Fund a resolution or  
17 ordinance expressly consenting to the availability of these  
18 benefits for its elected county officers. The county board's  
19 consent is irrevocable with respect to persons participating  
20 in the program, but may be revoked at any time with respect to  
21 persons who have not paid an additional optional contribution  
22 under this Section before the date of revocation.

23 An elected county officer may elect to establish

1 alternative credits for an alternative annuity by electing in  
2 writing before the effective date of this amendatory Act of  
3 the 97th General Assembly to make additional optional  
4 contributions in accordance with this Section and procedures  
5 established by the board. These alternative credits are  
6 available only for periods of service as an elected county  
7 officer. The elected county officer may discontinue making the  
8 additional optional contributions by notifying the Fund in  
9 writing in accordance with this Section and procedures  
10 established by the board.

11 Additional optional contributions for the alternative  
12 annuity shall be as follows:

13 (1) For service as an elected county officer after the  
14 option is elected, an additional contribution of 3% of  
15 salary shall be contributed to the Fund on the same basis  
16 and under the same conditions as contributions required  
17 under Section 7-173.

18 (2) For service as an elected county officer before  
19 the option is elected, an additional contribution of 3% of  
20 the salary for the applicable period of service, plus  
21 interest at the effective rate from the date of service to  
22 the date of payment, plus any additional amount required  
23 by the county board under paragraph (3). All payments for  
24 past service must be paid in full before credit is given.  
25 Payment must be received by the Board while the member is  
26 an active participant, except that one payment will be

1 permitted after termination of participation.

2 (3) With respect to service as an elected county  
3 officer before the option is elected, if payment is made  
4 after the county board has filed with the Board of the Fund  
5 a resolution or ordinance requiring an additional  
6 contribution under this paragraph, then the contribution  
7 required under paragraph (2) shall include an amount to be  
8 determined by the Fund, equal to the actuarial present  
9 value of the additional employer cost that would otherwise  
10 result from the alternative credits being established for  
11 that service. A county board's resolution or ordinance  
12 requiring additional contributions under this paragraph  
13 (3) is irrevocable. Payment must be received by the Board  
14 while the member is an active participant, except that one  
15 payment will be permitted after termination of  
16 participation.

17 No additional optional contributions may be made for any  
18 period of service for which credit has been previously  
19 forfeited by acceptance of a refund, unless the refund is  
20 repaid in full with interest at the effective rate from the  
21 date of refund to the date of repayment.

22 (b) In lieu of the retirement annuity otherwise payable  
23 under this Article, an elected county officer who (1) has  
24 elected to participate in the Fund and make additional  
25 optional contributions in accordance with this Section, (2)  
26 has held and made additional optional contributions with

1 respect to the same elected county office for at least 8 years,  
2 and (3) has attained age 55 with at least 8 years of service  
3 credit (or has attained age 50 with at least 20 years of  
4 service as a sheriff's law enforcement employee) may elect to  
5 have his retirement annuity computed as follows: 3% of the  
6 participant's salary for each of the first 8 years of service  
7 credit, plus 4% of that salary for each of the next 4 years of  
8 service credit, plus 5% of that salary for each year of service  
9 credit in excess of 12 years, subject to a maximum of 80% of  
10 that salary.

11 This formula applies only to service in an elected county  
12 office that the officer held for at least 8 years, and only to  
13 service for which additional optional contributions have been  
14 paid under this Section. If an elected county officer  
15 qualifies to have this formula applied to service in more than  
16 one elected county office, the qualifying service shall be  
17 accumulated for purposes of determining the applicable accrual  
18 percentages, but the salary used for each office shall be the  
19 separate salary calculated for that office, as defined in  
20 subsection (g).

21 To the extent that the elected county officer has service  
22 credit that does not qualify for this formula, his retirement  
23 annuity will first be determined in accordance with this  
24 formula with respect to the service to which this formula  
25 applies, and then in accordance with the remaining Sections of  
26 this Article with respect to the service to which this formula

1 does not apply.

2 (c) In lieu of the disability benefits otherwise payable  
3 under this Article, an elected county officer who (1) has  
4 elected to participate in the Fund, and (2) has become  
5 permanently disabled and as a consequence is unable to perform  
6 the duties of his office, and (3) was making optional  
7 contributions in accordance with this Section at the time the  
8 disability was incurred, may elect to receive a disability  
9 annuity calculated in accordance with the formula in  
10 subsection (b). For the purposes of this subsection, an  
11 elected county officer shall be considered permanently  
12 disabled only if: (i) disability occurs while in service as an  
13 elected county officer and is of such a nature as to prevent  
14 him from reasonably performing the duties of his office at the  
15 time; and (ii) the board has received a written certification  
16 by at least 2 health care professionals ~~licensed physicians~~  
17 appointed by it stating that the officer is disabled and that  
18 the disability is likely to be permanent.

