

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 15-150, 15-153, 15-153.2, and 15-198 as
6 follows:

7 (40 ILCS 5/15-150) (from Ch. 108 1/2, par. 15-150)

8 Sec. 15-150. Disability benefits; eligibility benefits
9 ~~Eligibility~~. A participant may be granted a disability benefit
10 if: (1) while a participating employee, he or she becomes
11 physically or mentally incapacitated and unable to perform the
12 duties of his or her assigned position for any period
13 exceeding 60 days; and (2) the employee had completed 2 years
14 of service at the time of disability, unless the disability is
15 a result of an accident or the employee is a police officer who
16 qualifies for the calculation under subsection (b) of Section
17 15-153.

18 An employee shall be considered disabled only during the
19 period for which the board determines, based upon the evidence
20 listed below, that the employee is unable to reasonably
21 perform the duties of his or her assigned position as a result
22 of a physical or mental disability. This determination shall
23 be based upon:

1 (i) a written certificate from one or more licensed
2 and practicing physicians appointed by or acceptable to
3 the board, stating that the employee is disabled and
4 unable to reasonably perform the duties of his or her
5 assigned position;

6 (ii) a written certificate from the employer stating
7 that the employee is unable to perform the duties of his or
8 her assigned position and, if the employee is a police
9 officer, the employer's position on whether the disability
10 qualifies as a line of duty disability; and

11 (iii) any other medical examinations, hospital
12 records, laboratory results, or other information
13 necessary for determining the employment capacity and
14 condition of the employee; and-

15 (iv) if the employee is a police officer applying for
16 a line of duty disability, a written certification from
17 one or more licensed and practicing physicians appointed
18 by or acceptable to the board, stating that the disability
19 qualifies as a line of duty disability under subsection
20 (b) of Section 15-153.

21 The board shall prescribe rules governing the filing,
22 investigation, control, and supervision of disability claims.
23 Costs incurred by a claimant in connection with completing a
24 claim for disability benefits shall be paid (A) by the
25 claimant, in the case of the one required medical examination,
26 medical certificate, and employer's certificate and any other

1 requirements generally imposed by the board on all disability
2 benefit claimants; and (B) by the System, in the case of any
3 additional medical examination or other additional requirement
4 imposed on a particular claimant that is not imposed generally
5 on all disability benefit claimants.

6 Pregnancy and childbirth shall be considered a disability.

7 The same application shall be used to determine
8 eligibility for the calculation of disability benefits under
9 subsection (a) or subsection (b) of Section 15-153.

10 (Source: P.A. 90-766, eff. 8-14-98.)

11 (40 ILCS 5/15-153) (from Ch. 108 1/2, par. 15-153)

12 Sec. 15-153. Disability benefits; amount ~~benefits—~~
13 ~~Amount.~~

14 (a) Except as provided in subsection (b), the ~~The~~
15 disability benefit shall be the greater of (1) 50% of the basic
16 compensation which would have been paid had the participant
17 continued in service for the entire period during which
18 disability benefits are payable, excluding wage or salary
19 increases subsequent to the date of disability or extra
20 prospective earnings on a summer teaching contract or other
21 extra service not yet entered upon or (2) 50% of the
22 participant's average earnings during the 24 months
23 immediately preceding the month in which disability occurs. In
24 determining the disability benefit, the basic compensation of
25 a participating employee on leave of absence or on lay-off

1 status shall be assumed to be equal to his or her basic
2 compensation on the date the leave of absence or lay-off
3 begins.

4 (b) In lieu of the amount of the disability benefit
5 otherwise provided for in subsection (a) of this Section, for
6 a participant who is employed as a police officer and who
7 incurs a line of duty disability, the disability benefit under
8 this Section shall be the greater of: (1) 65% of the basic
9 compensation that would have been paid had the participant
10 continued in employment for the entire period during which
11 disability benefits are payable, excluding wage or salary
12 increases subsequent to the date of disability; or (2) 65% of
13 the participant's average earnings during the 24 months
14 immediately preceding the month in which disability occurs. In
15 determining the disability benefit, the basic compensation of
16 a participating employee on leave of absence or on lay-off
17 status shall be assumed to be equal to his or her basic
18 compensation on the date the leave of absence or lay-off
19 begins.

