

AN ACT concerning public employee benefits.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Pension Code is amended by changing Sections 5-154 and 6-151 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Act 103-0002

HB3162 Enrolled

LRB103 30861 JDS 57372 b

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

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

(30 ILCS 805/8.47 new)

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

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