



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4638

Introduced 2/5/2020, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-157

from Ch. 108 1/2, par. 5-157

Amends the Chicago Police Article of the Illinois Pension Code. Provides that a policeman who assumes regular employment for compensation, while in receipt of 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 125% 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. Provides that the reduction in disability benefits due to compensation for employment shall apply to all persons in receipt of disability benefits on or after the effective date of the amendatory Act. Makes a conforming change. Provides that a policeman who is granted a disability benefit shall supply the fund with a copy of his federal and state tax returns, along with all accompanying schedules, within 30 days after filing those returns and that the refusal to provide those tax returns terminates the right to a disability benefit. Provides that a policeman has an affirmative obligation to inform the fund if he has received a medical opinion that he is no longer disabled. Provides that when the disability ceases, the policeman shall have no further right to receive the benefit and he shall be returned to active service.

LRB101 18813 RPS 68270 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 Section 5-157 as follows:

6 (40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)

7 Sec. 5-157. Administration of disability benefits.

8 (a) If a policeman who is granted duty 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12 (b) A policeman who has withdrawn from service while
13 disabled and entered upon annuity prior to the effective date,
14 and who has thereafter been reinstated as a policeman, shall
15 have no right to ordinary disability benefit in excess of the
16 amount previously received unless he serves at least one year
17 after such reinstatement. This provision shall apply
18 throughout the duration of any disability incurred by the
19 policeman within one year after his reinstatement resulting
20 from any cause other than injury incurred in the performance of
21 an act of duty.

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

1 employment for compensation, while in receipt of ~~ordinary or~~
2 ~~duty~~ disability benefits, shall not be entitled to receive any
3 amount of such disability benefits which, when added to his
4 compensation for such employment during disability, would
5 exceed 125% ~~150%~~ of the rate of salary which would be paid to
6 him if he were working in his regularly appointed civil service
7 position as a policeman. Each policeman who is granted a
8 disability benefit shall supply the fund with a copy of his
9 federal and state tax returns, along with all accompanying
10 schedules, within 30 days after filing those tax returns. A
11 policeman shall have no further right to receive the disability
12 benefit if he refuses to provide his filed tax returns. The
13 reduction of disability benefits due to compensation for
14 employment made by the changes to this Section by this
15 amendatory Act of the 101st General Assembly shall apply to all
16 persons in receipt of disability benefits on or after the
17 effective date of this amendatory Act of the 101st General
18 Assembly. The changes made to this Section by Public Act 90 766
19 are not limited to persons in service on or after the effective
20 date of that Act.

21 ~~Beginning on the effective date of this amendatory Act of~~
22 ~~the 92nd General Assembly, the reduction of disability benefits~~
23 ~~due to compensation for employment previously imposed under~~
24 ~~this subsection (e) no longer applies to any person receiving a~~
25 ~~disability benefit under this Article, without regard to~~
26 ~~whether the person is in service on or after that date. The~~

1 ~~removal of this limitation by this amendatory Act is not~~
2 ~~retroactive and does not entitle any person to the restoration~~
3 ~~of amounts previously reduced or withheld under this~~
4 ~~subsection.~~

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

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

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

20 (f-5) A policeman has an affirmative obligation to inform
21 the fund if he has received a medical opinion that he is no
22 longer disabled, as "disability" is defined in Section 5-115.
23 When the disability ceases, the policeman shall have no further
24 right to receive the benefit and he shall be returned to active
25 service.

26 (g) Any disability benefit paid in violation of this

1 Section or of this Article shall be construed to have been paid
2 in error, and the amounts so paid shall be charged as a debit
3 in the account of any person to whom the same was paid and
4 shall be deducted from any moneys thereafter payable to such
5 person out of this fund, or to the widow, heirs or estate of
6 such person.

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