



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4784

Introduced 2/6/2024, by Rep. Kimberly Du Buclet

SYNOPSIS AS INTRODUCED:

40 ILCS 5/13-207	from Ch. 108 1/2, par. 13-207
40 ILCS 5/13-310	from Ch. 108 1/2, par. 13-310
40 ILCS 5/13-706	from Ch. 108 1/2, par. 13-706

Amends the Metropolitan Water Reclamation District Article of the Illinois Pension Code. Provides that an ordinary disability benefit shall be allowed only if the employee is examined, at least annually, by a licensed health care professional appointed by the Board of Trustees of the Fund. In the definition of "salary", provides that, for a member on a disability benefit, salary is the salary on which the disability benefit is based. Provides that the Board has the power to issue subpoenas to compel the attendance of witnesses to testify before the Board and to compel the production of documents and records upon any matter concerning the Fund, including in conjunction with specified matters. Sets forth provisions concerning fees of witnesses for attendance and travel and compliance with a subpoena.

LRB103 37154 RPS 67273 b

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 13-207, 13-310, and 13-706 as follows:

6 (40 ILCS 5/13-207) (from Ch. 108 1/2, par. 13-207)

7 Sec. 13-207. "Salary": The salary paid to an employee for
8 service to the District or to the Board, including salary paid
9 for vacation and sick leave and any amounts deferred under a
10 deferred compensation plan established under this Code, but
11 excluding (1) payment for unused vacation or sick leave, (2)
12 overtime pay, (3) termination pay, and (4) any compensation in
13 the form of benefits other than the salary. Salary for a member
14 on a disability benefit is the salary on which the disability
15 benefit is based.

16 (Source: P.A. 90-12, eff. 6-13-97.)

17 (40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

18 Sec. 13-310. Ordinary disability benefit.

19 (a) Any employee who becomes disabled as the result of any
20 cause other than injury or illness incurred in the performance
21 of duty for the employer or any other employer, or while
22 engaged in self-employment activities, shall be entitled to an

1 ordinary disability benefit. The eligible period for this
2 benefit shall be 25% of the employee's total actual service
3 prior to the date of disability with a cumulative maximum
4 period of 5 years.

5 (b) The benefit shall be allowed only if the employee
6 files an application in writing with the Board that includes
7 ~~and~~ a medical report ~~is submitted~~ by at least one licensed
8 health care professional and the employee is examined, at
9 least annually, by a licensed health care professional
10 appointed by the Board as part of the employee's application.

11 The benefit is not payable for any disability which begins
12 during any period of unpaid leave of absence. No benefit shall
13 be allowed for any period of disability prior to 30 days before
14 application is made, unless the Board finds good cause for the
15 delay in filing the application. The benefit shall not be paid
16 during any period for which the employee receives or is
17 entitled to receive any part of salary.

18 The benefit is not payable for any disability which begins
19 during any period of absence from duty other than allowable
20 vacation time in any calendar year. An employee whose
21 disability begins during any such ineligible period of absence
22 from service may not receive benefits until the employee
23 recovers from the disability and is in service for at least 15
24 consecutive working days after such recovery.

25 In the case of an employee who first enters service on or
26 after June 13, 1997, an ordinary disability benefit is not

1 payable for the first 3 days of disability that would
2 otherwise be payable under this Section if the disability does
3 not continue for at least 11 additional days.

4 Beginning on the effective date of this amendatory Act of
5 the 94th General Assembly, an employee who first entered
6 service on or after June 13, 1997 is also eligible for ordinary
7 disability benefits on the 31st day after the last day worked,
8 provided all sick leave is exhausted.

9 (c) The benefit shall be 50% of the employee's salary at
10 the date of disability, and shall terminate when the earliest
11 of the following occurs:

12 (1) The employee returns to work or receives a
13 retirement annuity paid wholly or in part under this
14 Article;

15 (2) The disability ceases;

16 (3) The employee willfully and continuously refuses to
17 follow medical advice and treatment to enable the employee
18 to return to work. However this provision does not apply
19 to an employee who relies in good faith on treatment by
20 prayer through spiritual means alone in accordance with
21 the tenets and practice of a recognized church or
22 religious denomination, by a duly accredited practitioner
23 thereof;

24 (4) The employee (i) refuses to submit to a reasonable
25 physical examination within 30 days of application by a
26 licensed health care professional appointed by the Board,

1 (ii) in the case of chronic alcoholism, the employee
2 refuses to join a rehabilitation program licensed by the
3 Department of Public Health of the State of Illinois and
4 certified by the Joint Commission on the Accreditation of
5 Hospitals, (iii) fails or refuses to consent to and sign
6 an authorization allowing the Board to receive copies of
7 or to examine the employee's medical and hospital records,
8 or (iv) fails or refuses to provide complete information
9 regarding any other employment for compensation he or she
10 has received since becoming disabled; or

11 (5) The eligible period for this benefit has been
12 exhausted.

13 The first payment of the benefit shall be made not later
14 than one month after the same has been granted, and subsequent
15 payments shall be made at least monthly.

16 (Source: P.A. 102-210, eff. 7-30-21; 103-523, eff. 1-1-24.)

