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Legislation Details (With Text)

File #: SO2022-1216
Type: Ordinance **Status:** Passed
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Final action: 6/22/2022

Title: Amendment of Municipal Code Titles 2 and 3 by modifying various sections and adding new Sections 2-36-761 and 2-84-451 regarding death benefits to surviving spouses of first responders who die by suicide

Sponsors: O'Shea, Matthew J., Sawyer, Roderick T., Cardona, Jr., Felix, Taliaferro, Chris, Hopkins, Brian, Harris, Michelle A., Sadlowski Garza, Susan, Rodriguez, Michael D., Reboyras, Ariel, Waguespack, Scott, Mitts, Emma, Lopez, Raymond A., Austin, Carrie M., Beale, Anthony, Brookins, Jr., Howard, Burke, Edward M., Burnett, Jr., Walter, Cappleman, James, Cardenas, George A., Coleman, Stephanie D., Curtis, Derrick G., Dowell, Pat, Ervin, Jason C., Gardiner, James M., Hadden, Maria E., Hairston, Leslie A., King, Sophia D., La Spata, Daniel, Lee, Nicole T., Maldonado, Roberto, Martin, Matthew J., Mitchell, Gregory I., Moore, David H., Napolitano, Anthony V., Nugent, Samantha, Osterman, Harry, Quinn, Marty, Ramirez-Rosa, Carlos, Reilly, Brendan, Rodriguez Sanchez, Rossana, Scott, Jr. Michael, Sigcho-Lopez, Byron, Silverstein, Debra L., Smith, Michele, Sposato, Nicholas, Tabares, Silvana, Taylor, Jeanette B., Tunney, Thomas, Vasquez, Jr., Andre, Villegas, Gilbert

Indexes: Ch. 8 Policemen's & Firemen's Death Benefit Fund, Ch. 36 Fire Dept., Ch. 84 Dept. of Police

Attachments: 1. SO2022-1216.pdf, 2. O2022-1216.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|--------------------------|--------|
| 6/22/2022 | 1 | City Council | Passed as Substitute | Pass |
| 6/16/2022 | 1 | Committee on Finance | Recommended to Pass | |
| 6/16/2022 | 1 | Committee on Finance | Substituted in Committee | |
| 4/27/2022 | 1 | City Council | Referred | |

Type: Title:

Committee(s) Assignment:

Silverstein (50) Smith (43) Sposato (38) Tabares (23) Taylor (20) Tunney (44) Vasquez, Jr. (40) Villegas (36) Ordinance

Amendment of Municipal Code Titles 2 and 3 by modifying various sections and adding new Sections 2-36-761 and 2-84-451 regarding death benefits to surviving spouses of first responders who die by suicide Committee on Finance

SUBSTITUTE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 3-8 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through and by inserting the language underlined, as follows:

3-8-005 Definitions.

For purposes of this chapter, the following definitions shall apply:

"Board of Trustees" means the Board of Trustees of the Policemen's and Firemen's Death Benefit Fund created under Section 3-8-030.

"Commissioner of Public Health" means the Commissioner of the Department of Public Health of the City of Chicago or such Commissioner's designee.

"Comptroller" means the Comptroller of the City of Chicago or such Comptroller's designee.

"Fire Commissioner" means the Commissioner of the Fire Department of the City of Chicago or such Commissioner's designee.

"Fireman" shall have the meaning ascribed to the term in Section 6-106 of the Illinois Pension Code (40 ILCS 5/6-106).

"Policeman" shall have the meaning ascribed to the term in Section 5-109 of the Illinois Pension Code (40 ILCS 5/5-109).

"Superintendent of Police" means the Superintendent of Police of the Department of Police of the City of Chicago or such Superintendent's designee.

3-8-010 Authorization of fund.