20 Any police officer who suffers a heart attack or stroke as
21 a result of the performance and discharge of police duty shall
22 be considered to have been injured in the performance of an act
23 of duty and shall be eligible for the calculation of benefits
24 provided for under this subsection (b).

25 A police officer shall be considered to be in the
26 performance of an act of duty while on any assignment approved

1 by the police officer's chief, whether the assignment is on or
2 off the employer's property.

3 The changes made to this Section shall apply to
4 participants whose line of duty disability occurred on or
5 after January 1, 2022.

6 For the purposes of this Section, "line of duty
7 disability" means that, as the result of sickness, accident,
8 or injury incurred in or resulting from the performance of an
9 act of duty, the police officer is found to be physically or
10 mentally disabled for employment as a police officer so as to
11 render necessary his or her suspension or retirement from
12 employment as a police officer or is found to be unable to
13 perform his or her duties as a police officer by reason of
14 heart disease, stroke, tuberculosis, or any disease of the
15 lungs or respiratory tract, resulting from employment as a
16 police officer.

17 If the disability benefit is 50% of basic compensation
18 under subsection (a) or 65% of basic compensation under
19 subsection (b), payments during the academic year shall accrue
20 over the period that the basic compensation would have been
21 paid had the participant continued in service. If the
22 disability benefit is 50% under subsection (a) or 65% under
23 subsection (b) of the average earnings of the participant
24 during the 24 months immediately preceding the month in which
25 disability occurs, payments during the year shall accrue over
26 a period of 12 months. Disability benefits shall be paid as of

1 the end of each calendar month during which payments accrue.
2 Payments for fractional parts of a month shall be determined
3 by prorating the total amount payable for the full month on the
4 basis of days elapsing during the month. Any disability
5 benefit accrued but unpaid on the death of a participant shall
6 be paid to the participant's beneficiary.

7 (Source: P.A. 93-347, eff. 7-24-03.)

8 (40 ILCS 5/15-153.2) (from Ch. 108 1/2, par. 15-153.2)

9 Sec. 15-153.2. Disability retirement annuity.

10 (a) This subsection (a) applies to a participant receiving
11 benefits calculated under subsection (a) of Section 15-153. A
12 participant whose disability benefits are discontinued under
13 the provisions of clause (6) of Section 15-152 and who is not a
14 participant in the optional retirement plan established under
15 Section 15-158.2 is entitled to a disability retirement
16 annuity of 35% of the basic compensation which was payable to
17 the participant at the time that disability began, provided
18 that the board determines that the participant has a medically
19 determinable physical or mental impairment that prevents him
20 or her from engaging in any substantial gainful activity, and
21 which can be expected to result in death or which has lasted or
22 can be expected to last for a continuous period of not less
23 than 12 months.

24 (b) This subsection (b) applies to a participant receiving
25 benefits calculated under subsection (b) of Section 15-153. A

1 participant whose disability benefits are discontinued under
2 clause (6) of Section 15-152 and who is not a participant in
3 the optional retirement plan established under Section
4 15-158.2 is entitled to a disability retirement annuity of 65%
5 of the basic compensation that was payable to the participant
6 at the time that disability began, provided that the board
7 determines that the participant has a medically determinable
8 physical or mental impairment that prevents him or her from
9 engaging in any substantial gainful activity and can be
10 expected to result in death or has lasted or can be expected to
11 last for a continuous period of not less than 12 months.

12 (c) The board's determination of whether a participant is
13 disabled shall be based upon:

14 (i) a written certificate from one or more licensed
15 and practicing physicians appointed by or acceptable to
16 the board, stating that the participant is unable to
17 engage in any substantial gainful activity; and

18 (ii) any other medical examinations, hospital records,
19 laboratory results, or other information necessary for
20 determining the employment capacity and condition of the
21 participant.

22 The terms "medically determinable physical or mental
23 impairment" and "substantial gainful activity" shall have the
24 meanings ascribed to them in the federal Social Security Act,
25 as now or hereafter amended, and the regulations issued
26 thereunder.

