

1 AN ACT in relation to 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, 5-154.1, 5-157, 5-167.1, and 5-212  
6 as follows:

7 (40 ILCS 5/5-154) (from Ch. 108 1/2, par. 5-154)

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

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

22 (i) If the disability resulted from any physical  
23 defect or mental disorder or any disease which existed at  
24 the time the injury was sustained, or if the disability  
25 is less than 50% of total disability for any service of a  
26 remunerative character, the duty disability benefit shall  
27 be 50% of salary as defined in this Article.

28 (ii) ~~However~~, Beginning January 1, 1996, no duty  
29 disability benefit that has been payable under this  
30 Section for at least 10 years shall be less than 50% of  
31 the current salary attached from time to time to the rank

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

12 (iii) If the Board finds that the disability of the  
13 policeman is of such a nature as to permanently render  
14 him totally disabled for any service of a remunerative  
15 character, the duty disability benefit shall be 75% of  
16 the current salary attached from time to time to the rank  
17 held by the policeman at the time of removal from the  
18 police department payroll. In the case of a policeman  
19 receiving a duty disability benefit under this Section on  
20 the effective date of this amendatory Act of the 92nd  
21 General Assembly, the increase in benefit provided by  
22 this amendatory Act, if any, shall begin to accrue as of  
23 the date that the Board makes the required finding of  
24 permanent total disability, regardless of whether removal  
25 from the payroll occurred before the effective date of  
26 this amendatory Act.

27 (b) The policeman shall also have a right to child's  
28 disability benefit of \$100 \$30 per month for each unmarried  
29 child, the issue of the policeman, less than age 18, but the  
30 total amount of child's disability benefit shall not exceed  
31 25% of his salary as defined in this Article. The increase  
32 in child's disability benefit provided by this amendatory Act  
33 of the 92nd General Assembly applies beginning January 1,  
34 2000 to all such benefits payable on or after that date,

1 regardless of whether the disabled policeman is in active  
2 service on or after the effective date of this amendatory  
3 Act.

4 (c) Duty disability benefit shall be payable until the  
5 policeman becomes age 63 or would have been retired by  
6 operation of law, whichever is later, and child's disability  
7 benefit shall be paid during any such period of disability  
8 until the child attains age 18. Thereafter the policeman  
9 shall receive the annuity provided in accordance with the  
10 other provisions of this Article.

11 (d) A policeman who suffers a heart attack during the  
12 performance and discharge of his or her duties as a policeman  
13 shall be considered injured in the performance of an act of  
14 duty and shall be eligible for all benefits that the City  
15 provides for police officers injured in the performance of an  
16 act of duty. This subsection (d) is a restatement of  
17 existing law and applies without regard to whether the  
18 policeman is in service on or after the effective date of  
19 Public Act 89-12 or this amendatory Act of 1996.

20 (Source: P.A. 89-12, eff. 4-20-95; 89-643, eff. 8-9-96.)

21 (40 ILCS 5/5-154.1) (from Ch. 108 1/2, par. 5-154.1)  
22 Sec. 5-154.1. Occupational disease disability benefit.

23 (a) The General Assembly finds that service in the  
24 police department requires police officers in times of stress  
25 and danger to perform unusual tasks; that police officers are  
26 subject to exposure to extreme heat or extreme cold in  
27 certain seasons while performing their duties; and that these  
28 conditions exist and arise out of or in the course of  
29 employment.

30 (b) Any police officer with at least 10 years of service  
31 who suffers a heart attack or any other disabling heart  
32 disease but is not entitled to a benefit under Section 5-154  
33 is entitled to receive an occupational disease disability

1 benefit under this Section. The occupational disease  
2 disability benefit shall be 65% of the salary attached to the  
3 rank held by the police officer in the police service at the  
4 time of his or her removal from the police department  
5 payroll. However, no occupational disease disability benefit  
6 that has been payable under this Section for at least 10  
7 years shall be less than 50% of the current salary attached  
8 from time to time to the rank held by the police officer at  
9 the time of his or her removal from the police department  
10 payroll.