Whenever the ~~city council~~ City Council shall appropriate a sum or sums of money in accordance with the provisions of Sections 22-301, et seq. of the Illinois Pension Code, as amended, for the payment of allowances of money to the family or dependents of any policeman or fireman of the City of Chicago in case ~~h~~ e is they are killed or fatally injured while in the performance of his their duties, the same shall be paid and disbursed in accordance with the following provisions.

(Omitted text unaffected by this ordinance)

3-8-030 Board of trustees.

A board composed of ~~few~~ five members shall constitute a ~~board of trustees~~ the Board of Trustees of the Policemen's and Firemen's Death Benefit Fund, which is authorized to carry out the following provisions! ~~de~~ aling with the ~~policemen's and firemen's death benefit fund~~, and shall be charged with the duty of administering that fund. The ~~said board~~ Board of Trustees shall consist of the Chairman of the Committee on Finance, the Superintendent of Police, ~~a~~ and the Fire

~~Commissioner, the Commissioner of Public Health, and the Comptroller, or if there be no such superintendent or commissioner, then the acting head of the Police Department or the Fire Department, as the case may be. The board shall be known by the name and title of "Board of Trustees of the Policemen's and Firemen's Death~~

Benefit Fund".

3-8-040 Report of injury.

It shall be the duty of the ~~superintendent of police~~ Superintendent of Police in the case of a policeman, and of the ~~fire commissioner~~ Fire Commissioner in the case of a fireman, upon the occurrence of any injury in the performance of duty, to have immediate medical care and hospital treatment given to such injured policeman or fireman, to make or cause to be made a complete and careful investigation of all facts surrounding the occurrence, to obtain the statements of all material witnesses, and to present the said report without delay to the ~~said board of trustees~~ Board of Trustees for consideration and action thereon, including the determination as to whether or not such injury arose from violence or other accidental cause and was received by the deceased policeman or fireman while ~~he was~~ they were in the performance of his their duty. Such report shall show the actual date and hour of the injury, the place of occurrence, the names and addresses of witnesses,, and the apparent nature and extent ofthe injury.

3-8-050 Required proof.

No such award or payment shall be made pursuant to Section 3-8-040 and this Section unless satisfactory proof shall have been presented to the ~~board of trustees~~ Board of Trustees that death occurred within one year from the date of injury, that such injury arose from violence or other accidental cause, that such injury was received while in the performance of duty, and that such injury was the direct cause of death. The amount of the award shall be determined by order of court, entered by a court of competent jurisdiction, ~~de~~

3-8-055 Deaths by suicide - policemen's and firemen's death benefits.

In the event a policeman or fireman dies by suicide, the Superintendent of Police or the Fire Commissioner, as applicable, shall make or cause to be made a complete and careful investigation of all facts surrounding the occurrence, to obtain the statements of all material witnesses, and to present the said report without delay to the Board of Trustees for consideration and action thereon, including the determination as to whether such death was the result of an independent intervening cause or an injury that would be compensable under the Workers' Compensation Act, codified at 820 ILCS 305, regardless of whether such person is covered by the Act, was a causative factor in such death. No such award or payment shall be made pursuant to this Section unless satisfactory proof shall have been presented to the Board of Trustees that an injury that would be compensable under the Workers' Compensation Act was a causative factor to the death by suicide, regardless of whether such person is covered by the Act. Nothing in this Section shall be construed to classify such a death by suicide as a death in the line of duty for purposes of death benefits or honors not established under this chapter of the Code.

3-8-060 Issuance of voucher.

~~Said board of trustees~~ Upon finding that a death meets the requirements of Section 3-8-050 or Section 3-8-055, the Board of Trustees shall ~~submit to the Comptroller~~ prepare a report of its findings, stating that such death was the result of injury received in the performance of duty or a Qualifying death by suicide under Section 3-8-055, as applicable, in all cases where such is the determination of the ~~board~~ Board of Trustees, naming the trustee bank and attaching a copy of

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the agreement made by it with the trustee bank so named; and, upon completion of such report, the Comptroller ~~upon receipt of said report~~ shall act in lieu ofthe City Clerk and issue the proper voucher, as contemplated by law, from appropriations made by the City Council.

