



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4139

by Rep. Bradley Fritts

#### SYNOPSIS AS INTRODUCED:

|                     |                              |
|---------------------|------------------------------|
| 40 ILCS 5/7-131 new |                              |
| 40 ILCS 5/7-145.1   |                              |
| 40 ILCS 5/7-146     | from Ch. 108 1/2, par. 7-146 |
| 40 ILCS 5/7-149     | from Ch. 108 1/2, par. 7-149 |
| 40 ILCS 5/7-150     | from Ch. 108 1/2, par. 7-150 |

Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. With regard to disability benefits, provides that a determination of disability may be made by a licensed and practicing medical professional with the authority to diagnose the condition or conditions for which disability benefits are sought (rather than only a physician). Defines "medical professional". Makes conforming changes. Effective immediately.

LRB103 34045 RPS 63862 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 adding  
5 Section 7-131 and by changing Sections 7-145.1, 7-146, 7-149,  
6 and 7-150 as follows:

7 (40 ILCS 5/7-131 new)

8 Sec. 7-131. Medical professional. "Medical professional":  
9 Any individual who has obtained a license through the  
10 Department of Financial and Professional Regulation under the  
11 Medical Practice Act of 1987, under the Physician Assistant  
12 Practice Act of 1987, or under the Clinical Psychologist  
13 Licensing Act or an advanced practice registered nurse  
14 licensed under the Nurse Practice Act.

15 (40 ILCS 5/7-145.1)

16 Sec. 7-145.1. Alternative annuity for county officers.

17 (a) The benefits provided in this Section and Section  
18 7-145.2 are available only if, prior to the effective date of  
19 this amendatory Act of the 97th General Assembly, the county  
20 board has filed with the Board of the Fund a resolution or  
21 ordinance expressly consenting to the availability of these  
22 benefits for its elected county officers. The county board's

1 consent is irrevocable with respect to persons participating  
2 in the program, but may be revoked at any time with respect to  
3 persons who have not paid an additional optional contribution  
4 under this Section before the date of revocation.

5 An elected county officer may elect to establish  
6 alternative credits for an alternative annuity by electing in  
7 writing before the effective date of this amendatory Act of  
8 the 97th General Assembly to make additional optional  
9 contributions in accordance with this Section and procedures  
10 established by the board. These alternative credits are  
11 available only for periods of service as an elected county  
12 officer. The elected county officer may discontinue making the  
13 additional optional contributions by notifying the Fund in  
14 writing in accordance with this Section and procedures  
15 established by the board.

16 Additional optional contributions for the alternative  
17 annuity shall be as follows:

18 (1) For service as an elected county officer after the  
19 option is elected, an additional contribution of 3% of  
20 salary shall be contributed to the Fund on the same basis  
21 and under the same conditions as contributions required  
22 under Section 7-173.

23 (2) For service as an elected county officer before  
24 the option is elected, an additional contribution of 3% of  
25 the salary for the applicable period of service, plus  
26 interest at the effective rate from the date of service to

1 the date of payment, plus any additional amount required  
2 by the county board under paragraph (3). All payments for  
3 past service must be paid in full before credit is given.  
4 Payment must be received by the Board while the member is  
5 an active participant, except that one payment will be  
6 permitted after termination of participation.

7 (3) With respect to service as an elected county  
8 officer before the option is elected, if payment is made  
9 after the county board has filed with the Board of the Fund  
10 a resolution or ordinance requiring an additional  
11 contribution under this paragraph, then the contribution  
12 required under paragraph (2) shall include an amount to be  
13 determined by the Fund, equal to the actuarial present  
14 value of the additional employer cost that would otherwise  
15 result from the alternative credits being established for  
16 that service. A county board's resolution or ordinance  
17 requiring additional contributions under this paragraph  
18 (3) is irrevocable. Payment must be received by the Board  
19 while the member is an active participant, except that one  
20 payment will be permitted after termination of  
21 participation.

