

HB4939



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4939

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-112

from Ch. 108 1/2, par. 4-112

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that a firefighter receiving a disability pension for post-traumatic stress disorder (PTSD) shall not be required to undergo a medical examination to verify continuance of disability after attaining the age of 45 (rather than 50). Effective immediately.

LRB100 18576 MJP 33799 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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 Section 4-112 as follows:

6 (40 ILCS 5/4-112) (from Ch. 108 1/2, par. 4-112)

7 Sec. 4-112. Determination of disability; restoration to
8 active service; disability cannot constitute cause for
9 discharge. A disability pension shall not be paid until
10 disability has been established by the board by examinations of
11 the firefighter at pension fund expense by 3 physicians
12 selected by the board and such other evidence as the board
13 deems necessary. The 3 physicians selected by the board need
14 not agree as to the existence of any disability or the nature
15 and extent of a disability. Medical examination of a
16 firefighter receiving a disability pension shall be made at
17 least once each year prior to attainment of age 50 in order to
18 verify continuance of disability, except that a medical
19 examination of a firefighter receiving a disability pension for
20 post-traumatic stress disorder (PTSD) shall not be made after
21 attainment of age 45. No examination shall be required after
22 age 50, except that no examination shall be required after age
23 45 for a firefighter receiving a disability pension for

1 post-traumatic stress disorder (PTSD). No physical or mental
2 disability that constitutes, in whole or in part, the basis of
3 an application for benefits under this Article may be used, in
4 whole or in part, by any municipality or fire protection
5 district employing firefighters, emergency medical
6 technicians, or paramedics as cause for discharge.

7 Upon satisfactory proof to the board that a firefighter on
8 the disability pension has recovered from disability, the board
9 shall terminate the disability pension. The firefighter shall
10 report to the marshal or chief of the fire department, who
11 shall thereupon order immediate reinstatement into active
12 service, and the municipality shall immediately return the
13 firefighter to its payroll, in the same rank or grade held at
14 the date he or she was placed on disability pension. If the
15 firefighter must file a civil action against the municipality
16 to enforce his or her mandated return to payroll under this
17 paragraph, then the firefighter is entitled to recovery of
18 reasonable court costs and attorney's fees.

19 The firefighter shall be entitled to 10 days notice before
20 any hearing or meeting of the board at which the question of
21 his or her disability is to be considered, and shall have the
22 right to be present at any such hearing or meeting, and to be
23 represented by counsel; however, the board shall not have any
24 obligation to provide such fireman with counsel.

25 (Source: P.A. 95-681, eff. 10-11-07.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.