

1 AN ACT in relation to 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
5 changing Section 7-146 as follows:

6 (40 ILCS 5/7-146) (from Ch. 108 1/2, par. 7-146)

7 Sec. 7-146. Temporary disability benefits - Eligibility.
8 Temporary disability benefits shall be payable to
9 participating employees as hereinafter provided.

10 (a) The participating employee shall be considered
11 temporarily disabled if:

12 1. He is unable to perform the duties of any
13 position which might reasonably be assigned to him by his
14 employing municipality or instrumentality thereof or
15 participating instrumentality due to mental or physical
16 disability caused by bodily injury or disease, other than
17 as a result of self-inflicted injury or addiction to
18 narcotic drugs;

19 2. The Board has received written certifications
20 from at least one ± licensed and practicing physician and
21 the governing body of the employing municipality or
22 instrumentality thereof or participating instrumentality
23 stating that the employee meets the conditions set forth
24 in subparagraph 1 of this paragraph (a).

25 (b) A temporary disability benefit shall be payable to a
26 temporarily disabled employee provided:

27 1. He:

28 (i) has at least one year of service
29 immediately preceding at the date the temporary
30 disability was incurred and has made contributions
31 to the fund for at least the number of months of

1 service normally required in his position during a
2 12-month period, or has at least 5 years of service
3 credit, the last year of which immediately precedes
4 such date; or

5 (ii) had qualified under clause (i) above, but
6 had an interruption in service with the same
7 participating municipality or participating
8 instrumentality of not more than 3 months in the 12
9 months preceding the date the temporary disability
10 was incurred and was not paid a separation benefit;
11 or

12 (iii) had qualified under clause (i) above,
13 but had an interruption after 20 or more years of
14 creditable service, was not paid a separation
15 benefit, and returned to service prior to the date
16 the disability was incurred.

17 Item (iii) of this subdivision shall apply to all
18 employees whose disabilities were incurred on or after
19 July 1, 1985, and any such employee who becomes eligible
20 for a disability benefit under item (iii) shall be
21 entitled to receive a lump sum payment of any accumulated
22 disability benefits which may accrue from the date the
23 disability was incurred until the effective date of this
24 amendatory Act of 1987.

25 Periods of qualified leave granted in compliance
26 with the federal Family and Medical Leave Act shall be
27 ignored for purposes of determining the number of
28 consecutive months of employment under this subdivision
29 (b)1.

30 2. He has been temporarily disabled for at least 30
31 days, except where a former temporary or permanent and
32 total disability has reoccurred within 6 months after the
33 employee has returned to service.

34 3. He is receiving no earnings from a participating

1 municipality or instrumentality thereof or participating
2 instrumentality, except as allowed under subsection (f)
3 of Section 7-152.

4 4. He has not refused to submit to a reasonable
5 physical examination by a physician appointed by the
6 Board.

7 5. His disability is not the result of a mental or
8 physical condition which existed on the earliest date of
9 service from which he has uninterrupted service,
10 including prior service, at the date of his disability,
11 provided that this limitation is not applicable if the
12 date of disability is after December 31, 2001, nor is it
13 shall--not-be applicable to a participating employee who:
14 (i) on the date of disability has 5 years of creditable
15 service, exclusive of creditable service for periods of
16 disability; or (ii) received no medical treatment for the
17 condition for the 3 years immediately prior to such
18 earliest date of service.

19 6. He is not separated from the service of the
20 participating municipality or instrumentality thereof or
21 participating instrumentality which employed him on the
22 date his temporary disability was incurred; for the
23 purposes of payment of temporary disability benefits, a
24 participating employee, whose employment relationship is
25 terminated by his employing municipality, shall be deemed
26 not to be separated from the service of his employing
27 municipality or participating instrumentality if he
28 continues disabled by the same condition and so long as
29 he is otherwise entitled to such disability benefit.

30 (Source: P.A. 90-766, eff. 8-14-98.)

31 Section 90. The State Mandates Act is amended by adding
32 Section 8.25 as follows:

1 (30 ILCS 805/8.25 new)

2 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
3 and 8 of this Act, no reimbursement by the State is required
4 for the implementation of any mandate created by this
5 amendatory Act of the 91st General Assembly.

6 Section 99. Effective date. This Act takes effect
7 January 1, 2002.