11 The police officer is also entitled to a child's  
12 disability benefit of ~~\$100~~ \$50 per month for each natural or  
13 legally adopted unmarried child less than age 18 dependent  
14 upon the police officer for support. The total child's  
15 disability benefit shall not exceed 10% of the police  
16 officer's salary at the time of removal from the police  
17 department payroll. The increase in child's disability  
18 benefit provided by this amendatory Act of the 92nd General  
19 Assembly applies beginning January 1, 2000 to all such  
20 benefits payable on or after that date, regardless of whether  
21 the disabled policeman is in active service on or after the  
22 effective date of this amendatory Act.

23 The occupational disease disability benefit is payable  
24 during the period of disability until the police officer  
25 attains age 63 or compulsory retirement age, whichever occurs  
26 later; thereafter the police officer shall receive the  
27 benefits provided under the other provisions of this Article.  
28 If the police officer ceases to be disabled, the occupational  
29 disease disability benefit shall cease.

30 The child's disability benefit is payable during the  
31 period of disability until the child attains age 18 or  
32 marries, whichever event occurs first, except that a benefit  
33 payable on account of a child under this Section shall not be  
34 reduced or terminated by reason of the child's attainment of

1 age 18 if he or she is then dependent by reason of a physical  
2 or mental disability, but shall continue to be paid as long  
3 as the child's dependency and disability continue.

4 (Source: P.A. 89-12, eff. 4-20-95; 89-643, eff. 8-9-96.)

5 (40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)

6 Sec. 5-157. Administration of disability benefits.

7 (a) If a policeman who is granted duty or ordinary  
8 disability benefit refuses to submit to examination by a  
9 physician appointed by the board, he shall have no further  
10 right to receive the benefit.

11 (b) A policeman who has withdrawn from service while  
12 disabled and entered upon annuity prior to the effective  
13 date, and who has thereafter been reinstated as a policeman,  
14 shall have no right to ordinary disability benefit in excess  
15 of the amount previously received unless he serves at least  
16 one year after such reinstatement. This provision shall  
17 apply throughout the duration of any disability incurred by  
18 the policeman within one year after his reinstatement  
19 resulting from any cause other than injury incurred in the  
20 performance of an act of duty.

21 (c) Until the effective date of this amendatory Act of  
22 the 92nd General Assembly, a policeman who assumes regular  
23 employment for compensation, while in receipt of ordinary or  
24 duty disability benefits, shall not be entitled to receive  
25 any amount of such disability benefits which, when added to  
26 his compensation for such employment during disability, would  
27 exceed 150% of the rate of salary which would be paid to him  
28 if he were working in his regularly appointed civil service  
29 position as a policeman. The changes made to this Section by  
30 Public this-amendatory Act 90-766 ef-1998 are not limited to  
31 persons in service on or after the effective date of that  
32 this-amendatory Act.

33 Beginning on the effective date of this amendatory Act of

1 the 92nd General Assembly, the reduction of disability  
 2 benefits due to compensation for employment previously  
 3 imposed under this subsection (c) no longer applies to any  
 4 person receiving a disability benefit under this Article,  
 5 without regard to whether the person is in service on or  
 6 after that date. The removal of this limitation by this  
 7 amendatory Act is not retroactive and does not entitle any  
 8 person to the restoration of amounts previously reduced or  
 9 withheld under this subsection.

10 (d) Disability benefit shall not be paid for any part of  
 11 time for which a disabled policeman shall receive any part of  
 12 his salary.

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

17 (f) Disability benefit shall not be allowed to any  
 18 policeman who re-enters the public service in any capacity  
 19 where his salary is payable in whole or in part by taxes  
 20 levied upon taxable property in the city in which this  
 21 Article is in effect, or out of special revenues of any  
 22 department of the city. The disability benefit shall be  
 23 suspended during the period he is in the public service for  
 24 compensation, and shall be resumed when he withdraws from  
 25 such service.

