

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 5-154 and 6-151 as follows:

6 (40 ILCS 5/5-154) (from Ch. 108 1/2, par. 5-154)

7 Sec. 5-154. Duty disability benefit; child's disability
8 benefit.

9 (a) An active policeman who becomes disabled on or after
10 the effective date as the result of injury incurred on or after
11 such date in the performance of an act of duty, has a right to
12 receive duty disability benefit during any period of such
13 disability for which he does not have a right to receive
14 salary, equal to 75% of his salary, as salary is defined in
15 this Article, at the time the disability is allowed; or in the
16 case of a policeman on duty disability who returns to active
17 employment at any time for a period of at least 2 years and is
18 again disabled from the same cause or causes, 75% of his
19 salary, as salary is defined in this Article, at the time
20 disability is allowed; provided, however, that:

21 (i) If the disability resulted from any physical
22 defect or mental disorder or any disease which existed at
23 the time the injury was sustained, or if the disability is

1 less than 50% of total disability for any service of a
2 remunerative character, the duty disability benefit shall
3 be 50% of salary as defined in this Article.

4 (ii) Beginning January 1, 1996, no duty disability
5 benefit that has been payable under this Section for at
6 least 10 years shall be less than 50% of the current salary
7 attached from time to time to the rank held by the
8 policeman at the time of removal from the police
9 department payroll, regardless of whether that removal
10 occurred before the effective date of this amendatory Act
11 of 1995. Beginning on January 1, 2000, no duty disability
12 benefit that has been payable under this Section for at
13 least 7 years shall be less than 60% of the current salary
14 attached from time to time to the rank held by the
15 policeman at the time of removal from the police
16 department payroll, regardless of whether that removal
17 occurred before the effective date of this amendatory Act
18 of the 92nd General Assembly.

19 (iii) If the Board finds that the disability of the
20 policeman is of such a nature as to permanently render him
21 totally disabled for any service of a remunerative
22 character, the duty disability benefit shall be 75% of the
23 current salary attached from time to time to the rank held
24 by the policeman at the time of removal from the police
25 department payroll. In the case of a policeman receiving a
26 duty disability benefit under this Section on the

1 effective date of this amendatory Act of the 92nd General
2 Assembly, the increase in benefit provided by this
3 amendatory Act, if any, shall begin to accrue as of the
4 date that the Board makes the required finding of
5 permanent total disability, regardless of whether removal
6 from the payroll occurred before the effective date of
7 this amendatory Act.

8 (b) The policeman shall also have a right to child's
9 disability benefit of \$100 per month for each unmarried child,
10 the issue of the policeman, less than age 18, but the total
11 amount of child's disability benefit shall not exceed 25% of
12 his salary as defined in this Article. The increase in child's
13 disability benefit provided by this amendatory Act of the 92nd
14 General Assembly applies beginning January 1, 2000 to all such
15 benefits payable on or after that date, regardless of whether
16 the disabled policeman is in active service on or after the
17 effective date of this amendatory Act.

18 (c) Duty disability benefit shall be payable until the
19 policeman becomes age 63 or would have been retired by
20 operation of law, whichever is later, and child's disability
21 benefit shall be paid during any such period of disability
22 until the child attains age 18. Thereafter the policeman shall
23 receive the annuity provided in accordance with the other
24 provisions of this Article.

25 (d) A policeman who suffers a heart attack during the
26 performance and discharge of his or her duties as a policeman

1 shall be considered injured in the performance of an act of
2 duty and shall be eligible for all benefits that the City
3 provides for police officers injured in the performance of an
4 act of duty. This subsection (d) is a restatement of existing
5 law and applies without regard to whether the policeman is in
6 service on or after the effective date of Public Act 89-12 or
7 this amendatory Act of 1996.

8 (e) For the purposes of this Section only, any policeman
9 who becomes disabled as a result of exposure to and
10 contraction of COVID-19, as evidenced by either a confirmed
11 positive laboratory test for COVID-19 or COVID-19 antibodies
12 or a confirmed diagnosis of COVID-19 from a licensed medical
13 professional, shall:

14 (1) be rebuttably presumed to have contracted COVID-19
15 while in the performance of an act or acts of duty;

16 (2) be rebuttably presumed to have been injured while
17 in the performance of an act or acts of duty; and

18 (3) be entitled to receive a duty disability benefit
19 during any period of such disability for which the
20 policeman does not have a right to receive salary, in an
21 amount equal to 75% of the policeman's salary, as salary
22 is defined in this Article, at the time the disability is
23 allowed, in accordance with subsection (a).

24 The presumption shall apply to any policeman who was
25 exposed to and contracted COVID-19 on or after March 9, 2020
26 and on or before June 30, 2021; except that the presumption

1 shall not apply if the policeman was on a leave of absence from
2 his or her employment or otherwise not required to report for
3 duty for a period of 14 or more consecutive days immediately
4 prior to the date of contraction of COVID-19. For the purposes
5 of determining when a policeman contracted COVID-19 under this
6 paragraph, the date of contraction is either the date that the
7 policeman was diagnosed with COVID-19 or was unable to work
8 due to symptoms that were later diagnosed as COVID-19,
9 whichever occurred first.