19 (d) Refunds of additional optional contributions shall be  
20 made on the same basis and under the same conditions as  
21 provided under Section 7-166, 7-167 and 7-168. Interest shall  
22 be credited at the effective rate on the same basis and under  
23 the same conditions as for other contributions.

24 If an elected county officer fails to hold that same  
25 elected county office for at least 8 years, he or she shall be  
26 entitled after leaving office to receive a refund of the

1 additional optional contributions made with respect to that  
2 office, plus interest at the effective rate.

3 (e) The plan of optional alternative benefits and  
4 contributions shall be available to persons who are elected  
5 county officers and active contributors to the Fund on or  
6 after November 15, 1994 and elected to establish alternative  
7 credit before the effective date of this amendatory Act of the  
8 97th General Assembly. A person who was an elected county  
9 officer and an active contributor to the Fund on November 15,  
10 1994 but is no longer an active contributor may apply to make  
11 additional optional contributions under this Section at any  
12 time within 90 days after the effective date of this  
13 amendatory Act of 1997; if the person is an annuitant, the  
14 resulting increase in annuity shall begin to accrue on the  
15 first day of the month following the month in which the  
16 required payment is received by the Fund.

17 (f) For the purposes of this Section and Section 7-145.2,  
18 the terms "elected county officer" and "elected county office"  
19 include, but are not limited to: (1) the county clerk,  
20 recorder, treasurer, coroner, assessor (if elected), auditor,  
21 sheriff, and State's Attorney; members of the county board;  
22 and the clerk of the circuit court; and (2) a person who has  
23 been appointed to fill a vacancy in an office that is normally  
24 filled by election on a countywide basis, for the duration of  
25 his or her service in that office. The terms "elected county  
26 officer" and "elected county office" do not include any

1 officer or office of a county that has not consented to the  
2 availability of benefits under this Section and Section  
3 7-145.2.

4 (g) For the purposes of this Section and Section 7-145.2,  
5 the term "salary" means the final rate of earnings for the  
6 elected county office held, calculated in a manner consistent  
7 with Section 7-116, but for that office only. If an elected  
8 county officer qualifies to have the formula in subsection (b)  
9 applied to service in more than one elected county office, a  
10 separate salary shall be calculated and applied with respect  
11 to each such office.

12 (h) The changes to this Section made by this amendatory  
13 Act of the 91st General Assembly apply to persons who first  
14 make an additional optional contribution under this Section on  
15 or after the effective date of this amendatory Act.

16 (i) Any elected county officer who was entitled to receive  
17 a stipend from the State on or after July 1, 2009 and on or  
18 before June 30, 2010 may establish earnings credit for the  
19 amount of stipend not received, if the elected county official  
20 applies in writing to the fund within 6 months after the  
21 effective date of this amendatory Act of the 96th General  
22 Assembly and pays to the fund an amount equal to (i) employee  
23 contributions on the amount of stipend not received, (ii)  
24 employer contributions determined by the Board equal to the  
25 employer's normal cost of the benefit on the amount of stipend  
26 not received, plus (iii) interest on items (i) and (ii) at the



1 actuarially assumed rate.

2 (Source: P.A. 100-148, eff. 8-18-17.)

3 (40 ILCS 5/7-146) (from Ch. 108 1/2, par. 7-146)

4 Sec. 7-146. Temporary disability benefits; eligibility  
5 ~~benefits—Eligibility~~. Temporary disability benefits shall be  
6 payable to participating employees as hereinafter provided.

7 (a) The participating employee shall be considered  
8 temporarily disabled if:

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

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

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

24 1. He:

25 (i) has at least one year of service immediately

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

7 (ii) had qualified under clause (i) above, but had  
8 an interruption in service of not more than 3 months in  
9 the 12 months preceding the date the temporary  
10 disability was incurred and was not paid a separation  
11 benefit; or

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

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

25 Periods of qualified leave granted in compliance with  
26 the federal Family and Medical Leave Act shall be ignored

1 for purposes of determining the number of consecutive  
2 months of employment under this subdivision (b)1.

