



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2818

Introduced 2/17/2016, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-158
40 ILCS 5/9-159

from Ch. 108 1/2, par. 9-158
from Ch. 108 1/2, par. 9-159

Amends the Cook County Article of the Illinois Pension Code. Allows the board of the Fund to waive the required physician's proof of disability if (1) the employee has been compensated by the county for the disability or specific loss under the Workers' Compensation Act or Workers' Occupational Diseases Act or (2) the employee claims ordinary disability of up to 8 weeks for maternity. Provides that an employee who enters service after December 31, 2016 and who, while in receipt of an ordinary or duty disability benefit, assumes any employment for compensation, shall not be entitled to receive any amount of such disability benefit which, when added to his compensation for such employment during disability, plus any amount payable under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act, would exceed the rate of salary on which his disability benefit is based. Effective immediately.

LRB099 19828 RPS 44227 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 Sections 9-158 and 9-159 as follows:

6 (40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

7 Sec. 9-158. Proof of disability, duty and ordinary. Proof
8 of duty or ordinary disability shall be furnished to the board
9 by at least one licensed and practicing physician appointed by
10 the board, except that this requirement may be waived by the
11 board for proof of duty disability if the employee has been
12 compensated by the county for such disability or specific loss
13 under the Workers' Compensation Act or Workers' Occupational
14 Diseases Act. The physician requirement may also be waived by
15 the board for ordinary disability maternity claims of up to 8
16 weeks. With respect to duty disability, satisfactory proof must
17 be provided to the board that the final adjudication of the
18 claim required under subsection (d) of Section 9-159
19 established that the disability or death resulted from an
20 injury incurred in the performance of an act or acts of duty.
21 The board may require other evidence of disability. Each
22 disabled employee who receives duty or ordinary disability
23 benefit shall be examined at least once a year by one or more

1 licensed and practicing physicians appointed by the board. When
2 the disability ceases, the board shall discontinue payment of
3 the benefit ~~and the employee shall be returned to active~~
4 ~~service.~~

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

6 (40 ILCS 5/9-159) (from Ch. 108 1/2, par. 9-159)

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

8 (a) If an employee receiving duty disability or ordinary
9 disability benefit refuses to submit to examination by a
10 physician appointed by the board, he shall have no further
11 right to receive the benefit.

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

16 (c) If an employee who shall be disabled, or his widow or
17 children receive any compensation or payment from the county
18 for specific loss, disability or death under the Workers'
19 Compensation Act or Workers' Occupational Diseases Act, the
20 disability benefit or any annuity for him or his widow or
21 children payable as the result of such specific loss,
22 disability or death shall be reduced by any amount so received
23 or recoverable. If the amount received as such compensation or
24 payment exceeds such disability benefit or other annuity
25 payable as the result of such specific loss, disability or

1 death, no payment of disability benefit or other annuity shall
2 be made until the accumulative amounts thereof equals the
3 amount of such compensation or payment. In such calculation no
4 interest shall be considered. In adjusting the amount of any
5 annuity in relation to compensation received or recoverable
6 during any period of time, the annuity to the widow shall be
7 first reduced.

8 If any employee, or widow shall be denied compensation by
9 such county under the aforesaid Acts, or if such county shall
10 fail to act, such denial or failure to act shall not be
11 considered final until the claim has been adjudicated by the
12 Illinois Workers' Compensation Commission.

13 (d) Before any action may be taken by the board on an
14 application for duty disability benefit or widow's
15 compensation or supplemental benefit, other than rejection of
16 any such application that is otherwise incomplete or untimely,
17 the related applicant must file a timely claim under the
18 Workers' Compensation Act or the Workers' Occupational
19 Diseases Act, as applicable, to establish that the disability
20 or death resulted from an injury incurred in the performance of
21 an act or acts of duty, and the applicant must receive
22 compensation or payment from the claim or the claim must
23 otherwise be finally adjudicated.

24 (e) An employee who enters service after December 31, 2016
25 and who, while in receipt of an ordinary or duty disability
26 benefit, assumes any employment for compensation shall not be

1 entitled to receive any amount of such disability benefit
2 which, when added to his compensation for such employment
3 during disability, plus any amount payable under the provisions
4 of the Workers' Compensation Act or Workers' Occupational
5 Diseases Act, would exceed the rate of salary on which his
6 disability benefit is based.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.