

1 AN ACT concerning public employees.

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

23 (b) Whenever an eligible employee suffers any injury in  
24 the line of duty which causes him to be unable to perform his  
25 duties, he shall continue to be paid by the employing public  
26 entity on the same basis as he was paid before the injury,  
27 with no deduction from his sick leave credits, compensatory  
28 time for overtime accumulations or vacation, or service  
29 credits in a public employee pension fund during the time he  
30 is unable to perform his duties due to the result of the  
31 injury, but not longer than one year in relation to the same

1 injury. However, no injury to an employee of the Department  
2 of Corrections or the Prisoner Review Board working within a  
3 penal institution or an employee of the Department of Human  
4 Services working within a departmental mental health or  
5 developmental disabilities facility shall qualify the  
6 employee for benefits under this Section unless the injury is  
7 the direct or indirect result of violence by inmates of the  
8 penal institution or residents of the mental health or  
9 developmental disabilities facility.

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

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

29 (e) Any employee of the State of Illinois, as defined in  
30 Section 14-103.05 of the Illinois Pension Code, who becomes  
31 permanently unable to perform the duties of such employment  
32 due to an injury received in the active performance of his  
33 duties as a State employee as a result of a willful act of  
34 violence by another employee of the State of Illinois, as so

1 defined, committed during such other employee's course of  
2 employment and after January 1, 1988, shall be eligible for  
3 benefits pursuant to the provisions of this Section. For  
4 purposes of this Section, permanently disabled is defined as  
5 a diagnosis or prognosis of an inability to return to current  
6 job duties by a physician licensed to practice medicine in  
7 all of its branches.

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

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

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

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.