22 No additional optional contributions may be made for any  
23 period of service for which credit has been previously  
24 forfeited by acceptance of a refund, unless the refund is  
25 repaid in full with interest at the effective rate from the  
26 date of refund to the date of repayment.

1 (b) In lieu of the retirement annuity otherwise payable  
2 under this Article, an elected county officer who (1) has  
3 elected to participate in the Fund and make additional  
4 optional contributions in accordance with this Section, (2)  
5 has held and made additional optional contributions with  
6 respect to the same elected county office for at least 8 years,  
7 and (3) has attained age 55 with at least 8 years of service  
8 credit (or has attained age 50 with at least 20 years of  
9 service as a sheriff's law enforcement employee) may elect to  
10 have his retirement annuity computed as follows: 3% of the  
11 participant's salary for each of the first 8 years of service  
12 credit, plus 4% of that salary for each of the next 4 years of  
13 service credit, plus 5% of that salary for each year of service  
14 credit in excess of 12 years, subject to a maximum of 80% of  
15 that salary.

16 This formula applies only to service in an elected county  
17 office that the officer held for at least 8 years, and only to  
18 service for which additional optional contributions have been  
19 paid under this Section. If an elected county officer  
20 qualifies to have this formula applied to service in more than  
21 one elected county office, the qualifying service shall be  
22 accumulated for purposes of determining the applicable accrual  
23 percentages, but the salary used for each office shall be the  
24 separate salary calculated for that office, as defined in  
25 subsection (g).

26 To the extent that the elected county officer has service

1 credit that does not qualify for this formula, his retirement  
2 annuity will first be determined in accordance with this  
3 formula with respect to the service to which this formula  
4 applies, and then in accordance with the remaining Sections of  
5 this Article with respect to the service to which this formula  
6 does not apply.

7 (c) In lieu of the disability benefits otherwise payable  
8 under this Article, an elected county officer who (1) has  
9 elected to participate in the Fund, and (2) has become  
10 permanently disabled and as a consequence is unable to perform  
11 the duties of his office, and (3) was making optional  
12 contributions in accordance with this Section at the time the  
13 disability was incurred, may elect to receive a disability  
14 annuity calculated in accordance with the formula in  
15 subsection (b). For the purposes of this subsection, an  
16 elected county officer shall be considered permanently  
17 disabled only if: (i) disability occurs while in service as an  
18 elected county officer and is of such a nature as to prevent  
19 him from reasonably performing the duties of his office at the  
20 time; and (ii) the board has received a written certification  
21 by at least 2 licensed and practicing medical professionals  
22 with the authority to diagnose the condition or conditions for  
23 which disability benefits are sought ~~physicians~~ appointed by  
24 it stating that the officer is disabled and that the  
25 disability is likely to be permanent.

26 (d) Refunds of additional optional contributions shall be

1 made on the same basis and under the same conditions as  
2 provided under Section 7-166, 7-167 and 7-168. Interest shall  
3 be credited at the effective rate on the same basis and under  
4 the same conditions as for other contributions.

5 If an elected county officer fails to hold that same  
6 elected county office for at least 8 years, he or she shall be  
7 entitled after leaving office to receive a refund of the  
8 additional optional contributions made with respect to that  
9 office, plus interest at the effective rate.

10 (e) The plan of optional alternative benefits and  
11 contributions shall be available to persons who are elected  
12 county officers and active contributors to the Fund on or  
13 after November 15, 1994 and elected to establish alternative  
14 credit before the effective date of this amendatory Act of the  
15 97th General Assembly. A person who was an elected county  
16 officer and an active contributor to the Fund on November 15,  
17 1994 but is no longer an active contributor may apply to make  
18 additional optional contributions under this Section at any  
19 time within 90 days after the effective date of this  
20 amendatory Act of 1997; if the person is an annuitant, the  
21 resulting increase in annuity shall begin to accrue on the  
22 first day of the month following the month in which the  
23 required payment is received by the Fund.

