



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5458

Introduced 2/5/2010, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. When a third party may be liable for the public employee's disability, provides that the State has the same rights it has under the Workers' Compensation Act to pursue payment or reimbursement of benefits it is obligated to pay under the Public Employees Disability Act.

LRB096 18479 JAM 33858 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 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 (c) At any time during the period for which continuing
16 compensation is required by this Act, the employing public
17 entity may order at the expense of that entity physical or
18 medical examinations of the injured person to determine the
19 degree of disability.

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

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

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

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

25 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
26 Article VII of the Illinois Constitution, this Act specifically

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

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

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

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