1 (d) The disability retirement annuity payment period shall
2 begin immediately following the expiration of the disability
3 benefit payments under clause (6) of Section 15-152 and shall
4 be discontinued for a recipient of a disability retirement
5 annuity when (1) the physical or mental impairment no longer
6 prevents the recipient from engaging in any substantial
7 gainful activity, (2) the recipient dies, (3) the recipient
8 elects to receive a retirement annuity under Sections 15-135
9 and 15-136, (4) the recipient refuses to submit to a
10 reasonable physical examination by a physician approved by the
11 board, or (5) the recipient fails to provide an earnings
12 verification necessary to determine continuance of benefits.
13 If a person's disability retirement annuity is discontinued
14 under clause (1), all rights and credits accrued in the system
15 on the date that the disability retirement annuity began shall
16 be restored, and the disability retirement annuity paid shall
17 be considered as disability payments under clause (6) of
18 Section 15-152.

19 (e) The board shall adopt rules governing the filing,
20 investigation, control, and supervision of disability
21 retirement annuity claims. Costs incurred by a claimant in
22 connection with completing a claim for a disability retirement
23 annuity shall be paid: (A) by the claimant in the case of the
24 one required medical examination, medical certificate, and any
25 other requirements generally imposed by the board on all
26 disability retirement annuity claimants; and (B) by the System

1 in the case of any additional medical examination or other
2 additional requirement imposed on a particular claimant that
3 is not imposed generally on all disability retirement annuity
4 claimants.

5 (Source: P.A. 100-556, eff. 12-8-17.)

6 (40 ILCS 5/15-198)

7 Sec. 15-198. Application and expiration of new benefit
8 increases.

9 (a) As used in this Section, "new benefit increase" means
10 an increase in the amount of any benefit provided under this
11 Article, or an expansion of the conditions of eligibility for
12 any benefit under this Article, that results from an amendment
13 to this Code that takes effect after June 1, 2005 (the
14 effective date of Public Act 94-4). "New benefit increase",
15 however, does not include any benefit increase resulting from
16 the changes made to Article 1 or this Article by Public Act
17 100-23, Public Act 100-587, Public Act 100-769, Public Act
18 101-10, Public Act 101-610, Public Act 102-16, or this
19 amendatory Act of the 103rd General Assembly ~~this amendatory~~
20 ~~Act of the 102nd General Assembly~~.

21 (b) Notwithstanding any other provision of this Code or
22 any subsequent amendment to this Code, every new benefit
23 increase is subject to this Section and shall be deemed to be
24 granted only in conformance with and contingent upon
25 compliance with the provisions of this Section.

1 (c) The Public Act enacting a new benefit increase must
2 identify and provide for payment to the System of additional
3 funding at least sufficient to fund the resulting annual
4 increase in cost to the System as it accrues.

5 Every new benefit increase is contingent upon the General
6 Assembly providing the additional funding required under this
7 subsection. The Commission on Government Forecasting and
8 Accountability shall analyze whether adequate additional
9 funding has been provided for the new benefit increase and
10 shall report its analysis to the Public Pension Division of
11 the Department of Insurance. A new benefit increase created by
12 a Public Act that does not include the additional funding
13 required under this subsection is null and void. If the Public
14 Pension Division determines that the additional funding
15 provided for a new benefit increase under this subsection is
16 or has become inadequate, it may so certify to the Governor and
17 the State Comptroller and, in the absence of corrective action
18 by the General Assembly, the new benefit increase shall expire
19 at the end of the fiscal year in which the certification is
20 made.

21 (d) Every new benefit increase shall expire 5 years after
22 its effective date or on such earlier date as may be specified
23 in the language enacting the new benefit increase or provided
24 under subsection (c). This does not prevent the General
25 Assembly from extending or re-creating a new benefit increase
26 by law.

1 (e) Except as otherwise provided in the language creating
2 the new benefit increase, a new benefit increase that expires
3 under this Section continues to apply to persons who applied
4 and qualified for the affected benefit while the new benefit
5 increase was in effect and to the affected beneficiaries and
6 alternate payees of such persons, but does not apply to any
7 other person, including, without limitation, a person who
8 continues in service after the expiration date and did not
9 apply and qualify for the affected benefit while the new
10 benefit increase was in effect.

11 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
12 101-610, eff. 1-1-20; 102-16, eff. 6-17-21.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.