

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.