

AN ACT concerning public employee benefits.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Pension Code is amended by changing Sections 5-157 and 5-212 as follows:

(40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)

Sec. 5-157. Administration of disability benefits.

(a) If a policeman who is granted duty or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, he shall have no further right to receive the benefit.

(b) A policeman who has withdrawn from service while disabled and entered upon annuity prior to the effective date, and who has thereafter been reinstated as a policeman, shall have no right to ordinary disability benefit in excess of the amount previously received unless he serves at least one year after such reinstatement. This provision shall apply throughout the duration of any disability incurred by the policeman within one year after his reinstatement resulting from any cause other than injury incurred in the performance of an act of duty.

(c) Until the effective date of this amendatory Act of the 92nd General Assembly, a policeman who assumes regular

employment for compensation, while in receipt of ordinary or duty disability benefits, shall not be entitled to receive any amount of such disability benefits which, when added to his compensation for such employment during disability, would exceed 150% of the rate of salary which would be paid to him if he were working in his regularly appointed civil service position as a policeman. The changes made to this Section by Public Act 90-766 are not limited to persons in service on or after the effective date of that Act.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, the reduction of disability benefits due to compensation for employment previously imposed under this subsection (c) no longer applies to any person receiving a disability benefit under this Article, without regard to whether the person is in service on or after that date. The removal of this limitation by this amendatory Act is not retroactive and does not entitle any person to the restoration of amounts previously reduced or withheld under this subsection.

(d) Disability benefit shall not be paid for any part of time for which a disabled policeman shall receive any part of his salary.

(e) Except as herein otherwise provided, disability benefit shall not be paid for any disability based upon or caused by any mental or physical defect which the policeman had at the time he entered the police service.

(f) Disability benefit shall not be allowed to any policeman who re-enters the public service in any capacity where his salary is payable in whole or in part by taxes levied upon taxable property in the city in which this Article is in effect, or out of special revenues of any department of the city. The disability benefit shall be suspended during the period he is in the public service for compensation, and shall be resumed when he withdraws from such service.

(g) If a policeman receives any compensation as temporary total disability, permanent total disability, a lump sum settlement award, or other payment under the Workers' Compensation Act or the Workers' Occupational Diseases Act as a result of the policeman's secondary employment for any injury resulting in disability, any disability benefit provided to the policeman for such disability under this Article shall be reduced by any compensation amount so received, if that compensation amount is less than the amount of the disability benefit. If the amount received as compensation exceeds the amount of the disability benefit, the policeman shall not receive the disability benefit until the disability benefit payable equals the amount of the compensation received without consideration of interest. The calculation of compensation received by the policeman as provided in this Section shall not take into consideration any benefits received under the Line of Duty Compensation Act.

If the widow, child or children, or parent or parents of a

policeman, or any of these persons, receives any compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act as a result of the policeman's secondary employment for any injury resulting in the policeman's death, the annuities provided under this Article for those beneficiaries shall be reduced by any compensation amount so received, if that compensation amount is less than the amount of the annuities. If the amount received as compensation exceeds the amount of the annuities for the widow, child or children, or parent or parents, the annuities shall not be payable until the accumulated value of the annuities equals the amount of the compensation received without consideration of interest. In making the adjustment, the annuity to the widow shall first be reduced. The calculation of compensation received by the widow, child or children, or parent or parents of a policeman, or any of these persons, as provided in this Section shall not take into consideration any benefits received under the Line of Duty Compensation Act or the Public Safety Officers Benefits Act of 1976, 34 U.S.C. 10281 et seq.

(h) ~~(g)~~ Any disability benefit paid in violation of this Section or of this Article shall be construed to have been paid in error, and the amounts so paid shall be charged as a debit in the account of any person to whom the same was paid and shall be deducted from any moneys thereafter payable to such person out of this fund, or to the widow, heirs or estate of

such person.

(Source: P.A. 92-52, eff. 7-12-01.)

(40 ILCS 5/5-212) (from Ch. 108 1/2, par. 5-212)

Sec. 5-212. Computation of service. In computing the service rendered by a policeman prior to the effective date, the following periods shall be counted, in addition to all periods during where he performed the duties of his position, as periods of service for annuity purposes only: all periods of (a) vacation; (b) leave of absence with whole or part pay; (c) leave of absence without pay on account of disability; and (d) leave of absence during which the policeman was engaged in the military or naval service of the United States of America. Service credit shall not be allowed for a policeman in receipt of a pension on account of disability from any pension fund superseded by this fund.

In computing the service rendered by a policeman on or after the effective date, the following periods shall be counted, in addition to all periods during which he performed the duties of his position, as periods of service for annuity purposes only: all periods of (a) vacation; (b) leave of absence with whole or part pay; (c) leave of absence during which the policeman was engaged in the military or naval service of the United States of America; (d) time that the policeman was engaged in the military or naval service of the United States of America, during which he was passed over on

any eligible list posted from an entrance examination, due to the fact that he was in such military or naval service at the time he was called for appointment to the Police Department, to be computed from the date he was passed over on any eligible list and would have been first sworn in as a policeman had he not been engaged in the military or naval service of the United States of America, until the date of his discharge from such military or naval service; provided that such policeman shall pay into this Fund the same amount that would have been deducted from his salary had he been a policeman during the aforementioned portion of such military or naval service; (e) disability for which the policeman receives any disability benefit or compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act; (f) disability for which the policeman receives whole or part pay; (g) service for which credits and creditable service have been transferred to this Fund under Section 9-121.1, 14-105.1 or 15-134.3 of this Code; and (h) periods of service in the military, naval, or air forces of the United States entered upon before beginning service as an active policeman of a municipality as provided in Section 5-214.3.

In computing service on or after the effective date for ordinary disability benefit, all periods described in the preceding paragraph, except any such period for which a policeman receives ordinary disability benefit, shall be counted as periods of service.

In computing service for any of the purposes of this Article, no credit shall be given for any period during which a policeman was not rendering active service because of his discharge from the service, unless proceedings to test the legality of the discharge are filed in a court of competent jurisdiction within one year from the date of discharge and a final judgment is entered therein declaring the discharge illegal.

No overtime or extra service shall be included in computing service of a policeman and not more than one year or a fractional part thereof of service shall be allowed for service rendered during any calendar year.

In computing service for any of the purposes of this Article, credit shall be given for any periods during which a policeman who is a member of the General Assembly is on leave of absence or is otherwise authorized to be absent from duty to enable him or her to perform legislative duties, notwithstanding any reduction in salary for such periods and notwithstanding that the contributions paid by the policeman were based on a reduced salary rather than the full amount of salary attached to his or her career service rank.

(Source: P.A. 96-1260, eff. 7-23-10.)

Section 90. The State Mandates Act is amended by adding Section 8.46 as follows:

Public Act 102-0806

HB5295 Enrolled

LRB102 23444 RPS 32616 b

(30 ILCS 805/8.46 new)

Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 102nd General Assembly.

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