

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       Upon satisfactory proof to the board that a firefighter on  
3 the disability pension has recovered from disability, the board  
4 shall terminate the disability pension. The firefighter shall  
5 report to the marshal or chief of the fire department, who  
6 shall thereupon order immediate reinstatement into active  
7 service, and the municipality shall immediately return the  
8 firefighter to its payroll, in the same rank or grade held at  
9 the date he or she was placed on disability pension. If the  
10 firefighter must file a civil action against the municipality  
11 to enforce his or her mandated return to payroll under this  
12 paragraph, then the firefighter is entitled to recovery of  
13 reasonable court costs and attorney's fees.

14       The firefighter shall be entitled to 10 days notice before  
15 any hearing or meeting of the board at which the question of  
16 his or her disability is to be considered, and shall have the  
17 right to be present at any such hearing or meeting, and to be  
18 represented by counsel; however, the board shall not have any  
19 obligation to provide such fireman with counsel.

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

21       Section 90. The State Mandates Act is amended by adding  
22 Section 8.31 as follows:

23       (30 ILCS 805/8.31 new)

24       Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the  
2 implementation of any mandate created by this amendatory Act of  
3 the 95th General Assembly.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.