

EMERGENCY AMENDMENT TO WORKERS' COMPENSATION

In further response to the ongoing COVID-19 crisis, the State of Illinois Workers' Compensation Commission made an emergency amendment to the State's Workers' Compensation Administrative Regulations. Effective April 13, 2020, the emergency amendment creates a rebuttable presumption at hearing that a petitioner who is a COVID-19 First Responder or Front-line Worker who has a period of injury or incapacity resulting from exposure to COVID-19, such injury or incapacity arose out of the individual's employment. It will also be rebuttably presumed that the injury or incapacity is casually connected to being exposed to COVID-19 during First Responder or Front-line employment.

While a rebuttable presumption already exists under the statute for firefighters, EMTs and paramedics who come down with respiratory illness or disease and have five years on the job, the emergency amendment extends a similar presumption to significantly more employees, including firefighters, EMTs and paramedics who do not yet have five years in service. The emergency amendment covers police, and all individuals employed and considered as first responders, health care providers engaged in patient care and correction officers. It also creates a rebuttable presumption for crucial personnel identified in the Governors Executive Order 2020-10, dated March 20, 2020. Those crucial personnel categories include: "Stores that sell groceries and medicine"; "Food, beverage, and cannabis production and agriculture"; "Organizations that provide charitable and social services"; "Gas stations and businesses needed for transportation"; "Financial institutions"; "Hardware and supplies stores"; "Critical trades"; "Mail, post, shipping, logistics, delivery, and pick-up services"; "Educational institutions"; "Laundry services"; "Restaurants for consumption off-premises"; "Supplies to work from home"; "Supplies for Essential Businesses and Operations"; "Transportation"; "Home-based care and services"; "Residential facilities and shelters"; "Professional services"; "Day care centers for employees exempted by [Executive Order 2020-10]"; "Manufacture, distribution, and supply chain for critical products and industries"; "Critical labor union functions"; "Hotels and motels"; and "Funeral services".

The Emergency Amendment will be operative for at least 150 days. As summarized by the Rule published: "The proposed rules are designed to ensure in any case before the Workers' Compensation Commission where any COVID-19 First Responder or Front-Line Worker, defined

within the Rule, is exposed to COVID-19 during the State of Emergency, it will be rebuttably presumed that the individual's exposure arises out of and in the course of and rebuttably presumed to be causally connected to their employment.”

The legal landscape in response to COVID-19 is changing daily. Please reach out to Asher, Gittler & D'Alba, if you have any questions regarding this or any other labor or employment law matter related to the ongoing public health crisis.

ASHER, GITTLER & D'ALBA, LTD.
200 West Jackson Boulevard, Suite 720
Chicago, IL 60606 – 312.263.1500

© 2020 Asher, Gittler & D'Alba, Ltd.
All rights reserved.
Dated: April 15, 2020

This release informs you of items of interest in the field of labor relations. It is not intended to be used as legal advice or opinion.

U.S. News & Report's Best Law Firms Designation is for Chicago Tier 1 rankings in Employment Law (Individuals), Labor Law (Union), and Litigation (Labor and Employment) and a National Tier 2 ranking in Litigation (Labor and Employment).