26 (g) Any disability benefit paid in violation of this  
 27 Section or of this Article shall be construed to have been  
 28 paid in error, and the amounts so paid shall be charged as a  
 29 debit in the account of any person to whom the same was paid  
 30 and shall be deducted from any moneys thereafter payable to  
 31 such person out of this fund, or to the widow, heirs or  
 32 estate of such person.

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

1 (40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)  
2 Sec. 5-167.1. Automatic increase in annuity; retirement  
3 from service after September 1, 1967.

4 (a) A policeman who retires from service after September  
5 1, 1967 with at least 20 years of service credit shall, upon  
6 either the first of the month following the first anniversary  
7 of his date of retirement if he is age 60 (age 55 if born  
8 before January 1, 1950 ~~1945~~) or over on that anniversary  
9 date, or upon the first of the month following his attainment  
10 of age 60 (age 55 if born before January 1, 1950 ~~1945~~) if it  
11 occurs after the first anniversary of his retirement date,  
12 have his then fixed and payable monthly annuity increased by  
13 1 1/2% and such first fixed annuity as granted at retirement  
14 increased by an additional 1 1/2% in January of each year  
15 thereafter up to a maximum increase of 30%. Beginning  
16 January 1, 1983 for policemen born before January 1, 1930,  
17 and beginning January 1, 1988 for policemen born on or after  
18 January 1, 1930 but before January 1, 1940, and beginning  
19 January 1, 1996 for policemen born on or after January 1,  
20 1940 but before January 1, 1945, and beginning January 1,  
21 2000 for policemen born on or after January 1, 1945 but  
22 before January 1, 1950, such increases shall be 3% and such  
23 policemen shall not be subject to the 30% maximum increase.

24 Any policeman born before January 1, 1945 who qualifies  
25 for a minimum annuity and retires after September 1, 1967 but  
26 has not received the initial increase under this subsection  
27 before January 1, 1996 is entitled to receive the initial  
28 increase under this subsection on (1) January 1, 1996, (2)  
29 the first anniversary of the date of retirement, or (3)  
30 attainment of age 55, whichever occurs last. The changes to  
31 this Section made by Public Act 89-12 ~~this-amendatory-Act-of~~  
32 ~~1995~~ apply beginning January 1, 1996 and without regard to  
33 whether the policeman or annuitant terminated service before  
34 the effective date of that ~~this-amendatory Act of-1995~~.

1       Any policeman born before January 1, 1950 who qualifies  
2       for a minimum annuity and retires after September 1, 1967 but  
3       has not received the initial increase under this subsection  
4       before January 1, 2000 is entitled to receive the initial  
5       increase under this subsection on (1) January 1, 2000, (2)  
6       the first anniversary of the date of retirement, or (3)  
7       attainment of age 55, whichever occurs last. The changes to  
8       this Section made by this amendatory Act of the 92nd General  
9       Assembly apply without regard to whether the policeman or  
10       annuitant terminated service before the effective date of  
11       this amendatory Act.

12       (b) Subsection (a) of this Section is not applicable to  
13       an employee receiving a term annuity.

14       (c) To help defray the cost of such increases in  
15       annuity, there shall be deducted, beginning September 1,  
16       1967, from each payment of salary to a policeman, 1/2 of 1%  
17       of each salary payment concurrently with and in addition to  
18       the salary deductions otherwise made for annuity purposes.

19       The city, in addition to the contributions otherwise made  
20       by it for annuity purposes under other provisions of this  
21       Article, shall make matching contributions concurrently with  
22       such salary deductions.

