



Rep. John M. Cabello

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10000HB1819ham001

LRB100 04472 RJF 25142 a

1 AMENDMENT TO HOUSE BILL 1819

2 AMENDMENT NO. _____. Amend House Bill 1819 by replacing
3 everything after the enacting clause with the following:

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 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 State
14 mental health or developmental disabilities facility operated
15 by the Department of Human Services, and any full-time or
16 part-time law enforcement officer or full-time or part-time

1 firefighter who is employed by the State of Illinois, any unit
2 of local government (including any home rule unit), any State
3 supported college or university, or any other public entity
4 granted the power to employ persons for such purposes by law.

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

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

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

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

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

6 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
7 Article VII of the Illinois Constitution, this Act specifically
8 denies and limits the exercise by home rule units of any power
9 which is inconsistent herewith, and all existing laws and
10 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 (h) In those cases where the injury to a State employee for
16 which a benefit is payable under this Act was caused under
17 circumstances creating a legal liability for damages on the
18 part of some person other than the State employer, all of the
19 rights and privileges, including the right to notice of suit
20 brought against such other person and the right to commence or
21 join in such suit, as given the employer, together with the
22 conditions or obligations imposed under paragraph (b) of
23 Section 5 of the Workers' Compensation Act, are also given and
24 granted to the State, to the end that, with respect to State
25 employees only, the State may be paid or reimbursed for the
26 amount of benefit paid or to be paid by the State to the

1 injured employee or his or her personal representative out of
2 any judgment, settlement, or payment for such injury obtained
3 by such injured employee or his or her personal representative
4 from such other person by virtue of the injury.
5 (Source: P.A. 99-143, eff. 7-27-15.)".