

**Public Employee Disability Act**  
**City of Des Plaines**

**PURPOSE:**

The purpose of this policy is to establish the process and procedures that apply to City employees who seek and receive benefits pursuant to the Public Employee Disability Act (“PEDA”) (5 ILCS 345/1 *et seq.*).

Whenever an eligible employee suffers any injury in the line of duty as determined by the City of Des Plaines which causes the employee to be unable to perform any assigned duties, the employee shall continue to be paid on the same basis as he/she was paid before the injury, with no deduction from the employee’s sick leave credits, personal leave credits, scheduled-reduction-in-hour days, compensatory time for overtime accumulations or vacation, or service credits in a public employee pension fund during the time the employee is unable to perform any assigned duties due to the result of the injury, but not longer than one (1) total year of disability in relation to the same injury (“PEDA Benefit Period”).

At any time during the PEDA Benefit Period, the City may order (at the expense of the City) a physical, psychological (if applicable) or medical examination of the injured employee to determine the degree of disability. An employee’s failure to cooperate with such an examination will result in the termination of his/her benefits under PEDA and this policy.

During the PEDA Benefit Period, the injured employee shall not be employed in any other manner, with or without monetary compensation. Any person who is employed in violation of this paragraph forfeits the continuing compensation provided by PEDA from the time such employment begins. Any salary compensation due the injured employee from workers' compensation or any salary due the employee from any type of insurance which may be carried by the City shall revert to the City during the time for which continuing compensation is paid to the employee pursuant to PEDA. Any disabled employee receiving compensation under PEDA shall not be entitled to any benefits for which the employee would qualify because of his/her disability under the provisions of the Illinois Pension Code or from one of the City’s local pension funds.

**PROCEDURE:**

The following provisions will apply related to the PEDA benefit:

- 1) The Employee Must Follow the Standard Workers’ Compensation Application Process.  
Any employee injured in the line of duty who wishes to obtain PEDA benefits must follow the standard Workers’ Compensation claim filing process described in Section 16.2 of this Manual, and the employee must cooperate with the Workers’ Compensation claims adjuster and the City in the investigation of the injury.

2) FMLA Designation.

If an employee's medical condition qualifies as a "serious health condition" within the meaning of the Family & Medical Leave Act ("FMLA") and City policy, the City will designate the employee's leave as both PEDA leave and FMLA leave pursuant to the procedures described in Chapter XIII of this Manual.

3) Availability of Light Duty During the PEDA Benefit Period.

During the employee's PEDA Benefit Period, the employee will be subject to the City's Light Duty policy that is described in Appendix L of this Manual. An employee who works a light duty assignment shall have the PEDA Benefit Period suspended during the term of that assignment.

4) Accrual of Leave Time During the PEDA Benefit Period. An employee shall continue to accrue sick leave, vacation leave, reduction-in-hours leave and personal leave during his/her PEDA Benefit Period, subject to any applicable provisions and/or limitations outlined in his/her collective bargaining agreement.

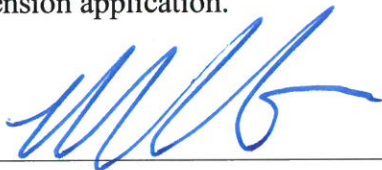
5) Health Insurance Premium Payments. During the PEDA Benefit Period, the City and the employee will continue to pay their respective shares of the applicable group health insurance premiums, subject to any applicable provisions and/or limitations outlined in the employee's collective bargaining agreement.

6) End of the PEDA Benefit Period.

At the end of the one year PEDA Benefit Period, regardless of whether the employee has made a timely application for pension benefits, the following rules shall govern the employee's continued employment with the City:

- a. The City shall engage in an interactive discussion with the employee or his/her representative about the employee's current medical status and his/her ability to return to work and perform the essential functions of his/her job.
- b. Based on the results of that discussion, the City may, in its discretion, extend the employee's medical leave of absence beyond the PEDA Benefit Period and/or explore light duty options pursuant to City policy. Alternatively, the City may proceed to separate from service the employee because the employee can no longer perform the essential functions of his/her position, with or without reasonable accommodation, and the employee has failed to apply for a disability pension with the applicable City Pension Board. The City reserves the right to pursue separation proceedings against an employee regardless of the pendency of a pension application.

Approved By: \_\_\_\_\_



Original Effective Date: \_\_\_\_\_

2-4-15