24 (f) For the purposes of this Section and Section 7-145.2,  
25 the terms "elected county officer" and "elected county office"  
26 include, but are not limited to: (1) the county clerk,

1 recorder, treasurer, coroner, assessor (if elected), auditor,  
2 sheriff, and State's Attorney; members of the county board;  
3 and the clerk of the circuit court; and (2) a person who has  
4 been appointed to fill a vacancy in an office that is normally  
5 filled by election on a countywide basis, for the duration of  
6 his or her service in that office. The terms "elected county  
7 officer" and "elected county office" do not include any  
8 officer or office of a county that has not consented to the  
9 availability of benefits under this Section and Section  
10 7-145.2.

11 (g) For the purposes of this Section and Section 7-145.2,  
12 the term "salary" means the final rate of earnings for the  
13 elected county office held, calculated in a manner consistent  
14 with Section 7-116, but for that office only. If an elected  
15 county officer qualifies to have the formula in subsection (b)  
16 applied to service in more than one elected county office, a  
17 separate salary shall be calculated and applied with respect  
18 to each such office.

19 (h) The changes to this Section made by this amendatory  
20 Act of the 91st General Assembly apply to persons who first  
21 make an additional optional contribution under this Section on  
22 or after the effective date of this amendatory Act.

23 (i) Any elected county officer who was entitled to receive  
24 a stipend from the State on or after July 1, 2009 and on or  
25 before June 30, 2010 may establish earnings credit for the  
26 amount of stipend not received, if the elected county official



1 applies in writing to the fund within 6 months after the  
2 effective date of this amendatory Act of the 96th General  
3 Assembly and pays to the fund an amount equal to (i) employee  
4 contributions on the amount of stipend not received, (ii)  
5 employer contributions determined by the Board equal to the  
6 employer's normal cost of the benefit on the amount of stipend  
7 not received, plus (iii) interest on items (i) and (ii) at the  
8 actuarially assumed rate.

9 (Source: P.A. 100-148, eff. 8-18-17.)

10 (40 ILCS 5/7-146) (from Ch. 108 1/2, par. 7-146)

11 Sec. 7-146. Temporary disability benefits; eligibility  
12 ~~benefits — Eligibility~~. Temporary disability benefits shall be  
13 payable to participating employees as hereinafter provided.

14 (a) The participating employee shall be considered  
15 temporarily disabled if:

16 1. He is unable to perform the duties of any position  
17 which might reasonably be assigned to him by his employing  
18 municipality or instrumentality thereof or participating  
19 instrumentality due to mental or physical disability  
20 caused by bodily injury or disease, other than as a result  
21 of self-inflicted injury or addiction to narcotic drugs;

22 2. The Board has received written certifications from  
23 at least one licensed and practicing medical professional  
24 with the authority to diagnose the condition or conditions  
25 for which a temporary disability benefit is sought

1       ~~physician~~ and the governing body of the employing  
2       municipality or instrumentality thereof or participating  
3       instrumentality stating that the employee meets the  
4       conditions set forth in subparagraph 1 of this paragraph  
5       (a).

6       (b) A temporary disability benefit shall be payable to a  
7       temporarily disabled employee provided:

8             1. He:

9                 (i) has at least one year of service immediately  
10                preceding the date the temporary disability was  
11                incurred and has made contributions to the fund for at  
12                least the number of months of service normally  
13                required in his position during a 12-month period, or  
14                has at least 5 years of service credit, the last year  
15                of which immediately precedes such date; or

16               (ii) had qualified under clause (i) above, but had  
17                an interruption in service of not more than 3 months in  
18                the 12 months preceding the date the temporary  
19                disability was incurred and was not paid a separation  
20                benefit; or

21               (iii) had qualified under clause (i) above, but  
22                had an interruption after 20 or more years of  
23                creditable service, was not paid a separation benefit,  
24                and returned to service prior to the date the  
25                disability was incurred.

26             Item (iii) of this subdivision shall apply to all

1 employees whose disabilities were incurred on or after  
2 July 1, 1985, and any such employee who becomes eligible  
3 for a disability benefit under item (iii) shall be  
4 entitled to receive a lump sum payment of any accumulated  
5 disability benefits which may accrue from the date the  
6 disability was incurred until the effective date of this  
7 amendatory Act of 1987.

