



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3840

Introduced 2/25/2009, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-116	from Ch. 108 1/2, par. 3-116
40 ILCS 5/5-156	from Ch. 108 1/2, par. 5-156
30 ILCS 805/8.33 new	

Amends the Downstate Police and Chicago Police Articles of the Illinois Pension Code. In provisions concerning recovery from disability, provides that the police officer shall report to the chief of the department, who shall thereupon order immediate reinstatement into active service, and the municipality shall immediately return the police officer to its payroll, in the same rank or grade held at the date he or she was placed on disability pension. Provides that, if the police officer must file a civil action against the municipality to enforce his or her mandated return to payroll, then the police officer is entitled to recovery of reasonable court costs and attorney's fees. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 05778 AMC 15853 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections 3-116 and 5-156 as follows:

6 (40 ILCS 5/3-116) (from Ch. 108 1/2, par. 3-116)

7 Sec. 3-116. Examination and emergency service. A police
8 officer whose duty is suspended because of disability may be
9 summoned to appear before the board, and to submit to an
10 examination to determine fitness for duty. The officer shall
11 abide by the board's decision. If a police officer retired for
12 disability, except one who voluntarily retires after 20 years'
13 service, is found upon medical examination to have recovered
14 from disability, the board shall certify to the chief of police
15 that the member is no longer disabled and is able to resume the
16 duties of his or her position. The police officer shall report
17 to the chief of the department, who shall thereupon order
18 immediate reinstatement into active service, and the
19 municipality shall immediately return the police officer to its
20 payroll, in the same rank or grade held at the date he or she
21 was placed on disability pension. If the police officer must
22 file a civil action against the municipality to enforce his or
23 her mandated return to payroll under this Section, then the

1 police officer is entitled to recovery of reasonable court
2 costs and attorney's fees. In case of emergency, a disabled
3 police officer may be assigned to and shall perform such duty
4 without right to compensation as the chief of police or chief
5 officer of the municipality may direct.

6 (Source: P.A. 83-1440.)

7 (40 ILCS 5/5-156) (from Ch. 108 1/2, par. 5-156)

8 Sec. 5-156. Proof of disability - Physical examinations.
9 Proof of duty, occupational disease, or ordinary disability
10 shall be furnished to the board by at least one licensed and
11 practicing physician appointed by the board. In cases where the
12 board requests an applicant to get a second opinion, the
13 applicant must select a physician from a list of qualified
14 licensed and practicing physicians who specialize in the
15 various medical areas related to duty injuries and illnesses,
16 as established by the board. The board may require other
17 evidence of disability. A disabled policeman who receives a
18 duty, occupational disease, or ordinary disability benefit
19 shall be examined at least once a year by one or more
20 physicians appointed by the board. When the disability ceases,
21 the board shall discontinue payment of the benefit, and the
22 policeman shall be returned to active service. The policeman
23 shall report to the chief of the department, who shall
24 thereupon order immediate reinstatement into active service,
25 and the municipality shall immediately return the policeman to

1 its payroll, in the same rank or grade held at the date he or
2 she was placed on disability pension. If the policeman must
3 file a civil action against the municipality to enforce his or
4 her mandated return to payroll under this Section, then the
5 policeman is entitled to recovery of reasonable court costs and
6 attorney's fees.

7 (Source: P.A. 90-766, eff. 8-14-98.)

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.33 as follows:

10 (30 ILCS 805/8.33 new)

11 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 96th General Assembly.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.