



Sen. Bill Cunningham

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10100HB4276sam001

LRB101 15557 RPS 74485 a

1 AMENDMENT TO HOUSE BILL 4276

2 AMENDMENT NO. _____. Amend House Bill 4276 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 law
16 enforcement officer or full-time firefighter, including a

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

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

24 (b-5) Upon the occurrence of circumstances, directly or
25 indirectly attributable to COVID-19, occurring on or after
26 March 9, 2020 and on or before June 30, 2021 (including the

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

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

17 (d) During this period of disability, the injured person
18 shall not be employed in any other manner, with or without
19 monetary compensation. Any person who is employed in violation
20 of this paragraph forfeits the continuing compensation
21 provided by this Act from the time such employment begins. Any
22 salary compensation due the injured person from workers'
23 compensation or any salary due him from any type of insurance
24 which may be carried by the employing public entity shall
25 revert to that entity during the time for which continuing
26 compensation is paid to him under this Act. Any person with a

1 disability receiving compensation under the provisions of this
2 Act shall not be entitled to any benefits for which he would
3 qualify because of his disability under the provisions of the
4 Illinois Pension Code.

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

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

22 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
23 Article VII of the Illinois Constitution, this Act specifically
24 denies and limits the exercise by home rule units of any power
25 which is inconsistent herewith, and all existing laws and
26 ordinances which are inconsistent herewith are hereby

1 superseded. This Act does not preempt the concurrent exercise
2 by home rule units of powers consistent herewith.

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

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

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

22 Section 10. The Illinois Pension Code is amended by
23 changing Sections 5-144, 5-153, 6-140, and 6-150 as follows:

24 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)

1 Sec. 5-144. Death from injury in the performance of acts of
2 duty; compensation annuity and supplemental annuity.

3 (a) Beginning January 1, 1986, and without regard to
4 whether or not the annuity in question began before that date,
5 if the annuity for the widow of a policeman whose death, on or
6 after January 1, 1940, results from injury incurred in the
7 performance of an act or acts of duty, is not equal to the sum
8 hereinafter stated, "compensation annuity" equal to the
9 difference between the annuity and an amount equal to 75% of
10 the policeman's salary attached to the position he held by
11 certification and appointment as a result of competitive civil
12 service examination that would ordinarily have been paid to him
13 as though he were in active discharge of his duties shall be
14 payable to the widow until the policeman, had he lived, would
15 have attained age 63. The total amount of the widow's annuity
16 and children's awards payable to the family of such policeman
17 shall not exceed the amounts stated in Section 5-152.

18 For the purposes of this Section only, the death of any
19 policeman as a result of the exposure to and contraction of
20 COVID-19, as evidenced by either (i) a confirmed positive
21 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
22 confirmed diagnosis of COVID-19 from a licensed medical
23 professional, shall be rebuttably presumed to have been
24 contracted while in the performance of an act or acts of duty
25 and the policeman shall be rebuttably presumed to have been
26 fatally injured while in active service. The presumption shall

1 apply to any policeman who was exposed to and contracted
2 COVID-19 on or after March 9, 2020 and on or before June 30,
3 2021 (including the period between December 31, 2020 and the
4 effective date of this amendatory Act of the 101st General
5 Assembly) ~~December 31, 2020~~; except that the presumption shall
6 not apply if the policeman was on a leave of absence from his
7 or her employment or otherwise not required to report for duty
8 for a period of 14 or more consecutive days immediately prior
9 to the date of contraction of COVID-19. For the purposes of
10 determining when a policeman contracted COVID-19 under this
11 paragraph, the date of contraction is either the date that the
12 policeman was diagnosed with COVID-19 or was unable to work due
13 to symptoms that were later diagnosed as COVID-19, whichever
14 occurred first.

15 The provisions of this Section, as amended by Public Act
16 84-1104, including the reference to the date upon which the
17 deceased policeman would have attained age 63, shall apply to
18 all widows of policemen whose death occurs on or after January
19 1, 1940 due to injury incurred in the performance of an act of
20 duty, regardless of whether such death occurred prior to
21 September 17, 1969. For those widows of policemen that died
22 prior to September 17, 1969, who became eligible for
23 compensation annuity by the action of Public Act 84-1104, such
24 compensation annuity shall begin and be calculated from January
25 1, 1986. The provisions of this amendatory Act of 1987 are
26 intended to restate and clarify the intent of Public Act

1 84-1104, and do not make any substantive change.