8 Periods of qualified leave granted in compliance with  
9 the federal Family and Medical Leave Act shall be ignored  
10 for purposes of determining the number of consecutive  
11 months of employment under this subdivision (b)1.

12 2. He has been temporarily disabled for at least 30  
13 days, except where a former temporary or permanent and  
14 total disability has reoccurred within 6 months after the  
15 employee has returned to service.

16 3. He is receiving no earnings from a participating  
17 municipality or instrumentality thereof or participating  
18 instrumentality, except as allowed under subsection (f) of  
19 Section 7-152.

20 4. He has not refused to submit to a reasonable  
21 physical examination by a licensed and practicing medical  
22 professional with the authority to diagnose the condition  
23 or conditions for which a temporary disability benefit is  
24 sought ~~physician~~ appointed by the Board.

25 5. His disability is not the result of a mental or  
26 physical condition which existed on the earliest date of

1 service from which he has uninterrupted service, including  
2 prior service, at the date of his disability, provided  
3 that this limitation is not applicable if the date of  
4 disability is after December 31, 2001, nor is it  
5 applicable to a participating employee who: (i) on the  
6 date of disability has 5 years of creditable service,  
7 exclusive of creditable service for periods of disability;  
8 or (ii) received no medical treatment for the condition  
9 for the 3 years immediately prior to such earliest date of  
10 service.

11 6. He is not separated from the service of the  
12 participating municipality or instrumentality thereof or  
13 participating instrumentality which employed him on the  
14 date his temporary disability was incurred; for the  
15 purposes of payment of temporary disability benefits, a  
16 participating employee, whose employment relationship is  
17 terminated by his employing municipality, shall be deemed  
18 not to be separated from the service of his employing  
19 municipality or participating instrumentality if he  
20 continues disabled by the same condition and so long as he  
21 is otherwise entitled to such disability benefit.

22 7. He has not failed or refused to consent to and sign  
23 an authorization allowing the Board to receive copies of  
24 or to examine his medical and hospital records.

25 8. He has not failed or refused to provide complete  
26 information regarding any other employment for

1 compensation he has received since becoming disabled.

2 (Source: P.A. 101-151, eff. 7-26-19.)

3 (40 ILCS 5/7-149) (from Ch. 108 1/2, par. 7-149)

4 Sec. 7-149. Temporary disability benefits; periodic  
5 ~~benefits~~ ~~Periodic~~ checks.

6 The Board shall conduct periodic checks to determine if  
7 any participating employee is disabled. Such checks may  
8 consist of periodic examinations by one or more licensed and  
9 practicing medical professionals with the authority to  
10 diagnose the condition or conditions for which temporary  
11 disability benefits have been granted ~~a physician or~~  
12 ~~physicians~~ appointed by the Board, requiring the employee to  
13 submit evidence of continuing disability and such other  
14 investigations as the Board may deem appropriate. The  
15 following shall constitute prima facie ~~prima facie~~ evidence of  
16 termination of temporary disability:

17 (a) A written report by a licensed and practicing medical  
18 professional with the authority to diagnose the condition or  
19 conditions for which temporary disability benefits have been  
20 granted ~~physician~~ appointed by the Board stating that the  
21 temporary disability has ceased;

22 (b) The earning of compensation by the employee from any  
23 source for personal services, in excess of 25% of the monthly  
24 rate of earnings upon which his disability benefits are based.

25 (Source: Laws 1965, p. 1086.)

1 (40 ILCS 5/7-150) (from Ch. 108 1/2, par. 7-150)

2 Sec. 7-150. Total and permanent disability benefits;  
3 eligibility benefits ~~— Eligibility~~. Total and permanent  
4 disability benefits shall be payable to participating  
5 employees as hereinafter provided, including those employees  
6 receiving disability benefit on July 1, 1962.

