

HB5558



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5558

by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

40 ILCS 5/11-156

from Ch. 108 1/2, par. 11-156

Amends the Chicago Laborer Article of the Illinois Pension Code. Provides that ordinary disability benefits are not payable for any time that is more than one year prior to the date of application for the benefit. Effective immediately.

LRB095 19092 AMC 45294 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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 changing
5 Section 11-156 as follows:

6 (40 ILCS 5/11-156) (from Ch. 108 1/2, par. 11-156)

7 Sec. 11-156. Ordinary disability benefit. An employee,
8 while under age 65 and prior to January 1, 1979, or while under
9 age 70 and after January 1, 1979, who becomes disabled after
10 the effective date as the result of any cause other than injury
11 incurred in the performance of any act or acts of duty, shall
12 be entitled to ordinary disability benefit during such
13 disability, after the first 30 days thereof.

14 If application for ordinary disability benefit is not filed
15 with the Retirement Board within one year from the date the
16 disability applicant became disabled or last received salary,
17 if salary was continued during the period of disablement, no
18 ordinary disability benefit shall begin to accrue for any
19 period of time more than one year prior to the date on which
20 the application for that disability benefit is received by the
21 Board.

22 The disability benefit prescribed herein shall cease when
23 the first of the following dates shall occur and the employee,

1 if still disabled, shall thereafter be entitled to such annuity
2 as is otherwise provided in this Article:

3 (a) the date disability ceases.

4 (b) the date the disabled employee attains age 65 for
5 disability commencing prior to January 1, 1979.

6 (c) the date the disabled employee attains 65 for
7 disability commencing prior to attainment of age 60 in the
8 service and after January 1, 1979.

9 (d) the date the disabled employee attains the age of 70
10 for disability commencing after attainment of age 60 in the
11 service and after January 1, 1979.

12 (e) the date the payments of the benefit shall exceed in
13 the aggregate, throughout the employee's service, a period
14 equal to 1/4 of the total service rendered prior to the date of
15 disability but in no event more than 5 years. In computing such
16 total the following periods shall be excluded:

17 (i) Any period during which the employee received
18 ordinary disability benefit;

19 (ii) Any period of absence from duty, whether caused by
20 layoff, leave of absence or suspension of employment, or
21 any other reason, unless the board, upon satisfactory
22 evidence, finds that the disability resulted from a cause
23 which existed or occurred prior to such period of absence.
24 No employee who becomes disabled and whose disability
25 begins during absence from duty (other than while on
26 vacation with pay) shall have any right to ordinary

1 disability benefit, except as herein provided, until he
2 recovers from such disability and performs the duties of
3 his position in the service for at least 15 consecutive
4 days, Sundays and holidays excepted, after such recovery.

5 The first payment shall be made not later than one month
6 after the benefit is granted and each subsequent payment shall
7 be made not later than one month after the last preceding
8 payment.

9 Ordinary disability benefit shall be 50% of the employee's
10 salary at the date of disability.

11 For ordinary disability benefits paid before January 1,
12 2001, before any payment, an amount equal to the sum ordinarily
13 deducted from salary for all annuity purposes for such period
14 for which the ordinary disability benefit is made shall be
15 deducted from such payment and credited to the employee as a
16 deduction from salary for that period. The sums so deducted
17 shall be regarded, for annuity and refund purposes, as an
18 amount contributed by him.

19 For ordinary disability benefits paid on or after January
20 1, 2001, the fund shall credit sums equal to the amounts
21 ordinarily contributed by an employee for annuity purposes for
22 any period during which the employee receives ordinary
23 disability, and those sums shall be deemed for annuity purposes
24 and purposes of Section 11-169 as amounts contributed by the
25 employee. These amounts credited for annuity purposes shall not
26 be credited for refund purposes.

1 Any employee whose ordinary disability benefit was
2 terminated after January 1, 1979 by reason of his attainment of
3 age 65 and who continues disabled after age 65 may elect before
4 July 1, 1986 to have such benefits resumed beginning at the
5 time of such termination and continuing until termination is
6 required under this Section as amended by this amendatory Act
7 of 1985. The amount payable to any employee for such resumed
8 benefit for any period shall be reduced by the amount of any
9 retirement annuity paid to such employee under this Article for
10 the same period of time or by refund paid in lieu of annuity.
11 (Source: P.A. 92-599, eff. 6-28-02.)

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