

1 AN ACT in relation to public employee benefits.

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:

10 (1) any part-time or full-time State correctional
11 officer or any other full or part-time employee of the
12 Department of Corrections,

13 (2) any full-time county correctional officer
14 (except as excluded under subsection (g) of this
15 Section),

16 (3) any full or part-time employee of the Prisoner
17 Review Board,

18 (4) any full or part-time employee of the
19 Department of Human Services working within a penal
20 institution or a State mental health or developmental
21 disabilities facility operated by the Department of Human
22 Services, and

23 (5) any full-time law enforcement officer or
24 full-time firefighter who is employed by the State of
25 Illinois, any unit of local government (including any
26 home rule unit), any State supported college or
27 university, or any other public entity granted the power
28 to employ persons for such purposes by law.

29 (b) Whenever an eligible employee suffers any injury in
30 the line of duty which causes him to be unable to perform his
31 duties, he shall continue to be paid by the employing public

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

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

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

1 the provisions of the Illinois Pension Code.

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

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

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

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

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

31 Section 90. The State Mandates Act is amended by adding
32 Section 8.25 as follows:

1 (30 ILCS 805/8.25 new)

2 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
3 and 8 of this Act, no reimbursement by the State is required
4 for the implementation of any mandate created by this
5 amendatory Act of the 92nd General Assembly.