

AN ACT concerning government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Public Employee Disability Act is amended by changing Sections 1 and 2 as follows:

(5 ILCS 345/1) (from Ch. 70, par. 91)

Sec. 1. Disability benefit.

(a) For the purposes of this Section, "eligible employee" means any part-time or full-time State correctional officer or any other full or part-time employee of the Department of Corrections, any full or part-time employee of the Prisoner Review Board, any full or part-time employee of the Department of Human Services working within a penal institution or a State mental health or developmental disabilities facility operated by the Department of Human Services, and any full-time law enforcement officer or full-time firefighter, including a full-time paramedic or a firefighter who performs paramedic duties, who is employed by the State of Illinois, any unit of local government (including any home rule unit), any State supported college or university, or any other public entity granted the power to employ persons for such purposes by law.

(b) Whenever an eligible employee suffers any injury in

the line of duty which causes that employee ~~him~~ to be unable to perform the employee's ~~his~~ duties, the employee ~~he~~ shall continue to be paid by the employing public entity on the same gross pay basis, inclusive of all pensionable salary, as the employee ~~he~~ was paid before the injury, with no deduction from and with continued accrual of any ~~his~~ sick leave credits, with no deduction from the employee's compensatory time for overtime accumulations, with continued accrual of any ~~or~~ vacation credits, and with continued accrual of any ~~or~~ service credits in a public employee pension fund during the time the employee ~~he~~ is unable to perform the employee's ~~his~~ duties as a ~~due to the~~ result of the injury, but not longer than one year in relation to the same injury, except as otherwise provided under subsection (b-5). However, no injury to an employee of the Department of Corrections or the Prisoner Review Board working within a penal institution or an employee of the Department of Human Services working within a departmental mental health or developmental disabilities facility shall qualify the employee for benefits under this Section unless the injury is the direct or indirect result of violence by inmates of the penal institution or residents of the mental health or developmental disabilities facility.

(b-5) Upon the occurrence of circumstances, directly or indirectly attributable to COVID-19, occurring on or after March 9, 2020 and on or before June 30, 2021 (including the period between December 31, 2020 and the effective date of

this amendatory Act of the 101st General Assembly) which would hinder the physical recovery from an injury of an eligible employee within the one-year period as required under subsection (b), the eligible employee shall be entitled to an extension of no longer than 60 days by which he or she shall continue to be paid by the employing public entity on the same basis as he or she was paid before the injury. The employing public entity may require proof of the circumstances hindering an eligible employee's physical recovery before granting the extension provided under this subsection (b-5).

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

(d) During this period of disability, the injured person shall not be employed in any other manner, with or without monetary compensation. Any person who is employed in violation of this paragraph forfeits the continuing compensation provided by this Act from the time such employment begins. Any salary compensation due the injured person from workers' compensation or any salary due the injured person ~~him~~ from any type of insurance which may be carried by the employing public entity shall revert to that entity during the time for which continuing compensation is paid to the injured person ~~him~~ under this Act. Any person with a disability receiving

compensation under the provisions of this Act shall not be entitled to any benefits for which that person ~~he~~ would qualify because of the person's ~~his~~ disability under the provisions of the Illinois Pension Code.

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

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

(g) Pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, this Act specifically denies and limits the exercise by home rule units of any power which is inconsistent herewith, and all existing

laws and ordinances which are inconsistent herewith are hereby superseded. This Act does not preempt the concurrent exercise by home rule units of powers consistent herewith.

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

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

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

(5 ILCS 345/2)

Sec. 2. Illness disability benefit.

(a) As used in this Section:

"Eligible employee" means any full-time law enforcement officer or full-time firefighter, including a full-time paramedic or a firefighter who performs paramedic duties, who is employed by any unit of local government, including any home rule unit.

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

(b) Whenever an eligible employee suffers an illness in the line of duty which causes the employee to be unable to perform the employee's duties, the employee shall continue to be paid by the employing public entity on the same gross pay basis, inclusive of all pensionable salary, as the employee was paid before the illness, with no deduction from and with continued accrual of any ~~the employee's~~ sick leave credits, with no deduction from the employee's compensatory time for overtime accumulations, with continued accrual of any ~~or~~ vacation credits, and with continued accrual of any ~~or~~ service credits in a public pension fund during the time the employee is unable to perform the employee's duties as a ~~due to the~~ result of the illness, but not longer than one year in relation to the same illness.

(c) At any time during the period for which continuing compensation is required by this Act, the employing public

entity may order at the expense of that entity physical or medical examinations of the ill person to determine the degree of disability.

(d) During this period of disability, the ill person shall not be employed in any other manner, with or without a monetary compensation. Any person who is employed in violation of this subsection forfeits the continuing compensation provided by this Act from the time such employment begins. Any salary compensation due to the ill person from workers' compensation or any salary due to the employee from any type of insurance which may be carried by the employing public entity shall revert to that entity during the time for which continuing compensation is paid to the employee under this Act. Any person with a disability receiving compensation under the provisions of this Act shall not be entitled to any benefits for which the employee would qualify because of the employee's disability under the provisions of the Illinois Pension Code.

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

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

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(Source: P.A. 103-63, eff. 1-1-24.)