

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
5 by changing Sections 1 and 2 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
14 State mental health or developmental disabilities facility
15 operated by the Department of Human Services, and any
16 full-time law enforcement officer or full-time firefighter,
17 including a full-time paramedic or a firefighter who performs
18 paramedic duties, who is employed by the State of Illinois,
19 any unit of local government (including any home rule unit),
20 any State supported college or university, or any other public
21 entity granted the power to employ persons for such purposes
22 by law.

23 (b) Whenever an eligible employee suffers any injury in

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

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

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

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

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

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

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

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

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

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

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

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

22 (Source: P.A. 100-1143, eff. 1-1-19; 101-651, eff. 8-7-20;
23 101-653, eff. 2-28-21.)

24 (5 ILCS 345/2)

25 Sec. 2. Illness disability benefit.

1 (a) As used in this Section:

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

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

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

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

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

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

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

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

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