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

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

11 4. He has not refused to submit to a reasonable  
12 physical examination by a health care professional  
13 ~~physician~~ appointed by the Board.

14 5. His disability is not the result of a mental or  
15 physical condition which existed on the earliest date of  
16 service from which he has uninterrupted service, including  
17 prior service, at the date of his disability, provided  
18 that this limitation is not applicable if the date of  
19 disability is after December 31, 2001, nor is it  
20 applicable to a participating employee who: (i) on the  
21 date of disability has 5 years of creditable service,  
22 exclusive of creditable service for periods of disability;  
23 or (ii) received no medical treatment for the condition  
24 for the 3 years immediately prior to such earliest date of  
25 service.

26 6. He is not separated from the service of the

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

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

14 8. He has not failed or refused to provide complete  
15 information regarding any other employment for  
16 compensation he has received since becoming disabled.

17 (Source: P.A. 101-151, eff. 7-26-19.)

18 (40 ILCS 5/7-149) (from Ch. 108 1/2, par. 7-149)

19 Sec. 7-149. Temporary disability benefits; periodic  
20 ~~benefits-Periodic~~ checks.

21 The Board shall conduct periodic checks to determine if  
22 any participating employee is disabled. Such checks may  
23 consist of periodic examinations by one or more health care  
24 professionals ~~a physician or physicians~~ appointed by the  
25 Board, requiring the employee to submit evidence of continuing

1 disability and such other investigations as the Board may deem  
2 appropriate. The following shall constitute prima facie  
3 ~~prima facie~~ evidence of termination of temporary disability:

4 (a) A written report by a health care professional  
5 ~~physician~~ appointed by the Board stating that the temporary  
6 disability has ceased;

7 (b) The earning of compensation by the employee from any  
8 source for personal services, in excess of 25% of the monthly  
9 rate of earnings upon which his disability benefits are based.

10 (Source: Laws 1965, p. 1086.)

11 (40 ILCS 5/7-150) (from Ch. 108 1/2, par. 7-150)

12 Sec. 7-150. Total and permanent disability benefits;  
13 eligibility ~~benefits~~ ~~Eligibility~~. Total and permanent  
14 disability benefits shall be payable to participating  
15 employees as hereinafter provided, including those employees  
16 receiving disability benefit on July 1, 1962.

17 (a) A participating employee shall be considered totally  
18 and permanently disabled if:

19 1. He is unable to engage in any gainful activity  
20 because of any medically determinable physical or mental  
21 impairment which can be expected to result in death or be  
22 of a long continued and indefinite duration, other than as  
23 a result of self-inflicted injury or addiction to narcotic  
24 drugs;

25 2. The Board has received a written certification by

1 at least one health care professional ~~1 licensed and~~  
2 ~~practicing physician~~ stating that the employee meets the  
3 qualifications of subparagraph 1 of this paragraph (a).

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

6 1. He has exhausted his temporary disability benefits.

7 2. He:

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

15 (ii) had qualified under clause (i) above, but had  
16 an interruption in service of not more than 3 months in  
17 the 12 months preceding the date the temporary  
18 disability was incurred and was not paid a separation  
19 benefit; or

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

25 Item (iii) of this subdivision shall apply to all  
26 employees whose disabilities were incurred on or after

1 July 1, 1985, and any such employee who becomes eligible  
2 for a disability benefit under item (iii) shall be  
3 entitled to receive a lump sum payment of any accumulated  
4 disability benefits which may accrue from the date the  
5 disability was incurred until the effective date of this  
6 amendatory Act of 1987.

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

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

15 4. He has not refused to submit to a reasonable  
16 physical examination by a health care professional  
17 ~~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  
22 that this limitation shall not be applicable to a  
23 participating employee who, without receiving a disability  
24 benefit, receives 5 years of creditable service.

25 6. He is not separated from the service of his  
26 employing participating municipality or instrumentality

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

10           7. He has not refused to apply for a disability  
11           benefit under the Federal Social Security Act at the  
12           request of the Board.

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

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

19           (c) A participating employee shall remain eligible and may  
20           make application for a total and permanent disability benefit  
21           within 90 days after the termination of his temporary  
22           disability benefits or within such longer period terminating  
23           at the end of the period during which his employing  
24           municipality is prevented from employing him by reason of any  
25           statutory prohibition.

26           (Source: P.A. 101-151, eff. 7-26-19.)



1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.