

SB1235



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1235

Introduced 2/7/2017, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Provides that volunteer firefighters are covered under the Act. Provides that the amount of compensation shall be calculated in the manner required for volunteer firemen under the Workers' Compensation Act.

LRB100 10010 JLS 20182 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 by
5 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 law
16 enforcement officer or full-time or volunteer firefighter who
17 is employed by the State of Illinois, any unit of local
18 government (including any home rule unit), any State supported
19 college or university, or any other public entity granted the
20 power to employ persons for such purposes by law.

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

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

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

20 (d) During this period of disability, the injured person
21 shall not be employed in any other manner, with or without
22 monetary compensation. Any person who is employed in violation
23 of this paragraph forfeits the continuing compensation
24 provided by this Act from the time such employment begins. Any
25 salary compensation due the injured person from workers'
26 compensation or any salary due him from any type of insurance

1 which may be carried by the employing public entity shall
2 revert to that entity during the time for which continuing
3 compensation is paid to him under this Act. Any person with a
4 disability receiving compensation under the provisions of this
5 Act shall not be entitled to any benefits for which he would
6 qualify because of his disability under the provisions of the
7 Illinois Pension Code.

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

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

25 (f-5) The compensation provided to a volunteer firefighter
26 covered by this Section shall be calculated in the manner

1 required for volunteer firemen under Section 10 of the Workers'
2 Compensation Act.

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

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

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

1 from such other person by virtue of the injury.

2 (Source: P.A. 99-143, eff. 7-27-15.)