



Rep. Michael J. Kelly

Filed: 2/25/2026

10400HB4491ham001

LRB104 16691 BDA 34828 a

1 AMENDMENT TO HOUSE BILL 4491

2 AMENDMENT NO. _____. Amend House Bill 4491 by replacing
3 everything after the enacting clause with the following:

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, and any
16 full-time law enforcement officer or full-time firefighter,

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

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

1 the mental health or developmental disabilities facility.

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

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

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

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

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

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

1 a part-time employee.

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

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

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

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

3 (5 ILCS 345/2)

4 Sec. 2. Illness disability benefit.

5 (a) As used in this Section:

6 "Eligible employee" means any full-time law enforcement
7 officer or full-time firefighter, including a full-time
8 paramedic or a firefighter who performs paramedic duties, who
9 is employed by any unit of local government, including any
10 home rule unit.

11 "Illness" means any illness, disease, or condition the
12 presence of which in a community results in the declaration of
13 a disaster or emergency by a State, county, or municipal
14 official.

15 (b) Whenever an eligible employee suffers an illness in
16 the line of duty which causes the employee to be unable to
17 perform the employee's duties, the employee shall continue to
18 be paid by the employing public entity on the same gross pay
19 basis, inclusive of all pensionable salary, as the employee
20 was paid before the illness, with no deduction from and with
21 continued accrual of any ~~the employee's~~ sick leave credits,
22 compensatory time for overtime accumulations or vacation, or
23 service credits in a public pension fund during the time the
24 employee is unable to perform the employee's duties due to the
25 result of the illness, but not longer than one year in relation

1 to the same illness.

2 (c) At any time during the period for which continuing
3 compensation is required by this Act, the employing public
4 entity may order at the expense of that entity physical or
5 medical examinations of the ill person to determine the degree
6 of disability.

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

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

1 by home rule units of powers consistent herewith.

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

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