



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5295

Introduced 1/31/2022, by Rep. Kelly M. Burke

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-157	from Ch. 108 1/2, par. 5-157
40 ILCS 5/5-212	from Ch. 108 1/2, par. 5-212
30 ILCS 805/8.46 new	

Amends the Chicago Police Article of the Illinois Pension Code. Provides that 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 for any injury resulting in disability, any disability benefit provided to the policeman for such disability under the Article shall be reduced by any compensation amount so received, if that compensation amount is less than the amount of the disability benefit. Provides that 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 such compensation received without consideration of interest. Provides that 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 for any injury resulting in the policeman's death, the annuities provided for those beneficiaries shall be reduced by any compensation amount so received, if that compensation amount is less than the amount of the annuities. Provides that in computing a policeman's service, periods during which the policeman received compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall be counted. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB102 23444 RPS 32616 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 Sections 5-157 and 5-212 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  
21 of an act of duty.

22 (c) Until the effective date of this amendatory Act of the  
23 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 150% of the rate of salary which would be paid to him if  
6 he were working in his regularly appointed civil service  
7 position as a policeman. The changes made to this Section by  
8 Public Act 90-766 are not limited to persons in service on or  
9 after the effective date of that Act.

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

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

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

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

9 (g) If a policeman receives any compensation as temporary  
10 total disability, permanent total disability, a lump sum  
11 settlement award, or other payment under the Workers'  
12 Compensation Act or the Workers' Occupational Diseases Act for  
13 any injury resulting in disability, any disability benefit  
14 provided to the policeman for such disability under this  
15 Article shall be reduced by any compensation amount so  
16 received, if that compensation amount is less than the amount  
17 of the disability benefit. If the amount received as  
18 compensation exceeds the amount of the disability benefit, the  
19 policeman shall not receive the disability benefit until the  
20 disability benefit payable equals the amount of the  
21 compensation received without consideration of interest.

22 If the widow, child or children, or parent or parents of a  
23 policeman, or any of these persons, receives any compensation  
24 under the Workers' Compensation Act or the Workers'  
25 Occupational Diseases Act for any injury resulting in the  
26 policeman's death, the annuities provided under this Article

1 for those beneficiaries shall be reduced by any compensation  
2 amount so received, if that compensation amount is less than  
3 the amount of the annuities. If the amount received as  
4 compensation exceeds the amount of the annuities for the  
5 widow, child or children, or parent or parents, the annuities  
6 shall not be payable until the accumulated value of the  
7 annuities equals the amount of the compensation received  
8 without consideration of interest. In making the adjustment,  
9 the annuity to the widow shall first be reduced.

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

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

18 (40 ILCS 5/5-212) (from Ch. 108 1/2, par. 5-212)

19 Sec. 5-212. Computation of service. In computing the  
20 service rendered by a policeman prior to the effective date,  
21 the following periods shall be counted, in addition to all  
22 periods during where he performed the duties of his position,  
23 as periods of service for annuity purposes only: all periods  
24 of (a) vacation; (b) leave of absence with whole or part pay;  
25 (c) leave of absence without pay on account of disability; and

1 (d) leave of absence during which the policeman was engaged in  
2 the military or naval service of the United States of America.  
3 Service credit shall not be allowed for a policeman in receipt  
4 of a pension on account of disability from any pension fund  
5 superseded by this fund.

6 In computing the service rendered by a policeman on or  
7 after the effective date, the following periods shall be  
8 counted, in addition to all periods during which he performed  
9 the duties of his position, as periods of service for annuity  
10 purposes only: all periods of (a) vacation; (b) leave of  
11 absence with whole or part pay; (c) leave of absence during  
12 which the policeman was engaged in the military or naval  
13 service of the United States of America; (d) time that the  
14 policeman was engaged in the military or naval service of the  
15 United States of America, during which he was passed over on  
16 any eligible list posted from an entrance examination, due to  
17 the fact that he was in such military or naval service at the  
18 time he was called for appointment to the Police Department,  
19 to be computed from the date he was passed over on any eligible  
20 list and would have been first sworn in as a policeman had he  
21 not been engaged in the military or naval service of the United  
22 States of America, until the date of his discharge from such  
23 military or naval service; provided that such policeman shall  
24 pay into this Fund the same amount that would have been  
25 deducted from his salary had he been a policeman during the  
26 aforementioned portion of such military or naval service; (e)

1 disability for which the policeman receives any disability  
2 benefit or compensation under the Workers' Compensation Act or  
3 the Workers' Occupational Diseases Act; (f) disability for  
4 which the policeman receives whole or part pay; (g) service  
5 for which credits and creditable service have been transferred  
6 to this Fund under Section 9-121.1, 14-105.1 or 15-134.3 of  
7 this Code; and (h) periods of service in the military, naval,  
8 or air forces of the United States entered upon before  
9 beginning service as an active policeman of a municipality as  
10 provided in Section 5-214.3.

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

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

24 No overtime or extra service shall be included in  
25 computing service of a policeman and not more than one year or  
26 a fractional part thereof of service shall be allowed for

1 service rendered during any calendar year.

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

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

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

14 (30 ILCS 805/8.46 new)

15 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and  
16 8 of this Act, no reimbursement by the State is required for  
17 the implementation of any mandate created by this amendatory  
18 Act of the 102nd General Assembly.

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