2 (b) Upon termination of the compensation annuity,
3 "supplemental annuity" shall become payable to the widow, equal
4 to the difference between the annuity for the widow and an
5 amount equal to 75% of the annual salary (including all salary
6 increases and longevity raises) that the policeman would have
7 been receiving when he attained age 63 if the policeman had
8 continued in service at the same rank (whether career service
9 or exempt) that he last held in the police department. The
10 increase in supplemental annuity resulting from this
11 amendatory Act of the 92nd General Assembly applies without
12 regard to whether the deceased policeman was in service on or
13 after the effective date of this amendatory Act and is payable
14 from July 1, 2002 or the date upon which the supplemental
15 annuity begins, whichever is later.

16 (c) Neither compensation nor supplemental annuity shall be
17 paid unless the death of the policeman was a direct result of
18 the injury, or the injury was of such character as to prevent
19 him from subsequently resuming service as a policeman; nor
20 shall compensation or supplemental annuity be paid unless the
21 widow was the wife of the policeman when the injury occurred.

22 (Source: P.A. 101-633, eff. 6-5-20.)

23 (40 ILCS 5/5-153) (from Ch. 108 1/2, par. 5-153)

24 Sec. 5-153. Death benefit.

25 (a) Effective January 1, 1962, an ordinary death benefit is

1 payable on account of any policeman in service and in receipt
2 of salary on or after such date, which benefit is in addition
3 to all other annuities and benefits herein provided. This
4 benefit is payable upon death of a policeman:

5 (1) occurring in active service while in receipt of
6 salary;

7 (2) on an authorized and approved leave of absence,
8 without salary, beginning on or after January 1, 1962, if
9 the death occurs within 60 days from the date the employee
10 was in receipt of salary; or otherwise in the service and
11 not separated by resignation or discharge beginning
12 January 1, 1962 if death occurs before his resignation or
13 discharge from the service;

14 (3) receiving duty disability or ordinary disability
15 benefit;

16 (4) occurring within 60 days from the date of
17 termination of duty disability or ordinary disability
18 benefit payments if re-entry into service had not occurred;
19 or

20 (5) occurring on retirement and while in receipt of an
21 age and service annuity, Tier 2 monthly retirement annuity,
22 or prior service annuity; provided (a) retirement on such
23 annuity occurred on or after January 1, 1962, and (b) such
24 separation from service was effective on or after the
25 policeman's attainment of age 50, and (c) application for
26 such annuity was made within 60 days after separation from

1 service.

2 (b) The ordinary death benefit is payable to such
3 beneficiary or beneficiaries as the policeman has nominated by
4 written direction duly signed and acknowledged before an
5 officer authorized to take acknowledgments, and filed with the
6 board. If no such written direction has been filed or if the
7 designated beneficiaries do not survive the policeman, payment
8 of the benefit shall be made to his estate.

9 (c) Until December 31, 1977, if death occurs prior to
10 retirement on annuity and before the policeman's attainment of
11 age 50, the amount of the benefit payable is \$6,000. If death
12 occurs prior to retirement, at age 50 or over, the benefit of
13 \$6,000 shall be reduced \$400 for each year (commencing on the
14 policeman's attainment of age 50, and thereafter on each
15 succeeding birthdate) that the policeman's age, at date of
16 death, is more than age 50, but in no event below the amount of
17 \$2,000. However, if death results from injury incurred in the
18 performance of an act or acts of duty, prior to retirement on
19 annuity, the amount of the benefit payable is \$6,000
20 notwithstanding the age attained.

21 Until December 31, 1977, if the policeman's death occurs
22 while he is in receipt of an annuity, the benefit is \$2,000 if
23 retirement was effective upon attainment of age 55 or greater.
24 If the policeman retired at age 50 or over and before age 55,
25 the benefit of \$2,000 shall be reduced \$100 for each year or
26 fraction of a year that the policeman's age at retirement was

1 less than age 55 to a minimum payment of \$1,500.

