

SB0214



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0214

Introduced 1/31/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Provides that disability benefits under the Act are extended to eligible employees who suffer any illness.

LRB103 05995 DTM 51019 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning State 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 Sections 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 law enforcement officer or full-time firefighter,
17 including a full-time paramedic or a firefighter who performs
18 paramedic duties, who is employed by the State of Illinois,
19 any unit of local government (including any home rule unit),
20 any State supported college or university, or any other public
21 entity granted the power to employ persons for such purposes
22 by law.

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

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

19 (b-5) Upon the occurrence of circumstances, directly or
20 indirectly attributable to COVID-19, occurring on or after
21 March 9, 2020 and on or before June 30, 2021 (including the
22 period between December 31, 2020 and the effective date of
23 this amendatory Act of the 101st General Assembly) which would
24 hinder the physical recovery from an injury of an eligible
25 employee within the one-year period as required under
26 subsection (b), the eligible employee shall be entitled to an

1 extension of no longer than 60 days by which he or she shall
2 continue to be paid by the employing public entity on the same
3 basis as he or she was paid before the injury. The employing
4 public entity may require proof of the circumstances hindering
5 an eligible employee's physical recovery before granting the
6 extension provided under this subsection (b-5).

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

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

26 (e) Any employee of the State of Illinois, as defined in

1 Section 14-103.05 of the Illinois Pension Code, who becomes
2 permanently unable to perform the duties of such employment
3 due to an injury or illness received in the active performance
4 of his duties as a State employee as a result of a willful act
5 of violence by another employee of the State of Illinois, as so
6 defined, committed during such other employee's course of
7 employment and after January 1, 1988, shall be eligible for
8 benefits pursuant to the provisions of this Section. For
9 purposes of this Section, permanent disability is defined as a
10 diagnosis or prognosis of an inability to return to current
11 job duties by a physician licensed to practice medicine in all
12 of its branches.

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

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

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

1 (h) In those cases where the injury or illness to a State
2 employee for which a benefit is payable under this Act was
3 caused under circumstances creating a legal liability for
4 damages on the part of some person other than the State
5 employer, all of the rights and privileges, including the
6 right to notice of suit brought against such other person and
7 the right to commence or join in such suit, as given the
8 employer, together with the conditions or obligations imposed
9 under paragraph (b) of Section 5 of the Workers' Compensation
10 Act, are also given and granted to the State, to the end that,
11 with respect to State employees only, the State may be paid or
12 reimbursed for the amount of benefit paid or to be paid by the
13 State to the injured or ill employee or his or her personal
14 representative out of any judgment, settlement, or payment for
15 such injury or illness obtained by such injured or ill
16 employee or his or her personal representative from such other
17 person by virtue of the injury or illness.

18 (Source: P.A. 100-1143, eff. 1-1-19; 101-651, eff. 8-7-20;
19 101-653, eff. 2-28-21.)