

SB1833



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1833

Introduced 2/25/2005, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-149

from Ch. 108 1/2, par. 16-149

Amends the Downstate Teachers Article of the Illinois Pension Code. Provides that service credits under the Chicago Teacher Article shall be considered in determining disability benefits. Effective immediately.

LRB094 11438 AMC 42353 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT in relation to 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 Section 16-149 as follows:

6 (40 ILCS 5/16-149) (from Ch. 108 1/2, par. 16-149)
7 Sec. 16-149. Disability benefit.

8 (a) A disability benefit is payable to a member who was in
9 active service on or after June 30, 1977 and has at least 3
10 years of creditable service. Part-time and substitute teachers
11 who are in active service on or after July 1, 1990 must have
12 worked as a teacher for at least 340 hours in either the school
13 year in which the disability occurs or in the preceding school
14 year.

15 The benefit is payable upon application of a member who is
16 not receiving a benefit under either Section 16-133, Section
17 16-149.1 or Section 16-149.2. The benefit shall be granted only
18 if the member is found by medical examination to be
19 incapacitated to perform the duties of his or her position as a
20 teacher and only if the commencement of the incapacity occurred
21 while the member was employed as a teacher or within 90 days of
22 such employment.

23 A member shall be considered disabled only when the System
24 has received (1) a written certificate by at least 2 licensed
25 and practicing physicians designated by the System, certifying
26 that the member is disabled and unable to properly perform the
27 duties of his or her position at the time of disability, except
28 in the case of disability due to pregnancy where a written
29 certificate from only one licensed and practicing physician is
30 required; (2) a written statement from the employer certifying
31 that the member is not eligible to receive a salary; and (3) a
32 certification from the member that he or she is not and has not

1 been engaged in gainful employment during the period of
2 disability.

3 The benefit shall begin to accrue on the 31st day of
4 absence from service on account of disability, except that when
5 an application is made more than 90 days subsequent to the
6 later of the commencement of disability or the date eligibility
7 for salary ceases, it shall begin to accrue from the date of
8 application, and shall be payable during the time the member
9 does not receive a retirement annuity. The benefit is not
10 payable to a member who is receiving or has a right to receive
11 any salary as a teacher, or is employed in any capacity as a
12 teacher by the employers included under this System or in an
13 equivalent capacity in any other public or private school,
14 college or university.

15 Service credits under the State Employees' Retirement
16 System of Illinois, the State Universities Retirement System,
17 the Public School Teachers' Pension and Retirement Fund of
18 Chicago, and the Illinois Municipal Retirement Fund shall be
19 considered in determining the member's eligibility for a
20 disability benefit and the total period during which the
21 disability benefit is payable.

22 (b) The disability benefit shall be 40% of the greater of
23 the member's most recent annual contract salary rate at the
24 time the disability benefit becomes payable or the member's
25 annual contract rate on the date the disability commenced.
26 Prior to July 1, 1990, if the most recent period of service of
27 any member was rendered on a less than full-time but not less
28 than half-time basis, the amount of the disability benefit
29 payable to such member shall be computed on the basis of the
30 salary received by such member for the member's last year of
31 service on a full-time basis if such salary was greater than
32 the member's most recent salary. For part-time and substitute
33 members after June 30, 1990, the disability benefit shall be
34 40% of the greater of the member's most recent annualized
35 salary rate at the time the disability benefit becomes payable
36 or the annualized salary rate or contract salary rate at the

1 time the disability commenced.

2 In addition to the above benefit, the member shall receive
3 creditable service and credit for contributions that the member
4 would have made in active employment during any period of
5 disability for which benefits are paid by the System on the
6 basis of the annual salary rate used in computing the benefit.

7 (c) Effective January 1, 1988, the disability benefit shall
8 continue until the time one of the following events first
9 occurs: (1) disability ceases; (2) the member requests
10 termination of the benefit; (3) the aggregate period for which
11 disability payments made during the member's entire period of
12 service equals 1/4 of the total period of creditable service,
13 not including the time he or she has received the disability
14 payments; or (4) the member is engaged or found to be able to
15 engage in gainful employment. If the disability benefit is
16 discontinued under item (4) but the member is subsequently
17 found to be unable to be gainfully employed due to the
18 disability which was the cause for his or her most recent
19 incapacity to perform the duties of a teacher, the disability
20 benefit will be resumed, upon notification of the System, as
21 soon as the member is not eligible to receive salary.

22 A disabled member who receives disability benefits for the
23 maximum period specified above or who requests that the
24 disability benefits be terminated may be retired on a
25 disability retirement annuity.

26 (d) The board shall prescribe rules governing the filing,
27 investigation, control, and supervision of disability claims.
28 The rules shall include specific standards to be used when
29 requesting additional medical examinations, hospital records
30 or other data necessary for determining the employment capacity
31 and condition of the member. Costs incurred by a claimant in
32 connection with completing a claim for disability benefits
33 shall be paid by the claimant.

34 (Source: P.A. 86-272; 86-273; 86-1028; 87-794; 87-1265.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.