7 (a) A participating employee shall be considered totally  
8 and permanently disabled if:

9 1. He is unable to engage in any gainful activity  
10 because of any medically determinable physical or mental  
11 impairment which can be expected to result in death or be  
12 of a long continued and indefinite duration, other than as  
13 a result of self-inflicted injury or addiction to narcotic  
14 drugs;

15 2. The Board has received a written certification by  
16 at least one ~~±~~ licensed and practicing medical  
17 professional with the authority to diagnose the condition  
18 or conditions for which disability benefits are sought  
19 ~~physician~~ stating that the employee meets the  
20 qualifications of subparagraph 1 of this paragraph (a).

21 (b) A totally and permanently disabled employee is  
22 entitled to a permanent disability benefit provided:

23 1. He has exhausted his temporary disability benefits.

24 2. He:

25 (i) has at least one year of service immediately

1 preceding the date the disability was incurred and has  
2 made contributions to the fund for at least the number  
3 of months of service normally required in his position  
4 during a 12 month period, or has at least 5 years of  
5 service credit, the last year of which immediately  
6 preceded the date the disability was incurred; or

7 (ii) had qualified under clause (i) above, but had  
8 an interruption in service of not more than 3 months in  
9 the 12 months preceding the date the temporary  
10 disability was incurred and was not paid a separation  
11 benefit; or

12 (iii) had qualified under clause (i) above, but  
13 had an interruption after 20 or more years of  
14 creditable service, was not paid a separation benefit,  
15 and returned to service prior to the date the  
16 disability was incurred.

17 Item (iii) of this subdivision shall apply to all  
18 employees whose disabilities were incurred on or after  
19 July 1, 1985, and any such employee who becomes eligible  
20 for a disability benefit under item (iii) shall be  
21 entitled to receive a lump sum payment of any accumulated  
22 disability benefits which may accrue from the date the  
23 disability was incurred until the effective date of this  
24 amendatory Act of 1987.

25 Periods of qualified leave granted in compliance with  
26 the federal Family and Medical Leave Act shall be ignored

1 for purposes of determining the number of consecutive  
2 months of employment under this subdivision (b)2.

3 3. He is receiving no earnings from a participating  
4 municipality or instrumentality thereof or participating  
5 instrumentality, except as allowed under subsection (f) of  
6 Section 7-152.

7 4. He has not refused to submit to a reasonable  
8 physical examination by a licensed and practicing medical  
9 professional with the authority to diagnose the condition  
10 or conditions for which disability benefits are sought  
11 ~~physician~~ appointed by the Board.

12 5. His disability is not the result of a mental or  
13 physical condition which existed on the earliest date of  
14 service from which he has uninterrupted service, including  
15 prior service, at the date of his disability, provided  
16 that this limitation shall not be applicable to a  
17 participating employee who, without receiving a disability  
18 benefit, receives 5 years of creditable service.

19 6. He is not separated from the service of his  
20 employing participating municipality or instrumentality  
21 thereof or participating instrumentality on the date his  
22 temporary disability was incurred; for the purposes of  
23 payment of total and permanent disability benefits, a  
24 participating employee, whose employment relationship is  
25 terminated by his employing municipality, shall be deemed  
26 not to be separated from the service of his employing



1           municipality or participating instrumentality if he  
2           continues disabled by the same condition and so long as he  
3           is otherwise entitled to such disability benefit.

4           7. He has not refused to apply for a disability  
5           benefit under the Federal Social Security Act at the  
6           request of the Board.

7           8. He has not failed or refused to consent to and sign  
8           an authorization allowing the Board to receive copies of  
9           or to examine his medical and hospital records.

10          9. He has not failed or refused to provide complete  
11          information regarding any other employment for  
12          compensation he has received since becoming disabled.

13          (c) A participating employee shall remain eligible and may  
14          make application for a total and permanent disability benefit  
15          within 90 days after the termination of his temporary  
16          disability benefits or within such longer period terminating  
17          at the end of the period during which his employing  
18          municipality is prevented from employing him by reason of any  
19          statutory prohibition.

20          (Source: P.A. 101-151, eff. 7-26-19.)

21          Section 99. Effective date. This Act takes effect upon  
22          becoming law.