

# HB3819



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3819

Introduced 2/25/2009, by Rep. Dan Brady

### SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Provides that an "eligible employee" includes any full-time or part-time correctional officer employed by any county. Effective immediately.

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FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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-time or part-time correctional officer  
12 employed by any county, any full or part-time employee of the  
13 Prisoner Review Board, any full or part-time employee of the  
14 Department of Human Services working within a penal institution  
15 or a State mental health or developmental disabilities facility  
16 operated by the Department of Human Services, and any full-time  
17 law enforcement officer or full-time firefighter who is  
18 employed by the State of Illinois, any unit of local government  
19 (including any home rule unit), any State supported college or  
20 university, or any other public entity granted the power to  
21 employ persons for such purposes by law.

22 (b) Whenever an eligible employee suffers any injury in the  
23 line of duty which causes him to be unable to perform his

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

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.