3-8-070 Deposit of awards.

It shall be the duty of the ~~board of trustees~~ Board of Trustees to see that all allowances of money to the

family or dependents of any policeman or fireman killed or fatally injured while in the performance of his duty their duties or a qualifying death by suicide under Section 3-8-055, as applicable, shall be deposited in a duly accredited national or state bank acting as trustee and having its principal office in the City^A of Chicago, as trustee of said money for conservation, investment as herein provided, and disbursement for the necessary support of such family or dependents and for the education of the children or dependent minor brothers and sisters of the deceased policeman or fireman. Said disbursement shall be in such amounts and at such times as the said trustee bank may deem to be to the best interests of such beneficiaries. Provided, that the provisions for the naming of any specific trustee bank by said ~~board of trustees~~ the Board of Trustees shall not be construed as affecting the carrying out of the other provisions of this chapter in case it shall be found desirable for any reason to designate another trustee bank. Any trustee bank named pursuant to this chapter may be removed as trustee at any time.

(Omitted text unaffected by this ordinance)

3-8-120 Amounts.

Awards made under the terms of this chapter shall be in accordance with the said statute, approved June 27, 1921, as amended, for the use and benefit of the beneficiaries as follows:

- 1) The ~~widow~~ surviving spouse of the deceased if there be no minor child or \$20,000 children
- 2) The widow surviving spouse and one minor child of the deceased, in equal parts \$30,000
- 3) The ~~widow~~ surviving spouse and two or more minor children of the deceased, \$40,000 in equal parts
- 4) The ~~widow~~ surviving spouse and father or mother of the deceased, in equal \$30,000 parts
- 5) The ~~widow~~ surviving spouse and father and mother of the deceased, in equal \$40,000 parts
- 6) The widow surviving spouse, one minor child and mother, father, or both, of the \$40,000 deceased, in equal parts
- 7) The ~~widow~~ surviving spouse, two or more minor children and father, mother, or \$40,000 both, of the deceased, in equal parts
- 8) One minor child of the deceased \$20,000

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|--|----------|
| 9) Two minor children of the deceased, in equal parts . | \$25,000 |
| 10) Three or more minor children of the deceased, in equal parts | \$40,000 |
| 11) One minor child and father or mother of the deceased, in equal parts | \$30,000 |
| 12) One minor child and father and mother of the deceased, in equal parts | \$40,000 |
| 13) Two or more minor children and father, mother, or both, of the deceased, in \$40,000 equal parts | |

The right of the minor child is understood to mean the child's proportionate part in the benefits set out in subparagraphs (2), (3), (9) and (10) of this section.

14) If there be no widow surviving spouse or children of the deceased and there be a father or mother surviving the deceased, awards shall be made as follows:

For the father or mother \$20,000

For the father and mother \$30,000

15) If there be no widow surviving spouse, children, father or mother of the deceased, and if there be minor brothers or sisters, and brothers or sisters having reached the age of 50 years or over, fully dependent upon the deceased for support at the time of their his death, awards shall be made as follows:

| | |
|---|-----------------|
| One adult brother or more - each | \$15,000 |
| One adult sister or more - each | \$15,000 |
| One minor brother or sister | \$15,000 |
| Two minor brothers or sisters | \$20,000 |
| Three minor brothers or sisters | \$22,500 |
| Four or more minor brothers or sisters | \$25,000 |

(Omitted text unaffected by this ordinance)

3-8-150 Marriage or attainment of majority - By beneficiary.