2 After December 31, 1977, and on or before January 1, 1986,
3 if death occurs prior to retirement on annuity and before the
4 policeman's attainment of age 50, the amount of the benefit
5 payable is \$7,000. If death occurs prior to retirement, at age
6 50 or over, the benefit of \$7,000 shall be reduced \$400 for
7 each year (commencing on the policeman's attainment of age 50,
8 and thereafter on each succeeding birthdate) that the
9 policeman's age, at date of death, is more than age 50, but in
10 no event below the amount of \$3,000. However, if death results
11 from injury incurred in the performance of an act or acts of
12 duty, prior to retirement on annuity, the amount of the benefit
13 payable is \$7,000 notwithstanding the age attained.

14 After December 31, 1977, and on or before January 1, 1986,
15 if the policeman's death occurs while he is in receipt of an
16 annuity, the benefit is \$2,250 if retirement was effective upon
17 attainment of age 55 or greater. If the policeman retired at
18 age 50 or over and before age 55, the benefit of \$2,250 shall
19 be reduced \$100 for each year or fraction of a year that the
20 policeman's age at retirement was less than age 55 to a minimum
21 payment of \$1,750.

22 After January 1, 1986, if death occurs prior to retirement
23 on annuity and before the policeman's attainment of age 50, the
24 amount of benefit payable is \$12,000. If death occurs prior to
25 retirement, at age 50 or over, the benefit of \$12,000 shall be
26 reduced \$400 for each year (commencing on the policeman's

1 attainment of age 50, and thereafter on each succeeding
2 birthdate) that the policeman's age, at date of death, is more
3 than age 50, but in no event below the amount of \$6,000.
4 However, if death results from injury in the performance of an
5 act or acts of duty, prior to retirement on annuity, the amount
6 of benefit payable is \$12,000 notwithstanding the age attained.

7 After January 1, 1986, if the policeman's death occurs
8 while he is in receipt of an annuity, the benefit is \$6,000.

9 (d) For the purposes of this Section only, the death of any
10 policeman as a result of the exposure to and contraction of
11 COVID-19, as evidenced by either (i) a confirmed positive
12 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
13 confirmed diagnosis of COVID-19 from a licensed medical
14 professional, shall be rebuttably presumed to have been
15 contracted while in the performance of an act or acts of duty
16 and the policeman shall be rebuttably presumed to have been
17 fatally injured while in active service. The presumption shall
18 apply to any policeman who was exposed to and contracted
19 COVID-19 on or after March 9, 2020 and on or before June 30,
20 2021 (including the period between December 31, 2020 and the
21 effective date of this amendatory Act of the 101st General
22 Assembly) ~~December 31, 2020~~; except that the presumption shall
23 not apply if the policeman was on a leave of absence from his
24 or her employment or otherwise not required to report for duty
25 for a period of 14 or more consecutive days immediately prior
26 to the date of contraction of COVID-19. For the purposes of

1 determining when a policeman contracted COVID-19 under this
2 subsection, the date of contraction is either the date that the
3 policeman was diagnosed with COVID-19 or was unable to work due
4 to symptoms that were later diagnosed as COVID-19, whichever
5 occurred first.

6 (Source: P.A. 101-633, eff. 6-5-20.)

7 (40 ILCS 5/6-140) (from Ch. 108 1/2, par. 6-140)

8 Sec. 6-140. Death in the line of duty.

9 (a) The annuity for the widow of a fireman whose death
10 results from the performance of an act or acts of duty shall be
11 an amount equal to 50% of the current annual salary attached to
12 the classified position to which the fireman was certified at
13 the time of his death and 75% thereof after December 31, 1972.

14 Unless the performance of an act or acts of duty results
15 directly in the death of the fireman, or prevents him from
16 subsequently resuming active service in the fire department,
17 the annuity herein provided shall not be paid; nor shall such
18 annuities be paid unless the widow was the wife of the fireman
19 at the time of the act or acts of duty which resulted in his
20 death.

