



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1553

Introduced 2/9/2007, by Sen. Michael W. Frerichs

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-112

from Ch. 108 1/2, par. 4-112

30 ILCS 805/8.31 new

Amends the Downstate Firefighters Article of the Illinois Pension Code. Provides that the 3 physicians' opinions required for a determination of disability need not agree as to the existence of any disability or the nature and extent of a disability. Provides that no physical or mental disability that constitutes the basis of an application for benefits may be used by any municipality or fire protection district employing firefighters, emergency medical technicians, or paramedics as cause for discharge. Provides that the Board of Trustees' finding that a particular applicant is not or is no longer disabled shall constitute a conclusive presumption binding on the employing unit that the firefighter, emergency medical technician, or paramedic is able to perform his or her job and the employing entity may not use any conflicting medical opinion to provide the basis of denying return to employment by the firefighter, emergency medical technician, or paramedic. Requires the firefighter to report to the marshall or chief of the fire department, who shall order reinstatement into active service at the same rank or grade held on the date the firefighter had occupied before applying for disability pension. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 10888 AMC 31169 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 4-112 as follows:

6 (40 ILCS 5/4-112) (from Ch. 108 1/2, par. 4-112)

7 Sec. 4-112. Determination of disability; restoration -  
8 ~~Restoration~~ to active service; disability cannot constitute  
9 cause for discharge. A disability pension shall not be paid  
10 until disability has been established by the board by  
11 examinations of the firefighter at pension fund expense by 3  
12 physicians selected by the board and such other evidence as the  
13 board deems necessary. The 3 physicians selected by the board  
14 need not agree as to the existence of any disability or the  
15 nature and extent of a disability. Medical examination of a  
16 firefighter receiving a disability pension shall be made at  
17 least once each year prior to attainment of age 50 in order to  
18 verify continuance of disability. No examination shall be  
19 required after age 50. No physical or mental disability that  
20 constitutes, in whole or in part, the basis of an application  
21 for benefits under this Article may be used, in whole or in  
22 part, by any municipality or fire protection district employing  
23 firefighters, emergency medical technicians, or paramedics as

1 cause for discharge.

2 If the board determines that an applicant for a disability  
3 pension is not disabled or upon ~~Upon~~ satisfactory proof to the  
4 board that a firefighter on the disability pension has  
5 recovered from the disability, the board shall deny or  
6 terminate the disability pension. The board's finding that a  
7 particular applicant is not or is no longer disabled shall  
8 constitute a conclusive presumption binding on the employing  
9 unit that the firefighter, emergency medical technician, or  
10 paramedic is able to perform his or her job. The employing  
11 entity may not use any conflicting medical opinion to provide  
12 the basis of denying return to employment by the firefighter,  
13 emergency medical technician, or paramedic. The firefighter  
14 shall report to the marshall or chief of the fire department,  
15 who shall order reinstatement into active service at the same  
16 rank or grade held on the date the firefighter had occupied  
17 before applying for disability pension. The firefighter shall  
18 report to the marshal or chief of the fire department, who  
19 shall thereupon order reinstatement into active service, in the  
20 same rank or grade held at the date he or she was placed on  
21 disability pension.

22 The firefighter shall be entitled to 10 days notice before  
23 any hearing or meeting of the board at which the question of  
24 his or her disability is to be considered, and shall have the  
25 right to be present at any such hearing or meeting, and to be  
26 represented by counsel; however, the board shall not have any

1 obligation to provide such fireman with counsel.

2 (Source: P.A. 83-1528.)

3 Section 90. The State Mandates Act is amended by adding  
4 Section 8.31 as follows:

5 (30 ILCS 805/8.31 new)

6 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
7 of this Act, no reimbursement by the State is required for the  
8 implementation of any mandate created by this amendatory Act of  
9 the 95th General Assembly.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.