



Rep. Robert S. Molaro

Filed: 5/29/2008

09500SB2520ham003

LRB095 17536 AMC 51719 a

1 AMENDMENT TO SENATE BILL 2520

2 AMENDMENT NO. _____. Amend Senate Bill 2520, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, by replacing line 12 on page 20 through line 14 on page 23
5 with the following:

6 "(40 ILCS 5/8-163) (from Ch. 108 1/2, par. 8-163)

7 Sec. 8-163. When disability benefit not payable.

8 (a) If an employee receiving duty or ordinary disability
9 benefit refuses to submit to examination by a physician
10 appointed by the board, or fails or refuses to consent to and
11 sign an authorization allowing the board to receive copies of
12 or examine the employee's medical and hospital records, or
13 fails or refuses to provide complete information regarding any
14 other employment for compensation he has received since he has
15 become disabled, he shall have no further right to receive the
16 benefit.

17 (b) Disability benefit shall not be paid for any time for

1 which the employee receives any part of his salary or is
2 employed by any public body supported in whole or in part by
3 taxation.

4 (c) Before any action is taken by the Board on an
5 application for a duty disability benefit or a widow's
6 compensation or supplemental benefit, the employee or widow
7 shall file a claim with the employer to establish that the
8 disability or death occurred while the employee was acting
9 within the scope of and in the course of his or her duties.

10 Any amounts provided to the employee or surviving spouse as
11 temporary total disability payments, permanent total
12 disability payments, a lump sum settlement award, or other
13 payment under the Workers' Compensation Act or the Workers'
14 Occupational Diseases Act shall be applied as an offset to the
15 disability benefit paid by the Fund, whether duty or ordinary,
16 or any widow compensation or supplemental benefit payable under
17 this Article until a period of time has elapsed when the
18 benefit payable equals the amount of such compensation,
19 payment, or award. The duty disability benefit shall be offset
20 at the rate of the amount of temporary total disability
21 payments or permanent disability payments made under the
22 Workers' Compensation Act or the Workers' Occupational
23 Diseases Act.

24 If such amounts are not readily determinable or if an
25 employee has not received temporary total disability payments
26 or permanent weekly or monthly payments for the entire period

1 of disability up to the time of the compensation, payment, or
2 award under the Workers' Compensation Act or the Workers'
3 Occupational Diseases Act, the disability benefit paid by the
4 Fund shall be offset by 66 2/3% of the employee's salary on the
5 date of disablement. The offset shall not be greater than the
6 amount of disability benefits due from the Fund. The offset
7 shall be applied until a period of time has elapsed when the
8 benefit payable equals the amount of such compensation,
9 payment, or award. This offset shall not apply to the initial
10 days of disability when workers' compensation would not
11 ordinarily be payable.

12 The amount of compensation or supplemental annuity payable
13 to a widow shall be offset by any compensation, payment, or
14 award until a period of time has elapsed when the benefit
15 payable equals the amount of such compensation, payment, or
16 award.

17 Any employee or former employee whose disability benefits
18 were offset, or who was notified by the Fund that his or her
19 disability benefits will be offset, by a rate higher than the
20 temporary total disability payments or permanent disability
21 payments, or if these were not determinable, by 66 2/3% of
22 salary at the date of disablement, may apply to the Fund for a
23 refund of the excess offset, without interest, or an adjustment
24 to his or her account. This application must be made within 6
25 months after the effective date of this amendatory Act of the
26 95th General Assembly.

1 If an employee who has been disabled has received ordinary
2 disability from the Fund and also receives any compensation or
3 payment for specific loss, disability, or death under the
4 Workers' Compensation Act or the Workers' Occupational
5 Diseases Act, then the ordinary disability benefit must be
6 repaid to the Fund before any other benefit under this Article
7 may be granted or paid. If no other benefit is applied for,
8 then the ordinary disability is offset according to the
9 provisions of this Section.

10 The employee and the employer shall provide the Fund, on a
11 timely basis, with the entry of the settlement contract lump
12 sum petition and order settlement of any such lawsuit,
13 including all details of the settlement.

14 ~~If an employee who shall be disabled or his widow receives~~
15 ~~any compensation or payment from the city for specific loss,~~
16 ~~disability or death under the Workers' Compensation Act, or~~
17 ~~Workers' Occupational Diseases Act, the disability benefit or~~
18 ~~compensation or supplemental annuity payable as a result of~~
19 ~~such specific loss, disability or death shall be reduced by any~~
20 ~~amount so received if such amount is less than the benefit or~~
21 ~~annuity or, subject to adjustment when final determination of~~
22 ~~the amount received can be made, the amount estimated to be~~
23 ~~received under the provisions of the Workers' Compensation Act~~
24 ~~or Workers' Occupational Diseases Act. If the amount received~~
25 ~~as compensation payment or award under the aforesaid Acts~~
26 ~~exceeds the disability benefit or compensation or supplemental~~

1 ~~annuity payable as a result of such specific loss, disability~~
2 ~~or death, no payment of disability benefit or compensation or~~
3 ~~supplemental annuity shall be made until a period of time has~~
4 ~~elapsed when the benefit or compensation or supplemental~~
5 ~~annuity payable at the rate herein stated equals the amount of~~
6 ~~such compensation, payment or award. In calculating any such~~
7 ~~period of time, interest upon the amounts involved shall not be~~
8 ~~considered.~~

9 (d) An employee who enters service after December 31, 1987,
10 or an employee who makes application for a disability benefit
11 or applies for a disability benefit for a recurrence of a
12 previous disability, and who, while in receipt of an ordinary
13 or duty disability benefit, assumes any employment for
14 compensation, shall not be entitled to receive any amount of
15 such disability benefit which, when added to his compensation
16 for such employment during disability, plus any amount payable
17 under the provisions of the Workers' Compensation Act or
18 Workers' Occupational Diseases Act, would exceed the rate of
19 salary on which his disability benefit is based.

