

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, any part-time or
16 full-time county correctional officer or any other part-time
17 or full-time employee of a county sheriff, and any full-time
18 law enforcement officer or full-time firefighter, including a
19 full-time paramedic or a firefighter who performs paramedic
20 duties, who is employed by the State of Illinois, any unit of
21 local government (including any home rule unit), any State
22 supported college or university, or any other public entity
23 granted the power to employ persons for such purposes by law.

1 (b) Whenever an eligible employee suffers any injury in
2 the line of duty that ~~which~~ causes the employee ~~him~~ to be
3 unable to perform the employee's ~~his~~ duties, the employee ~~he~~
4 shall continue to be paid by the employing public entity on the
5 same basis as the employee ~~he~~ was paid before the injury, with
6 no deduction from the employee's ~~his~~ sick leave credits,
7 compensatory time for overtime accumulations or vacation, or
8 service credits in a public employee pension fund during the
9 time he is unable to perform his duties due to the result of
10 the injury, but not longer than one year in relation to the
11 same injury, except as otherwise provided under subsection
12 (b-5). During the period in which the employee continues to be
13 paid under this Section, the employing public entity shall
14 also continue to provide the same options for health insurance
15 benefits to the employee and, if applicable, to the employee's
16 eligible dependents at the same benefit level as in effect
17 immediately before the injury, and the employee shall pay no
18 greater premium contribution rate than that which the employee
19 was paying before the injury. Nothing in this Section shall
20 diminish an employee's right to select health insurance
21 coverage pursuant to the terms of an employee benefit plan or
22 collective bargaining agreement. If the employee changes plans
23 while receiving benefits pursuant to this Act, the employee
24 shall pay the amount other employees pay for the same coverage
25 pursuant to a collective bargaining agreement or, in the
26 absence of a collective bargaining agreement, what similarly

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

11 (b-5) Upon the occurrence of circumstances, directly or
12 indirectly attributable to COVID-19, occurring on or after
13 March 9, 2020 and on or before June 30, 2021 (including the
14 period between December 31, 2020 and the effective date of
15 this amendatory Act of the 101st General Assembly) which would
16 hinder the physical recovery from an injury of an eligible
17 employee within the one-year period as required under
18 subsection (b), the eligible employee shall be entitled to an
19 extension of no longer than 60 days by which he or she shall
20 continue to be paid by the employing public entity on the same
21 basis as he or she was paid before the injury. The employing
22 public entity may require proof of the circumstances hindering
23 an eligible employee's physical recovery before granting the
24 extension provided under this subsection (b-5).

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 injured person to determine the
3 degree of disability.

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

19 (e) Any employee of the State of Illinois, as defined in
20 Section 14-103.05 of the Illinois Pension Code, who becomes
21 permanently unable to perform the duties of such employment
22 due to an injury received in the active performance of the
23 person's ~~his~~ duties as a State employee as a result of a
24 willful act of violence by another employee of the State of
25 Illinois, as so defined, committed during such other
26 employee's course of employment and after January 1, 1988,

1 shall be eligible for benefits pursuant to the provisions of
2 this Section. For purposes of this Section, permanent
3 disability is defined as a diagnosis or prognosis of an
4 inability to return to current job duties by a physician
5 licensed to practice medicine in all of its branches.

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

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

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

20 (h) In those cases where the injury to a State employee for
21 which a benefit is payable under this Act was caused under
22 circumstances creating a legal liability for damages on the
23 part of some person other than the State employer, all of the
24 rights and privileges, including the right to notice of suit
25 brought against such other person and the right to commence or
26 join in such suit, as given the employer, together with the

1 conditions or obligations imposed under paragraph (b) of
2 Section 5 of the Workers' Compensation Act, are also given and
3 granted to the State, to the end that, with respect to State
4 employees only, the State may be paid or reimbursed for the
5 amount of benefit paid or to be paid by the State to the
6 injured employee or the injured employee's ~~his or her~~ personal
7 representative out of any judgment, settlement, or payment for
8 such injury obtained by the ~~such~~ injured employee or the
9 injured employee's ~~his or her~~ personal representative from
10 such other person by virtue of the injury.

11 (Source: P.A. 100-1143, eff. 1-1-19; 101-651, eff. 8-7-20;
12 101-653, eff. 2-28-21.)

13 (5 ILCS 345/2)

14 Sec. 2. Illness disability benefit.

15 (a) As used in this Section:

16 "Eligible employee" means any full-time law enforcement
17 officer or full-time firefighter, including a full-time
18 paramedic or a firefighter who performs paramedic duties, who
19 is employed by any unit of local government, including any
20 home rule unit, and any part-time or full-time county
21 correctional officer or any other full or part-time employee
22 of a county sheriff.

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

1 official.

2 (b) Whenever an eligible employee suffers an illness in
3 the line of duty which causes the employee to be unable to
4 perform the employee's duties, the employee shall continue to
5 be paid by the employing public entity on the same basis as the
6 employee was paid before the illness, with no deduction from
7 the employee's sick leave credits, compensatory time for
8 overtime accumulations or vacation, or service credits in a
9 public pension fund during the time the employee is unable to
10 perform the employee's duties due to the result of the
11 illness, but not longer than one year in relation to the same
12 illness.

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

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

1 compensation is paid to the employee under this Act. Any
2 person with a disability receiving compensation under the
3 provisions of this Act shall not be entitled to any benefits
4 for which the employee would qualify because of the employee's
5 disability under the provisions of the Illinois Pension Code.

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

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

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