10 It is the intent of the General Assembly that the change
11 made in this subsection (e) by this amendatory Act shall apply
12 retroactively to March 9, 2020, and any policeman who has been
13 previously denied a duty disability benefit that would
14 otherwise be entitled to duty disability benefit under this
15 subsection (e) shall be entitled to retroactive benefits and
16 duty disability benefit.

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

18 (40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

19 Sec. 6-151. An active fireman who is or becomes disabled
20 on or after the effective date as the result of a specific
21 injury, or of cumulative injuries, or of specific sickness
22 incurred in or resulting from an act or acts of duty, shall
23 have the right to receive duty disability benefit during any
24 period of such disability for which he does not receive or have
25 a right to receive salary, equal to 75% of his salary at the

1 time the disability is allowed. However, beginning January 1,
2 1994, no duty disability benefit that has been payable under
3 this Section for at least 10 years shall be less than 50% of
4 the current salary attached from time to time to the rank and
5 grade held by the fireman at the time of his removal from the
6 Department payroll, regardless of whether that removal
7 occurred before the effective date of this amendatory Act of
8 1993.

9 Whenever an active fireman is or becomes so injured or
10 sick, as to require medical or hospital attention, the chief
11 officer of the fire department of the city shall file, or cause
12 to be filed, with the board a report of the nature and cause of
13 his disability, together with the certificate or report of the
14 physician attending or treating, or who attended or treated
15 the fireman, and a copy of any hospital record concerning the
16 disability. Any injury or sickness not reported to the board
17 in time to permit the board's physician to examine the fireman
18 before his recovery, and any injury or sickness for which a
19 physician's report or copy of the hospital record is not on
20 file with the board shall not be considered for the payment of
21 duty disability benefit.

22 Such fireman shall also receive a child's disability
23 benefit of \$30 per month on account of each unmarried child,
24 the issue of the fireman or legally adopted by him, who is less
25 than 18 years of age or handicapped and dependent upon the
26 fireman for support. The total amount of child's disability

1 benefit shall not exceed 25% of his salary at the time the
2 disability is allowed.

3 The first payment of duty disability or child's disability
4 benefit shall be made not later than one month after the
5 benefit is granted. Each subsequent payment shall be made not
6 later than one month after the date of the latest payment.

7 Duty disability benefit shall be payable during the period
8 of the disability until the fireman reaches the age of
9 compulsory retirement. Child's disability benefit shall be
10 paid to such a fireman during the period of disability until
11 such child or children attain age 18 or marries, whichever
12 event occurs first; except that attainment of age 18 by a child
13 who is so physically or mentally handicapped as to be
14 dependent upon the fireman for support, shall not render the
15 child ineligible for child's disability benefit. The fireman
16 shall thereafter receive such annuity or annuities as are
17 provided for him in accordance with other provisions of this
18 Article.

19 For the purposes of this Section only, any fireman who
20 becomes disabled as a result of exposure to and contraction of
21 COVID-19, as evidenced by either a confirmed positive
22 laboratory test for COVID-19 or COVID-19 antibodies or a
23 confirmed diagnosis of COVID-19 from a licensed medical
24 professional shall:

25 (1) be rebuttably presumed to have contracted COVID-19
26 while in the performance of an act or acts of duty;

1 (2) be rebuttably presumed to have been injured while
2 in the performance of an act or acts of duty; and

3 (3) be entitled to receive a duty disability benefit
4 during any period of such disability for which the fireman
5 does not have a right to receive salary, in an amount equal
6 to 75% of the fireman's salary, as salary is defined in
7 this Article, at the time the disability is allowed, in
8 accordance with this Section.

9 The presumption shall apply to any fireman who was exposed
10 to and contracted COVID-19 on or after March 9, 2020 and on or
11 before June 30, 2021; except that the presumption shall not
12 apply if the fireman was on a leave of absence from his or her
13 employment or otherwise not required to report for duty for a
14 period of 14 or more consecutive days immediately prior to the
15 date of contraction of COVID-19. For the purposes of
16 determining when a fireman contracted COVID-19 under this
17 paragraph, the date of contraction is either the date that the
18 fireman was diagnosed with COVID-19 or was unable to work due
19 to symptoms that were later diagnosed as COVID-19, whichever
20 occurred first.

21 It is the intent of the General Assembly that the change
22 made by this amendatory Act shall apply retroactively to March
23 9, 2020, and any fireman who has been previously denied a duty
24 disability benefit that would otherwise be entitled to duty
25 disability benefit under this Section shall be entitled to
26 retroactive benefits and duty disability benefit.

1 (Source: P.A. 95-279, eff. 1-1-08.)

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.47 as follows:

4 (30 ILCS 805/8.47 new)

5 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
6 8 of this Act, no reimbursement by the State is required for
7 the implementation of any mandate created by this amendatory
8 Act of the 103rd General Assembly.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.