



Rep. Elaine Nekritz

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09900HB6298ham001

LRB099 19814 RPS 47317 a

1 AMENDMENT TO HOUSE BILL 6298

2 AMENDMENT NO. _____. Amend House Bill 6298 as follows:

3 on page 1, line 5, after "Section 6-183.1", by inserting "and
4 by changing Sections 9-158 and 9-159"; and

5 on page 1, immediately below line 21, by inserting the
6 following:

7 "(40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

8 Sec. 9-158. Proof of disability, duty and ordinary. Proof
9 of duty or ordinary disability shall be furnished to the board
10 by at least one licensed and practicing physician appointed by
11 the board, except that this requirement may be waived by the
12 board for proof of duty disability if the employee has been
13 compensated by the county for such disability or specific loss
14 under the Workers' Compensation Act or Workers' Occupational
15 Diseases Act. The physician requirement may also be waived by

1 the board for ordinary disability maternity claims of up to 8
2 weeks. With respect to duty disability, satisfactory proof must
3 be provided to the board that the final adjudication of the
4 claim required under subsection (d) of Section 9-159
5 established that the disability or death resulted from an
6 injury incurred in the performance of an act or acts of duty.
7 The board may require other evidence of disability. Each
8 disabled employee who receives duty or ordinary disability
9 benefit shall be examined at least once a year by one or more
10 licensed and practicing physicians appointed by the board. When
11 the disability ceases, the board shall discontinue payment of
12 the benefit ~~and the employee shall be returned to active~~
13 ~~service.~~

14 (Source: P.A. 95-1036, eff. 2-17-09.)

15 (40 ILCS 5/9-159) (from Ch. 108 1/2, par. 9-159)

16 Sec. 9-159. When disability benefit not payable.

17 (a) If an employee receiving duty disability or ordinary
18 disability benefit refuses to submit to examination by a
19 physician appointed by the board, he shall have no further
20 right to receive the benefit.

21 (b) Disability benefit shall not be paid for any time for
22 which the employee receives any part of his salary, or while
23 employed by any public body supported in whole or in part by
24 taxation.

25 (c) If an employee who shall be disabled, or his widow or

1 children receive any compensation or payment from the county
2 for specific loss, disability or death under the Workers'
3 Compensation Act or Workers' Occupational Diseases Act, the
4 disability benefit or any annuity for him or his widow or
5 children payable as the result of such specific loss,
6 disability or death shall be reduced by any amount so received
7 or recoverable. If the amount received as such compensation or
8 payment exceeds such disability benefit or other annuity
9 payable as the result of such specific loss, disability or
10 death, no payment of disability benefit or other annuity shall
11 be made until the accumulative amounts thereof equals the
12 amount of such compensation or payment. In such calculation no
13 interest shall be considered. In adjusting the amount of any
14 annuity in relation to compensation received or recoverable
15 during any period of time, the annuity to the widow shall be
16 first reduced.

17 If any employee, or widow shall be denied compensation by
18 such county under the aforesaid Acts, or if such county shall
19 fail to act, such denial or failure to act shall not be
20 considered final until the claim has been adjudicated by the
21 Illinois Workers' Compensation Commission.

22 (d) Before any action may be taken by the board on an
23 application for duty disability benefit or widow's
24 compensation or supplemental benefit, other than rejection of
25 any such application that is otherwise incomplete or untimely,
26 the related applicant must file a timely claim under the

1 Workers' Compensation Act or the Workers' Occupational
2 Diseases Act, as applicable, to establish that the disability
3 or death resulted from an injury incurred in the performance of
4 an act or acts of duty, and the applicant must receive
5 compensation or payment from the claim or the claim must
6 otherwise be finally adjudicated.

7 (e) An employee who enters service after December 31, 2016
8 and who, while in receipt of an ordinary or duty disability
9 benefit, assumes any employment for compensation shall not be
10 entitled to receive any amount of such disability benefit
11 which, when added to his compensation for such employment
12 during disability, plus any amount payable under the provisions
13 of the Workers' Compensation Act or Workers' Occupational
14 Diseases Act, would exceed the rate of salary on which his
15 disability benefit is based.

16 (Source: P.A. 95-1036, eff. 2-17-09.)".