



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4435

Introduced 1/21/2022, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-151.1
30 ILCS 805/8.46 new

from Ch. 108 1/2, par. 6-151.1

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that any active fireman who has completed 7 or more years of service and is unable to perform his or her duties in the Fire Department by reason of a contagious staph infection, including methicillin-resistant Staphylococcus aureus (MRSA), resulting from his or her service as a fireman, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he or she does not have a right to receive salary. Provides that any fireman who enters service shall be examined by one or more practicing physicians appointed by the Board, and if that examination discloses the existence of a contagious staph infection, including methicillin-resistant Staphylococcus aureus (MRSA), then the fireman shall not be entitled to receive an occupational disease disability benefit unless and until a subsequent examination reveals no such contagious staph infection, including methicillin-resistant Staphylococcus aureus (MRSA). Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB102 23493 RPS 32671 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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
5 changing Section 6-151.1 as follows:

6 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

7 Sec. 6-151.1. The General Assembly finds and declares that
8 service in the Fire Department requires that firemen, in times
9 of stress and danger, must perform unusual tasks; that by
10 reason of their occupation, firemen are subject to exposure to
11 great heat and to extreme cold in certain seasons while in
12 performance of their duties; that by reason of their
13 employment firemen are required to work in the midst of and are
14 subject to heavy smoke fumes and carcinogenic, poisonous,
15 toxic or chemical gases from fires; and that in the course of
16 their rescue and paramedic duties firemen are exposed to
17 disabling infectious diseases, including AIDS, hepatitis C,
18 and stroke. The General Assembly further finds and declares
19 that all the aforementioned conditions exist and arise out of
20 or in the course of such employment.

21 Any active fireman who has completed 7 or more years of
22 service and is unable to perform his duties in the Fire
23 Department by reason of heart disease, tuberculosis, any

1 disease of the lungs or respiratory tract, AIDS, hepatitis C,
2 ~~or~~ stroke, or a contagious staph infection, including
3 methicillin-resistant Staphylococcus aureus (MRSA), resulting
4 from his service as a fireman, shall be entitled to receive an
5 occupational disease disability benefit during any period of
6 such disability for which he does not have a right to receive
7 salary.

8 Any active fireman who has completed 7 or more years of
9 service and is unable to perform his duties in the fire
10 department by reason of a disabling cancer, which develops or
11 manifests itself during a period while the fireman is in the
12 service of the department, shall be entitled to receive an
13 occupational disease disability benefit during any period of
14 such disability for which he does not have a right to receive
15 salary. In order to receive this occupational disease
16 disability benefit, the type of cancer involved must be a type
17 which may be caused by exposure to heat, radiation or a known
18 carcinogen as defined by the International Agency for Research
19 on Cancer.

20 Any fireman receiving a retirement annuity shall be
21 entitled to an occupational disease disability benefit under
22 this Section if the fireman (1) has not reached the age of
23 compulsory retirement, (2) has not been receiving a retirement
24 annuity for more than 5 years, and (3) has a condition that
25 would have qualified the fireman for an occupational disease
26 disability benefit under this Section if he or she was an

1 active fireman. A fireman who receives an occupational disease
2 disability benefit in accordance with this paragraph may not
3 receive a retirement annuity during the period in which he or
4 she receives an occupational disease disability benefit. The
5 occupational disease disability benefit shall terminate upon
6 the fireman reaching the age of compulsory retirement.

7 Any fireman who shall enter the service after the
8 effective date of this amendatory Act shall be examined by one
9 or more practicing physicians appointed by the Board, and if
10 that examination discloses impairment of the heart, lungs, or
11 respiratory tract, or the existence of AIDS, hepatitis C,
12 stroke, ~~or~~ cancer, or a contagious staph infection, including
13 methicillin-resistant Staphylococcus aureus (MRSA), then the
14 fireman shall not be entitled to receive an occupational
15 disease disability benefit unless and until a subsequent
16 examination reveals no such impairment, AIDS, hepatitis C,
17 stroke, ~~or~~ cancer, or contagious staph infection, including
18 methicillin-resistant Staphylococcus aureus (MRSA).

19 The occupational disease disability benefit shall be 65%
20 of the fireman's salary at the time of his removal from the
21 Department payroll. However, beginning January 1, 1994, no
22 occupational disease disability benefit that has been payable
23 under this Section for at least 10 years shall be less than 50%
24 of the current salary attached from time to time to the rank
25 and grade held by the fireman at the time of his removal from
26 the Department payroll, regardless of whether that removal

1 occurred before the effective date of this amendatory Act of
2 1993.

3 Such fireman also shall have a right to receive child's
4 disability benefit of \$30 per month on account of each
5 unmarried child who is less than 18 years of age or
6 handicapped, dependent upon the fireman for support, and
7 either the issue of the fireman or legally adopted by him. The
8 total amount of child's disability benefit payable to the
9 fireman, when added to his occupational disease disability
10 benefit, shall not exceed 75% of the amount of salary which he
11 was receiving at the time of the grant of occupational disease
12 disability benefit.

13 The first payment of occupational disease disability
14 benefit or child's disability benefit shall be made not later
15 than one month after the benefit is granted. Each subsequent
16 payment shall be made not later than one month after the date
17 of the latest payment.

18 Occupational disease disability benefit shall be payable
19 during the period of the disability until the fireman reaches
20 the age of compulsory retirement. Child's disability benefit
21 shall be paid to such a fireman during the period of disability
22 until such child or children attain age 18 or marry, whichever
23 event occurs first; except that attainment of age 18 by a child
24 who is so physically or mentally handicapped as to be
25 dependent upon the fireman for support, shall not render the
26 child ineligible for child's disability benefit. The fireman

1 thereafter shall receive such annuity or annuities as are
2 provided for him in accordance with other provisions of this
3 Article.

4 (Source: P.A. 102-91, eff. 7-9-21.)

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

7 (30 ILCS 805/8.46 new)

8 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and
9 8 of this Act, no reimbursement by the State is required for
10 the implementation of any mandate created by this amendatory
11 Act of the 102nd General Assembly.

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