21 For the purposes of this Section only, the death of any
22 fireman as a result of the exposure to and contraction of
23 COVID-19, as evidenced by either (i) a confirmed positive
24 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
25 confirmed diagnosis of COVID-19 from a licensed medical

1 professional, shall be rebuttably presumed to have been
2 contracted while in the performance of an act or acts of duty
3 and the fireman shall be rebuttably presumed to have been
4 fatally injured while in active service. The presumption shall
5 apply to any fireman who was exposed to and contracted COVID-19
6 on or after March 9, 2020 and on or before June 30, 2021
7 (including the period between December 31, 2020 and the
8 effective date of this amendatory Act of the 101st General
9 Assembly) ~~December 31, 2020~~; except that the presumption shall
10 not apply if the fireman was on a leave of absence from his or
11 her employment or otherwise not required to report for duty for
12 a period of 14 or more consecutive days immediately prior to
13 the date of contraction of COVID-19. For the purposes of
14 determining when a fireman contracted COVID-19 under this
15 paragraph, the date of contraction is either the date that the
16 fireman was diagnosed with COVID-19 or was unable to work due
17 to symptoms that were later diagnosed as COVID-19, whichever
18 occurred first.

19 (b) The changes made to this Section by this amendatory Act
20 of the 92nd General Assembly apply without regard to whether
21 the deceased fireman was in service on or after the effective
22 date of this amendatory Act. In the case of a widow receiving
23 an annuity under this Section that has been reduced to 40% of
24 current salary because the fireman, had he lived, would have
25 attained the age prescribed for compulsory retirement, the
26 annuity shall be restored to the amount provided in subsection

1 (a), with the increase beginning to accrue on the later of
2 January 1, 2001 or the day the annuity first became payable.

3 (Source: P.A. 101-633, eff. 6-5-20.)

4 (40 ILCS 5/6-150) (from Ch. 108 1/2, par. 6-150)

5 Sec. 6-150. Death benefit.

6 (a) Effective January 1, 1962, an ordinary death benefit
7 shall be payable on account of any fireman in service and in
8 receipt of salary on or after such date, which benefit shall be
9 in addition to all other annuities and benefits herein
10 provided. This benefit shall be payable upon death of a
11 fireman:

12 (1) occurring in active service while in receipt of
13 salary;

14 (2) on an authorized and approved leave of absence,
15 without salary, beginning on or after January 1, 1962, if
16 the death occurs within 60 days from the date the fireman
17 was in receipt of salary;

18 (3) receiving duty, occupational disease, or ordinary
19 disability benefit;

20 (4) occurring within 60 days from the date of
21 termination of duty disability, occupational disease
22 disability or ordinary disability benefit payments if
23 re-entry into service had not occurred; or

24 (5) occurring on retirement and while in receipt of an
25 age and service annuity, prior service annuity, Tier 2

1 monthly retirement annuity, or minimum annuity; provided
2 (a) retirement on such annuity occurred on or after January
3 1, 1962, and (b) such separation from service was effective
4 on or after the fireman's attainment of age 50, and (c)
5 application for such annuity was made within 60 days after
6 separation from service.

7 (b) The ordinary death benefit shall be payable to such
8 beneficiary or beneficiaries as the fireman has nominated by
9 written direction duly signed and acknowledged before an
10 officer authorized to take acknowledgments, and filed with the
11 board. If no such written direction has been filed or if the
12 designated beneficiaries do not survive the fireman, payment of
13 the benefit shall be made to his estate.

14 (c) Beginning July 1, 1983, if death occurs prior to
15 retirement on annuity and before the fireman's attainment of
16 age 50, the amount of the benefit payable shall be \$12,000.
17 Beginning July 1, 1983, if death occurs prior to retirement, at
18 age 50 or over, the benefit of \$12,000 shall be reduced \$400
19 for each year (commencing on the fireman's attainment of age 50
20 and thereafter on each succeeding birth date) that the
21 fireman's age, at date of death, is more than age 49, but in no
22 event below the amount of \$6,000.

23 Beginning July 1, 1983, if the fireman's death occurs while
24 he is in receipt of an annuity, the benefit shall be \$6,000.