23       Each such 1/2 of 1% deduction from salary and each such  
24       contribution by the city of 1/2 of 1% of salary shall be  
25       credited to the Automatic Increase Reserve, to be used to  
26       defray the cost of the 1 1/2% annuity increase provided by  
27       this Section. Any balance in such reserve as of the  
28       beginning of each calendar year shall be credited with  
29       interest at the rate of 3% per annum.

30       Such deductions from salary and city contributions shall  
31       continue while the policeman is in service.

32       The salary deductions provided in this Section are not  
33       subject to refund, except to the policeman himself, in any  
34       case in which a policeman withdraws prior to qualification



1 for minimum annuity and applies for refund or applies for  
2 annuity, and also where a term annuity becomes payable. In  
3 such cases, the total of such salary deductions shall be  
4 refunded to the policeman, without interest, and charged to  
5 the Automatic Increase Reserve.

6 (Source: P.A. 89-12, eff. 4-20-95.)

7 (40 ILCS 5/5-212) (from Ch. 108 1/2, par. 5-212)

8 Sec. 5-212. Computation of service. In computing the  
9 service rendered by a policeman prior to the effective date,  
10 the following periods shall be counted, in addition to all  
11 periods during where he performed the duties of his position,  
12 as periods of service for annuity purposes only: all periods  
13 of (a) vacation; (b) leave of absence with whole or part pay;  
14 (c) leave of absence without pay on account of disability;  
15 and (d) leave of absence during which the policeman was  
16 engaged in the military or naval service of the United States  
17 of America. Service credit shall not be allowed for a  
18 policeman in receipt of a pension on account of disability  
19 from any pension fund superseded by this fund.

20 In computing the service rendered by a policeman on or  
21 after the effective date, the following periods shall be  
22 counted, in addition to all periods during which he performed  
23 the duties of his position, as periods of service for annuity  
24 purposes only: all periods of (a) vacation; (b) leave of  
25 absence with whole or part pay; (c) leave of absence during  
26 which the policeman was engaged in the military or naval  
27 service of the United States of America; (d) time that the  
28 policeman was engaged in the military or naval service of the  
29 United States of America, during which he was passed over on  
30 any eligible list posted from an entrance examination, due to  
31 the fact that he was in such military or naval service at the  
32 time he was called for appointment to the Police Department,  
33 to be computed from the date he was passed over on any

1 eligible list and would have been first sworn in as a  
2 policeman had he not been engaged in the military or naval  
3 service of the United States of America, until the date of  
4 his discharge from such military or naval service; provided  
5 that such policeman shall pay into this Fund the same amount  
6 that would have been deducted from his salary had he been a  
7 policeman during the aforementioned portion of such military  
8 or naval service; (e) disability for which the policeman  
9 receives any disability benefit; (f) disability for which the  
10 policeman receives whole or part pay; and (g) service for  
11 which credits and creditable service have been transferred to  
12 this Fund under Section 9-121.1, 14-105.1 or 15-134.3 of this  
13 Code.

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

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

27 No overtime or extra service shall be included in  
28 computing service of a policeman and not more than one year  
29 or a fractional part thereof of service shall be allowed for  
30 service rendered during any calendar year.

31 In computing service for any of the purposes of this  
32 Article, credit shall be given for any periods ~~prior--to~~  
33 ~~January--9--1997~~, during which a policeman who is a member of  
34 the General Assembly is on leave of absence or is otherwise

1 authorized to be absent from duty to enable him or her to  
2 perform legislative duties, notwithstanding any reduction in  
3 salary for such periods and notwithstanding that the  
4 contributions paid by the policeman were based on a reduced  
5 salary rather than the full amount of salary attached to his  
6 or her career service rank.

7 (Source: P.A. 89-136, eff. 7-14-95.)

8 Section 90. The State Mandates Act is amended by adding  
9 Section 8.25 as follows:

10 (30 ILCS 805/8.25 new)

11 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
12 and 8 of this Act, no reimbursement by the State is required  
13 for the implementation of any mandate created by this  
14 amendatory Act of the 92nd General Assembly.

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