



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3990

Introduced 5/19/2020, by Sen. Rachelle Crowe

SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Provides that upon the occurrence of circumstances which would hinder the physical recovery from an injury of an eligible employee within the one-year period as required under the Act, the eligible employee shall be entitled to an extension of no longer than 60 days by which he or she shall continue to be paid by the employing public entity on the same basis as he or she was paid before the injury. Provides that the employing public entity may require proof of the circumstances hindering an eligible employee's physical recovery before granting the extension. Makes conforming changes. Effective immediately.

LRB101 21286 RJF 71876 b

1 AN ACT concerning government.

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

4 Section 5. The Public Employee Disability Act is amended by
5 changing Section 1 as follows:

6 (5 ILCS 345/1) (from Ch. 70, par. 91)

7 Sec. 1. Disability benefit.

8 (a) For the purposes of this Section, "eligible employee"
9 means any part-time or full-time State correctional officer or
10 any other full or part-time employee of the Department of
11 Corrections, any full or part-time employee of the Prisoner
12 Review Board, any full or part-time employee of the Department
13 of Human Services working within a penal institution or a State
14 mental health or developmental disabilities facility operated
15 by the Department of Human Services, and any full-time law
16 enforcement officer or full-time firefighter, including a
17 full-time paramedic or a firefighter who performs paramedic
18 duties, who is employed by the State of Illinois, any unit of
19 local government (including any home rule unit), any State
20 supported college or university, or any other public entity
21 granted the power to employ persons for such purposes by law.

22 (b) Whenever an eligible employee suffers any injury in the
23 line of duty which causes him to be unable to perform his

1 duties, he shall continue to be paid by the employing public
2 entity on the same basis as he was paid before the injury, with
3 no deduction from his sick leave credits, compensatory time for
4 overtime accumulations or vacation, or service credits in a
5 public employee pension fund during the time he is unable to
6 perform his duties due to the result of the injury, but not
7 longer than one year in relation to the same injury, except as
8 otherwise provided under subsection (b-5). However, no injury
9 to an employee of the Department of Corrections or the Prisoner
10 Review Board working within a penal institution or an employee
11 of the Department of Human Services working within a
12 departmental mental health or developmental disabilities
13 facility shall qualify the employee for benefits under this
14 Section unless the injury is the direct or indirect result of
15 violence by inmates of the penal institution or residents of
16 the mental health or developmental disabilities facility.

17 (b-5) Upon the occurrence of circumstances which would
18 hinder the physical recovery from an injury of an eligible
19 employee within the one-year period as required under
20 subsection (b), the eligible employee shall be entitled to an
21 extension of no longer than 60 days by which he or she shall
22 continue to be paid by the employing public entity on the same
23 basis as he or she was paid before the injury. The employing
24 public entity may require proof of the circumstances hindering
25 an eligible employee's physical recovery before granting the
26 extension provided under this subsection (b-5).

1 (c) At any time during the period for which continuing
2 compensation is required by this Act, the employing public
3 entity may order at the expense of that entity physical or
4 medical examinations of the injured person to determine the
5 degree of disability.

6 (d) During this period of disability, the injured person
7 shall not be employed in any other manner, with or without
8 monetary compensation. Any person who is employed in violation
9 of this paragraph forfeits the continuing compensation
10 provided by this Act from the time such employment begins. Any
11 salary compensation due the injured person from workers'
12 compensation or any salary due him from any type of insurance
13 which may be carried by the employing public entity shall
14 revert to that entity during the time for which continuing
15 compensation is paid to him under this Act. Any person with a
16 disability receiving compensation under the provisions of this
17 Act shall not be entitled to any benefits for which he would
18 qualify because of his disability under the provisions of the
19 Illinois Pension Code.

20 (e) Any employee of the State of Illinois, as defined in
21 Section 14-103.05 of the Illinois Pension Code, who becomes
22 permanently unable to perform the duties of such employment due
23 to an injury received in the active performance of his duties
24 as a State employee as a result of a willful act of violence by
25 another employee of the State of Illinois, as so defined,
26 committed during such other employee's course of employment and

1 after January 1, 1988, shall be eligible for benefits pursuant
2 to the provisions of this Section. For purposes of this
3 Section, permanent disability is defined as a diagnosis or
4 prognosis of an inability to return to current job duties by a
5 physician licensed to practice medicine in all of its branches.

6 (f) The compensation and other benefits provided to
7 part-time employees covered by this Section shall be calculated
8 based on the percentage of time the part-time employee was
9 scheduled to work pursuant to his or her status as a part-time
10 employee.

11 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
12 Article VII of the Illinois Constitution, this Act specifically
13 denies and limits the exercise by home rule units of any power
14 which is inconsistent herewith, and all existing laws and
15 ordinances which are inconsistent herewith are hereby
16 superseded. This Act does not preempt the concurrent exercise
17 by home rule units of powers consistent herewith.

18 This Act does not apply to any home rule unit with a
19 population of over 1,000,000.

20 (h) In those cases where the injury to a State employee for
21 which a benefit is payable under this Act was caused under
22 circumstances creating a legal liability for damages on the
23 part of some person other than the State employer, all of the
24 rights and privileges, including the right to notice of suit
25 brought against such other person and the right to commence or
26 join in such suit, as given the employer, together with the

1 conditions or obligations imposed under paragraph (b) of
2 Section 5 of the Workers' Compensation Act, are also given and
3 granted to the State, to the end that, with respect to State
4 employees only, the State may be paid or reimbursed for the
5 amount of benefit paid or to be paid by the State to the
6 injured employee or his or her personal representative out of
7 any judgment, settlement, or payment for such injury obtained
8 by such injured employee or his or her personal representative
9 from such other person by virtue of the injury.

10 (Source: P.A. 99-143, eff. 7-27-15; 100-1143, eff. 1-1-19.)

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