25 (d) For the purposes of this Section only, the death of any
26 fireman as a result of the exposure to and contraction of

1 COVID-19, as evidenced by either (i) a confirmed positive
2 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
3 confirmed diagnosis of COVID-19 from a licensed medical
4 professional, shall be rebuttably presumed to have been
5 contracted while in the performance of an act or acts of duty
6 and the fireman shall be rebuttably presumed to have been
7 fatally injured while in active service. The presumption shall
8 apply to any fireman who was exposed to and contracted COVID-19
9 on or after March 9, 2020 and on or before June 30, 2021
10 (including the period between December 31, 2020 and the
11 effective date of this amendatory Act of the 101st General
12 Assembly) ~~December 31, 2020~~; except that the presumption shall
13 not apply if the fireman was on a leave of absence from his or
14 her employment or otherwise not required to report for duty for
15 a period of 14 or more consecutive days immediately prior to
16 the date of contraction of COVID-19. For the purposes of
17 determining when a fireman contracted COVID-19 under this
18 subsection, the date of contraction is either the date that the
19 fireman was diagnosed with COVID-19 or was unable to work due
20 to symptoms that were later diagnosed as COVID-19, whichever
21 occurred first.

22 (Source: P.A. 101-633, eff. 6-5-20.)

23 Section 15. The Workers' Occupational Diseases Act is
24 amended by changing Section 1 as follows:

1 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

2 Sec. 1. This Act shall be known and may be cited as the
3 "Workers' Occupational Diseases Act".

4 (a) The term "employer" as used in this Act shall be
5 construed to be:

6 1. The State and each county, city, town, township,
7 incorporated village, school district, body politic, or
8 municipal corporation therein.

9 2. Every person, firm, public or private corporation,
10 including hospitals, public service, eleemosynary,
11 religious or charitable corporations or associations, who
12 has any person in service or under any contract for hire,
13 express or implied, oral or written.

14 3. Where an employer operating under and subject to the
15 provisions of this Act loans an employee to another such
16 employer and such loaned employee sustains a compensable
17 occupational disease in the employment of such borrowing
18 employer and where such borrowing employer does not provide
19 or pay the benefits or payments due such employee, such
20 loaning employer shall be liable to provide or pay all
21 benefits or payments due such employee under this Act and
22 as to such employee the liability of such loaning and
23 borrowing employers shall be joint and several, provided
24 that such loaning employer shall in the absence of
25 agreement to the contrary be entitled to receive from such
26 borrowing employer full reimbursement for all sums paid or

1 incurred pursuant to this paragraph together with
2 reasonable attorneys' fees and expenses in any hearings
3 before the Illinois Workers' Compensation Commission or in
4 any action to secure such reimbursement. Where any benefit
5 is provided or paid by such loaning employer, the employee
6 shall have the duty of rendering reasonable co-operation in
7 any hearings, trials or proceedings in the case, including
8 such proceedings for reimbursement.

9 Where an employee files an Application for Adjustment
10 of Claim with the Illinois Workers' Compensation
11 Commission alleging that his or her claim is covered by the
12 provisions of the preceding paragraph, and joining both the
13 alleged loaning and borrowing employers, they and each of
14 them, upon written demand by the employee and within 7 days
15 after receipt of such demand, shall have the duty of filing
16 with the Illinois Workers' Compensation Commission a
17 written admission or denial of the allegation that the
18 claim is covered by the provisions of the preceding
19 paragraph and in default of such filing or if any such
20 denial be ultimately determined not to have been bona fide
21 then the provisions of Paragraph K of Section 19 of this
22 Act shall apply.

23 An employer whose business or enterprise or a
24 substantial part thereof consists of hiring, procuring or
25 furnishing employees to or for other employers operating
26 under and subject to the provisions of this Act for the

1 performance of the work of such other employers and who
2 pays such employees their salary or wage notwithstanding
3 that they are doing the work of such other employers shall
4 be deemed a loaning employer within the meaning and
5 provisions of this Section.

