



Sen. Ram Villivalam

Filed: 3/10/2023

10300SB0214sam001

LRB103 05995 DTM 58760 a

1 AMENDMENT TO SENATE BILL 214

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 214 by replacing  
3 everything after the enacting clause with the following:

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) As used in this Section: ~~For the purposes of this~~  
9 ~~Section,~~

10 "Eligible ~~eligible~~ employee" means any part-time or  
11 full-time State correctional officer or any other full or  
12 part-time employee of the Department of Corrections, any full  
13 or part-time employee of the Prisoner Review Board, any full  
14 or part-time employee of the Department of Human Services  
15 working within a penal institution or a State mental health or  
16 developmental disabilities facility operated by the Department

1 of Human Services, and any full-time law enforcement officer  
2 or full-time firefighter, including a full-time paramedic or a  
3 firefighter who performs paramedic duties, who is employed by  
4 the State of Illinois, any unit of local government (including  
5 any home rule unit), any State supported college or  
6 university, or any other public entity granted the power to  
7 employ persons for such purposes by law.

8 "Illness" includes any illness, disease, or condition the  
9 presence of which in a community results in the declaration of  
10 a disaster or emergency by a State, county, or municipal  
11 official.

12 (b) Whenever an eligible employee suffers any injury or  
13 illness in the line of duty which causes him to be unable to  
14 perform his duties, he shall continue to be paid by the  
15 employing public entity on the same basis as he was paid before  
16 the injury or illness, with no deduction from his sick leave  
17 credits, compensatory time for overtime accumulations or  
18 vacation, or service credits in a public employee pension fund  
19 during the time he is unable to perform his duties due to the  
20 result of the injury or illness, but not longer than one year  
21 in relation to the same injury, except as otherwise provided  
22 under subsection (b-5). However, no injury or illness to an  
23 employee of the Department of Corrections or the Prisoner  
24 Review Board working within a penal institution or an employee  
25 of the Department of Human Services working within a  
26 departmental mental health or developmental disabilities

1 facility shall qualify the employee for benefits under this  
2 Section unless the injury or illness is the direct or indirect  
3 result of violence by inmates of the penal institution or  
4 residents of the mental health or developmental disabilities  
5 facility.

6 (b-5) Upon the occurrence of circumstances, directly or  
7 indirectly attributable to COVID-19, occurring on or after  
8 March 9, 2020 and on or before June 30, 2021 (including the  
9 period between December 31, 2020 and the effective date of  
10 this amendatory Act of the 101st General Assembly) which would  
11 hinder the physical recovery from an injury of an eligible  
12 employee within the one-year period as required under  
13 subsection (b), the eligible employee shall be entitled to an  
14 extension of no longer than 60 days by which he or she shall  
15 continue to be paid by the employing public entity on the same  
16 basis as he or she was paid before the injury. The employing  
17 public entity may require proof of the circumstances hindering  
18 an eligible employee's physical recovery before granting the  
19 extension provided under this subsection (b-5).

20 (c) At any time during the period for which continuing  
21 compensation is required by this Act, the employing public  
22 entity may order at the expense of that entity physical or  
23 medical examinations of the injured person to determine the  
24 degree of disability.

25 (d) During this period of disability, the injured person  
26 shall not be employed in any other manner, with or without

1 monetary compensation. Any person who is employed in violation  
2 of this paragraph forfeits the continuing compensation  
3 provided by this Act from the time such employment begins. Any  
4 salary compensation due the injured or ill person from  
5 workers' compensation or any salary due him from any type of  
6 insurance which may be carried by the employing public entity  
7 shall revert to that entity during the time for which  
8 continuing compensation is paid to him under this Act. Any  
9 person with a disability receiving compensation under the  
10 provisions of this Act shall not be entitled to any benefits  
11 for which he would qualify because of his disability under the  
12 provisions of the Illinois Pension Code.

13 (e) Any employee of the State of Illinois, as defined in  
14 Section 14-103.05 of the Illinois Pension Code, who becomes  
15 permanently unable to perform the duties of such employment  
16 due to an injury or illness received in the active performance  
17 of his duties as a State employee as a result of a willful act  
18 of violence by another employee of the State of Illinois, as so  
19 defined, committed during such other employee's course of  
20 employment and after January 1, 1988, shall be eligible for  
21 benefits pursuant to the provisions of this Section. For  
22 purposes of this Section, permanent disability is defined as a  
23 diagnosis or prognosis of an inability to return to current  
24 job duties by a physician licensed to practice medicine in all  
25 of its branches.

26 (f) The compensation and other benefits provided to

1 part-time employees covered by this Section shall be  
2 calculated based on the percentage of time the part-time  
3 employee was scheduled to work pursuant to his or her status as  
4 a part-time employee.

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

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

14 (h) In those cases where the injury or illness to a State  
15 employee for which a benefit is payable under this Act was  
16 caused under circumstances creating a legal liability for  
17 damages on the part of some person other than the State  
18 employer, all of the rights and privileges, including the  
19 right to notice of suit brought against such other person and  
20 the right to commence or join in such suit, as given the  
21 employer, together with the conditions or obligations imposed  
22 under paragraph (b) of Section 5 of the Workers' Compensation  
23 Act, are also given and granted to the State, to the end that,  
24 with respect to State employees only, the State may be paid or  
25 reimbursed for the amount of benefit paid or to be paid by the  
26 State to the injured employee or his or her personal

1 representative out of any judgment, settlement, or payment for  
2 such injury or illness obtained by such injured or ill  
3 employee or his or her personal representative from such other  
4 person by virtue of the injury or illness.

5 (Source: P.A. 100-1143, eff. 1-1-19; 101-651, eff. 8-7-20;  
6 101-653, eff. 2-28-21.)".