20 (Source: P.A. 85-964.)"; and

21 by replacing line 12 on page 29 through line 6 on page 33 with
22 the following:

23 "(40 ILCS 5/11-158) (from Ch. 108 1/2, par. 11-158)

24 Sec. 11-158. When disability benefit not payable.

1 (a) If an employee receiving duty or ordinary disability
2 benefit refuses to submit to examination by a physician
3 appointed by the board, or fails or refuses to consent to and
4 sign an authorization allowing the board to receive copies of
5 or examine the employee's medical and hospital records, or
6 fails or refuses to provide complete information regarding any
7 other employment for compensation he has received since he has
8 become disabled, he shall have no further right to receive the
9 benefit.

10 (b) Disability benefit shall not be paid for any time for
11 which the employee receives any part of his salary or while
12 employed by any public body supported in whole or in part by
13 taxation.

14 (c) Before any action is taken by the Board on an
15 application for a duty disability benefit or a widow's
16 compensation or supplemental benefit, the employee or widow
17 shall file a claim with the employer to establish that the
18 disability or death occurred while the employee was acting
19 within the scope of and in the course of his or her duties.

20 Any amounts provided to the employee or surviving spouse as
21 temporary total disability payments, permanent total
22 disability payments, a lump sum settlement award, or other
23 payment under the Workers' Compensation Act or the Workers'
24 Occupational Diseases Act shall be applied as an offset to the
25 disability benefit paid by the Fund, whether duty or ordinary,
26 or any widow compensation or supplemental benefit payable under

1 this Article until a period of time has elapsed when the
2 benefit payable equals the amount of such compensation,
3 payment, or award. The duty disability benefit shall be offset
4 at the rate of the amount of temporary total disability
5 payments or permanent disability payments made under the
6 Workers' Compensation Act or the Workers' Occupational
7 Diseases Act.

8 If such amounts are not readily determinable or if an
9 employee has not received temporary total disability payments
10 or permanent weekly or monthly payments for the entire period
11 of disability up to the time of the compensation, payment, or
12 award under the Workers' Compensation Act or the Workers'
13 Occupational Diseases Act, the disability benefit paid by the
14 Fund shall be offset by 66 2/3% of the employee's salary on the
15 date of disablement. The offset shall not be greater than the
16 amount of disability benefits due from the Fund. The offset
17 shall be applied until a period of time has elapsed when the
18 benefit payable equals the amount of such compensation,
19 payment, or award. This offset shall not apply to the initial
20 days of disability when workers' compensation would not
21 ordinarily be payable.

22 The amount of compensation or supplemental annuity payable
23 to a widow shall be offset by any compensation, payment, or
24 award until a period of time has elapsed when the benefit
25 payable equals the amount of such compensation, payment, or
26 award.

1 If an employee who has been disabled has received ordinary
2 disability from the Fund and also receives any compensation or
3 payment for specific loss, disability, or death under the
4 Workers' Compensation Act or the Workers' Occupational
5 Diseases Act, then the ordinary disability benefit must be
6 repaid to the Fund before any other benefit under this Article
7 may be granted or paid. If no other benefit is applied for,
8 then the ordinary disability is offset according to the
9 provisions of this Section.

10 The employee and the employer shall provide the Fund, on a
11 timely basis, with the entry of the settlement contract lump
12 sum petition and order settlement of any such lawsuit,
13 including all details of the settlement.

14 ~~If an employee who shall be disabled or his widow receives~~
15 ~~any compensation or payment from the city for specific loss,~~
16 ~~disability or death under the Workers' Compensation Act, or~~
17 ~~Workers' Occupational Diseases Act, and the disability or~~
18 ~~injury or loss which forms the basis for any compensation,~~
19 ~~award, pension or payment for a specific loss is also a~~
20 ~~condition which renders such employee incapable of performing~~
21 ~~his duties in the service, the disability benefit shall be~~
22 ~~reduced by any amount so received if such amount is less than~~
23 ~~the benefit or, subject to adjustment when final determination~~
24 ~~of the amount received can be made, the amount estimated to be~~
25 ~~received under the provisions of the Workers' Compensation Act~~
26 ~~or Workers' Occupational Diseases Act. If the amount received~~

1 ~~as compensation, payment or award under the aforesaid Acts~~
2 ~~exceeds the disability benefit, no payment of benefit shall be~~
3 ~~made until a period of time has elapsed when the benefit~~
4 ~~payable at the rate herein stated equals the amount of such~~
5 ~~compensation, payment or award. In calculating any such period~~
6 ~~of time, interest upon the amounts involved shall not be~~
7 ~~considered.~~

8 (d) An employee who enters service after December 31, 1987,
9 or an employee who makes application for a disability benefit
10 or applies for a disability benefit for a recurrence of a
11 previous disability, and who, while in receipt of an ordinary
12 or duty disability benefit, assumes any employment for
13 compensation, shall not be entitled to receive any amount of
14 such disability benefit which, when added to his compensation
15 for such employment during disability, plus any amount payable
16 under the provisions of the Workers' Compensation Act or
17 Workers' Occupational Diseases Act, would exceed the rate of
18 salary on which his disability benefit is based.

19 (Source: P.A. 85-964.)".