6 (b) The term "employee" as used in this Act, shall be
7 construed to mean:

8 1. Every person in the service of the State, county,
9 city, town, township, incorporated village or school
10 district, body politic or municipal corporation therein,
11 whether by election, appointment or contract of hire,
12 express or implied, oral or written, including any official
13 of the State, or of any county, city, town, township,
14 incorporated village, school district, body politic or
15 municipal corporation therein and except any duly
16 appointed member of the fire department in any city whose
17 population exceeds 500,000 according to the last Federal or
18 State census, and except any member of a fire insurance
19 patrol maintained by a board of underwriters in this State.
20 One employed by a contractor who has contracted with the
21 State, or a county, city, town, township, incorporated
22 village, school district, body politic or municipal
23 corporation therein, through its representatives, shall
24 not be considered as an employee of the State, county,
25 city, town, township, incorporated village, school
26 district, body politic or municipal corporation which made

1 the contract.

2 2. Every person in the service of another under any
3 contract of hire, express or implied, oral or written, who
4 contracts an occupational disease while working in the
5 State of Illinois, or who contracts an occupational disease
6 while working outside of the State of Illinois but where
7 the contract of hire is made within the State of Illinois,
8 and any person whose employment is principally localized
9 within the State of Illinois, regardless of the place where
10 the disease was contracted or place where the contract of
11 hire was made, including aliens, and minors who, for the
12 purpose of this Act, except Section 3 hereof, shall be
13 considered the same and have the same power to contract,
14 receive payments and give quittances therefor, as adult
15 employees. An employee or his or her dependents under this
16 Act who shall have a cause of action by reason of an
17 occupational disease, disablement or death arising out of
18 and in the course of his or her employment may elect or
19 pursue his or her remedy in the State where the disease was
20 contracted, or in the State where the contract of hire is
21 made, or in the State where the employment is principally
22 localized.

23 (c) "Commission" means the Illinois Workers' Compensation
24 Commission created by the Workers' Compensation Act, approved
25 July 9, 1951, as amended.

26 (d) In this Act the term "Occupational Disease" means a

1 disease arising out of and in the course of the employment or
2 which has become aggravated and rendered disabling as a result
3 of the exposure of the employment. Such aggravation shall arise
4 out of a risk peculiar to or increased by the employment and
5 not common to the general public.

6 A disease shall be deemed to arise out of the employment if
7 there is apparent to the rational mind, upon consideration of
8 all the circumstances, a causal connection between the
9 conditions under which the work is performed and the
10 occupational disease. The disease need not to have been
11 foreseen or expected but after its contraction it must appear
12 to have had its origin or aggravation in a risk connected with
13 the employment and to have flowed from that source as a
14 rational consequence.

15 An employee shall be conclusively deemed to have been
16 exposed to the hazards of an occupational disease when, for any
17 length of time however short, he or she is employed in an
18 occupation or process in which the hazard of the disease
19 exists; provided however, that in a claim of exposure to atomic
20 radiation, the fact of such exposure must be verified by the
21 records of the central registry of radiation exposure
22 maintained by the Department of Public Health or by some other
23 recognized governmental agency maintaining records of such
24 exposures whenever and to the extent that the records are on
25 file with the Department of Public Health or the agency.

26 Any injury to or disease or death of an employee arising

1 from the administration of a vaccine, including without
2 limitation smallpox vaccine, to prepare for, or as a response
3 to, a threatened or potential bioterrorist incident to the
4 employee as part of a voluntary inoculation program in
5 connection with the person's employment or in connection with
6 any governmental program or recommendation for the inoculation
7 of workers in the employee's occupation, geographical area, or
8 other category that includes the employee is deemed to arise
9 out of and in the course of the employment for all purposes
10 under this Act. This paragraph added by Public Act 93-829 is
11 declarative of existing law and is not a new enactment.

12 The employer liable for the compensation in this Act
13 provided shall be the employer in whose employment the employee
14 was last exposed to the hazard of the occupational disease
15 claimed upon regardless of the length of time of such last
16 exposure, except, in cases of silicosis or asbestosis, the only
17 employer liable shall be the last employer in whose employment
18 the employee was last exposed during a period of 60 days or
19 more after the effective date of this Act, to the hazard of
20 such occupational disease, and, in such cases, an exposure
21 during a period of less than 60 days, after the effective date
22 of this Act, shall not be deemed a last exposure. If a miner
23 who is suffering or suffered from pneumoconiosis was employed
24 for 10 years or more in one or more coal mines there shall,
25 effective July 1, 1973 be a rebuttable presumption that his or
26 her pneumoconiosis arose out of such employment.