In the event of the marriage of any beneficiary or in the event that any minor beneficiary other than the widow surviving spouse of the deceased policeman or fireman shall attain the age of 21 years and shall be, under no mental or physical disability preventing self-support and shall not be attending a school or college deemed accredited by the board of trustees of the policemen's and firemen's death benefit fund Board of Trustees, and there are other beneficiaries remaining, the funds remaining in the hands of the trustee bank shall be reallocated for the use and benefit of the other beneficiary or beneficiaries in the following manner:

(Omitted text unaffected by this ordinance)

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SECTION 2. Section 2-36-760 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck, and by inserting the language underlined, as follows:

2-36-760 Salary payment following death in the line of duty.

The salary of any member of the fire department Fire Department killed in the line of duty shall continue for a period of one year, commencing from the date of the death of the deceased member of the fire department, and shall be paid out of the specific fund appropriated therefor included in the General Finance Section.

SECTION 3. Chapter 2-36 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 2-36-761, as follows:

2-36-761 Salary payment following death by suicide.

The salary of any member of the Fire Department who dies by suicide and whose heirs have been awarded benefits under Section 3-8-055 shall continue for a period of one year, commencing from the date of the death of the deceased member of the Fire Department, and shall be paid out of the specific fund appropriated therefor to the surviving spouse of the deceased member of the Fire Department, or in the absence of a surviving spouse, to the guardian or person standing in loco parentis of such deceased member's dependent minor children, or in the absence of a surviving spouse or minor children, to such deceased member's dependent parents who were residents in such deceased member's household at the time of the injury which resulted in such deceased member's death.

SECTION 4. Section 2-84-450 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck, and by inserting the language underlined, as follows:

2-84-450 Salary to ~~widow~~ surviving spouse or other dependents.

The salary of any police officer killed in the line of duty shall continue for a period of one year commencing from the date of the death of the deceased police officer and shall be paid out of the specified fund appropriated therefor included in the general finance section of the Annual Appropriation Ordinance for the year 1967 and subsequent years to the ~~widow~~ surviving spouse of the deceased police officer, or in the absence of a ~~widow~~ surviving spouse, to the guardian or person standing in loco parentis of dependent minor children, or in the absence of a ~~widow~~ surviving spouse or minor children, to dependent parents who were residents in the deceased police officer's household at the time of the injury which resulted in their hts death. This section shall be retroactive to January 1, 1965.

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SECTION 5. Chapter 2-84 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 2-84-451, as follows:

2-84-451 Salary payment following death by suicide.

The salary of any police officer who dies by suicide and whose heirs have been awarded benefits under Section 3-8-055 shall continue for a period of one year commencing from the date of the death of the deceased police officer and shall be paid out of the specified fund appropriated therefor to the surviving spouse of the deceased police officer, or in the absence of a surviving spouse, to the guardian or person standing in loco parentis of dependent minor children, or in the absence of a surviving spouse or minor children, to dependent parents who were residents in the deceased police officer's household at the time of the injury which resulted in their death.

SECTION 6. The Superintendent of Police and the Fire Commissioner shall each establish by rule a process for family members or dependents of police officers or firemen, as applicable, who died by suicide between January 1, 2018 and the effective date of this ordinance to request benefits under Section 3-8-055 and Section 2-36-761 or 2-84-451 of the Municipal Code of Chicago ("Code"), as applicable. If, within one year of the effective date of this ordinance, a family member or dependent of a police officer or fireman who died by suicide between January 1, 2018 and the effective date of this ordinance makes such a request, the Superintendent of Police or the Fire Commissioner, as applicable, shall: (i) initiate the process established under Section 3-8-055 to determine eligibility for benefits under the Policemen's and Firemen's Death Benefit Fund; and (ii) provide the appropriate benefits under Section 2-36-761 or 2-84-451 of the Code, as applicable, if the Board of Trustees determines such death meets the requirements of the Code for receiving such benefits. Definitions in Section 2-8-005 of the Code shall also apply to this SECTION.

SECTION 7. This ordinance shall take effect upon passage and publication.

MATTHEW J. O'SHEA Alderman, 19th Ward