



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2260

Introduced 2/18/2009, by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Provides that if an employee subject to the Act is medically released as capable of performing light duties, that employee may be reassigned light duties and return to work.

LRB096 09825 JAM 19988 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 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 one year in relation to the same injury. However,  
7 no injury to an employee of the Department of Corrections or  
8 the Prisoner Review Board working within a penal institution or  
9 an employee of the Department of Human Services working within  
10 a departmental mental health or developmental disabilities  
11 facility shall qualify the employee for benefits under this  
12 Section unless the injury is the direct or indirect result of  
13 violence by inmates of the penal institution or residents of  
14 the mental health or developmental disabilities facility.

15 (b-5) If an eligible employee covered by subsection (b) is  
16 medically released as capable of performing light duties, that  
17 employee may be reassigned light duties and return to  
18 employment. The employee's pre-injury duties shall be restored  
19 when that employee is medically released as capable of  
20 performing those pre-injury duties or when this Act no longer  
21 applies, whichever occurs earlier.

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

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

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

1           (f) The compensation and other benefits provided to  
2 part-time employees covered by this Section shall be calculated  
3 based on the percentage of time the part-time employee was  
4 scheduled to work pursuant to his or her status as a part-time  
5 employee.

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

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

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