

SB0607



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0607

Introduced 2/24/2021, by Sen. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Provides that "eligible employee" under the Act includes part-time law enforcement officers and part-time firefighters (currently, only full-time law enforcement officers and full-time firefighters included).

LRB102 15516 RJF 20879 b

A BILL FOR

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
5 by 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
14 State mental health or developmental disabilities facility
15 operated by the Department of Human Services, and any
16 full-time or part-time law enforcement officer or any
17 full-time or part-time firefighter, including a full-time
18 paramedic or a firefighter who performs paramedic duties, who
19 is employed by the State of Illinois, any unit of local
20 government (including any home rule unit), any State supported
21 college or university, or any other public entity granted the
22 power to employ persons for such purposes by law.

23 (b) Whenever an eligible employee suffers any injury in

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

18 (b-5) Upon the occurrence of circumstances, directly or
19 indirectly attributable to COVID-19, occurring on or after
20 March 9, 2020 and on or before December 31, 2020 which would
21 hinder the physical recovery from an injury of an eligible
22 employee within the one-year period as required under
23 subsection (b), the eligible employee shall be entitled to an
24 extension of no longer than 60 days by which he or she shall
25 continue to be paid by the employing public entity on the same
26 basis as he or she was paid before the injury. The employing

1 public entity may require proof of the circumstances hindering
2 an eligible employee's physical recovery before granting the
3 extension provided under this subsection (b-5).

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

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

23 (e) Any employee of the State of Illinois, as defined in
24 Section 14-103.05 of the Illinois Pension Code, who becomes
25 permanently unable to perform the duties of such employment
26 due to an injury received in the active performance of his

1 duties as a State employee as a result of a willful act of
2 violence by another employee of the State of Illinois, as so
3 defined, committed during such other employee's course of
4 employment and after January 1, 1988, shall be eligible for
5 benefits pursuant to the provisions of this Section. For
6 purposes of this Section, permanent disability is defined as a
7 diagnosis or prognosis of an inability to return to current
8 job duties by a physician licensed to practice medicine in all
9 of its branches.

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

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

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

24 (h) In those cases where the injury to a State employee for
25 which a benefit is payable under this Act was caused under
26 circumstances creating a legal liability for damages on the

1 part of some person other than the State employer, all of the
2 rights and privileges, including the right to notice of suit
3 brought against such other person and the right to commence or
4 join in such suit, as given the employer, together with the
5 conditions or obligations imposed under paragraph (b) of
6 Section 5 of the Workers' Compensation Act, are also given and
7 granted to the State, to the end that, with respect to State
8 employees only, the State may be paid or reimbursed for the
9 amount of benefit paid or to be paid by the State to the
10 injured employee or his or her personal representative out of
11 any judgment, settlement, or payment for such injury obtained
12 by such injured employee or his or her personal representative
13 from such other person by virtue of the injury.

14 (Source: P.A. 100-1143, eff. 1-1-19; 101-651, eff. 8-7-20.)