17 (40 ILCS 5/13-706) (from Ch. 108 1/2, par. 13-706)

18 Sec. 13-706. Board powers and duties. The Board shall have
19 the powers and duties set forth in this Section, in addition to
20 such other powers and duties as may be provided in this Article
21 and in this Code:

22 (a) To supervise collections. To see that all amounts
23 specified in this Article to be applied to the Fund, from
24 any source, are collected and applied.

25 (b) To notify of deductions. To notify the Clerk of

1 the Water Reclamation District of the deductions to be
2 made from the salaries of employees.

3 (c) To accept gifts. To accept by gift, grant, bequest
4 or otherwise any money or property of any kind and use the
5 same for the purposes of the Fund.

6 (d) To invest the reserves. To invest the reserves of
7 the Fund in accordance with the provisions set forth in
8 Section 1-109, 1-109.1, 1-109.2, 1-110, 1-111, 1-114, and
9 1-115 of this Code. Investments made in accordance with
10 Section 1-113 of Article 1 of this Code shall be deemed
11 prudent. The Board is also authorized to transfer
12 securities to the Illinois State Board of Investment for
13 the purpose of participation in any commingled investment
14 fund as provided in Article 22A of this Code.

15 (e) To authorize payments. To consider and pass upon
16 all applications for annuities and benefits; to authorize
17 or suspend the payment of any annuity or benefit; to
18 inquire into the validity and legality of any grant of
19 annuity or benefit paid from or payable out of the Fund; to
20 increase, reduce, or suspend any such annuity or benefit
21 whenever the annuity or benefit, or any part thereof, was
22 secured or granted, or the amount thereof fixed, as the
23 result of misrepresentation, fraud, or error. No such
24 annuity or benefit shall be permanently reduced or
25 suspended until the affected annuitant or beneficiary is
26 first notified of the proposed action and given an

1 opportunity to be heard. No trustee of the Board shall
2 vote upon that trustee's own personal claim for annuity,
3 benefit or refund, or participate in the deliberations of
4 the Board as to the validity of any such claim. The Board
5 shall have exclusive original jurisdiction in all matters
6 of claims for annuities, benefits and refunds.

7 (f) To submit an annual report. To submit a report in
8 July of each year to the Board of Commissioners of the
9 Water Reclamation District as of the close of business on
10 December 31st of the preceding year. The report shall
11 include the following:

12 (1) A balance sheet, showing the financial and
13 actuarial condition of the Fund as of the end of the
14 calendar year;

15 (2) A statement of receipts and disbursements
16 during such year;

17 (3) A statement showing changes in the asset,
18 liability, reserve and surplus accounts during such
19 year;

20 (4) A detailed statement of investments as of the
21 end of the year; and

22 (5) Any additional information as is deemed
23 necessary for proper interpretation of the condition
24 of the Fund.

25 (g) To subpoena witnesses and compel the production of
26 records. To issue subpoenas to compel the attendance of

1 witnesses to testify before the Board and to compel the
2 production of documents and records upon any matter
3 concerning the Fund, including, but not limited to, in
4 conjunction with:

5 (1) a disability claim;

6 (2) an administrative review proceeding;

7 (3) an attempt to obtain information to assist in
8 the collection of sums due to the Fund;

9 (4) obtaining any and all personal identifying
10 information necessary for the administration of
11 benefits;

12 (5) the determination of the death of a benefit
13 recipient or a potential benefit recipient; or

14 (6) a felony forfeiture investigation.

15 The fees of witnesses for attendance and travel shall be
16 the same as the fees of witnesses before the circuit courts of
17 this State and shall be paid by the party seeking the subpoena.
18 The Board may apply to any circuit court in the State for an
19 order requiring compliance with a subpoena issued under this
20 Section. Subpoenas issued under this Section shall be subject
21 to the applicable provisions of the Code of Civil Procedure.
22 The President or other members of the Board may administer
23 oaths to witnesses. ~~To compel witnesses to attend and testify~~
24 ~~before it upon any matter concerning the Fund and allow~~
25 ~~witness fees not in excess of \$6 for attendance upon any one~~
26 ~~day. The President and other members of the Board may~~

1 ~~administer oaths to witnesses.~~

2 (h) To appoint employees and consultants. To appoint
3 such actuarial, medical, legal, investigational, clerical
4 or financial employees and consultants as are necessary,
5 and fix their compensation.

6 (i) To make rules. To make rules and regulations
7 necessary for the administration of the affairs of the
8 Fund.

9 (j) To waive guardianship. To waive the requirement of
10 legal guardianship of a person under legal disability or
11 any minor unmarried beneficiary of the Fund for a
12 representative managing such person or beneficiary's
13 affairs, whenever the Board deems such waiver to be in the
14 best interest of the person or beneficiary.

15 (k) To collect amounts due. To collect any amounts due
16 to the Fund from any participant or beneficiary prior to
17 payment of any annuity, benefit or refund.

18 (l) To invoke rule of offset. To offset against any
19 amount payable to an employee or to any other person such
20 sums as may be due to the Fund or may have been paid by the
21 Fund due to misrepresentation, fraud or error.

22 (m) To assess and collect interest on amounts due to
23 the Fund using the annual rate as shall from time to time
24 be determined by the Board, compounded annually from the
25 date of notification to the date of payment.

26 (Source: P.A. 103-523, eff. 1-1-24.)