

HB5118



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5118

by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Provides that an eligible public employee's disability benefit shall not extend more than 2 years (now, one year) in relation to the same injury.

LRB095 18350 JAM 44435 b

FISCAL NOTE ACT
MAY APPLY

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 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 who is employed by
17 the State of Illinois, any unit of local government (including
18 any home rule unit), any State supported college or university,
19 or any other public entity granted the power to employ persons
20 for such purposes by law.

21 (b) Whenever an eligible employee suffers any injury in the
22 line of duty which causes him to be unable to perform his
23 duties, he shall continue to be paid by the employing public

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

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

21 (d) During this period of disability, the injured person
22 shall not be employed in any other manner, with or without
23 monetary compensation. Any person who is employed in violation
24 of this paragraph forfeits the continuing compensation
25 provided by this Act from the time such employment begins. Any
26 salary compensation due the injured person from workers'

1 compensation or any salary due him from any type of insurance
2 which may be carried by the employing public entity shall
3 revert to that entity during the time for which continuing
4 compensation is paid to him under this Act. Any disabled person
5 receiving compensation under the provisions of this Act shall
6 not be entitled to any benefits for which he would qualify
7 because of his disability under the provisions of the Illinois
8 Pension Code.

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

21 (f) The compensation and other benefits provided to
22 part-time employees covered by this Section shall be calculated
23 based on the percentage of time the part-time employee was
24 scheduled to work pursuant to his or her status as a part-time
25 employee.

26 (g) Pursuant to paragraphs (h) and (i) of Section 6 of

1 Article VII of the Illinois Constitution, this Act specifically
2 denies and limits the exercise by home rule units of any power
3 which is inconsistent herewith, and all existing laws and
4 ordinances which are inconsistent herewith are hereby
5 superseded. This Act does not preempt the concurrent exercise
6 by home rule units of powers consistent herewith.

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

9 (Source: P.A. 88-45; 89-507, eff. 7-1-97.)