1 If a deceased miner was employed for 10 years or more in
2 one or more coal mines and died from a respirable disease there
3 shall, effective July 1, 1973, be a rebuttable presumption that
4 his or her death was due to pneumoconiosis.

5 Any condition or impairment of health of an employee
6 employed as a firefighter, emergency medical technician (EMT),
7 emergency medical technician-intermediate (EMT-I), advanced
8 emergency medical technician (A-EMT), or paramedic which
9 results directly or indirectly from any bloodborne pathogen,
10 lung or respiratory disease or condition, heart or vascular
11 disease or condition, hypertension, tuberculosis, or cancer
12 resulting in any disability (temporary, permanent, total, or
13 partial) to the employee shall be rebuttably presumed to arise
14 out of and in the course of the employee's firefighting, EMT,
15 EMT-I, A-EMT, or paramedic employment and, further, shall be
16 rebuttably presumed to be causally connected to the hazards or
17 exposures of the employment. This presumption shall also apply
18 to any hernia or hearing loss suffered by an employee employed
19 as a firefighter, EMT, EMT-I, A-EMT, or paramedic. However,
20 this presumption shall not apply to any employee who has been
21 employed as a firefighter, EMT, EMT-I, A-EMT, or paramedic for
22 less than 5 years at the time he or she files an Application
23 for Adjustment of Claim concerning this condition or impairment
24 with the Illinois Workers' Compensation Commission. The
25 rebuttable presumption established under this subsection,
26 however, does not apply to an emergency medical technician

1 (EMT), emergency medical technician-intermediate (EMT-I),
2 advanced emergency medical technician (A-EMT), or paramedic
3 employed by a private employer if the employee spends the
4 preponderance of his or her work time for that employer engaged
5 in medical transfers between medical care facilities or
6 non-emergency medical transfers to or from medical care
7 facilities. The changes made to this subsection by this
8 amendatory Act of the 98th General Assembly shall be narrowly
9 construed. The Finding and Decision of the Illinois Workers'
10 Compensation Commission under only the rebuttable presumption
11 provision of this paragraph shall not be admissible or be
12 deemed res judicata in any disability claim under the Illinois
13 Pension Code arising out of the same medical condition;
14 however, this sentence makes no change to the law set forth in
15 *Krohe v. City of Bloomington*, 204 Ill.2d 392.

16 The insurance carrier liable shall be the carrier whose
17 policy was in effect covering the employer liable on the last
18 day of the exposure rendering such employer liable in
19 accordance with the provisions of this Act.

20 (e) "Disablement" means an impairment or partial
21 impairment, temporary or permanent, in the function of the body
22 or any of the members of the body, or the event of becoming
23 disabled from earning full wages at the work in which the
24 employee was engaged when last exposed to the hazards of the
25 occupational disease by the employer from whom he or she claims
26 compensation, or equal wages in other suitable employment; and

1 "disability" means the state of being so incapacitated.

2 (f) No compensation shall be payable for or on account of
3 any occupational disease unless disablement, as herein
4 defined, occurs within two years after the last day of the last
5 exposure to the hazards of the disease, except in cases of
6 occupational disease caused by berylliosis or by the inhalation
7 of silica dust or asbestos dust and, in such cases, within 3
8 years after the last day of the last exposure to the hazards of
9 such disease and except in the case of occupational disease
10 caused by exposure to radiological materials or equipment, and
11 in such case, within 25 years after the last day of last
12 exposure to the hazards of such disease.

13 (g) (1) In any proceeding before the Commission in which the
14 employee is a COVID-19 first responder or front-line worker as
15 defined in this subsection, if the employee's injury or
16 occupational disease resulted from exposure to and contraction
17 of COVID-19, the exposure and contraction shall be rebuttably
18 presumed to have arisen out of and in the course of the
19 employee's first responder or front-line worker employment and
20 the injury or occupational disease shall be rebuttably presumed
21 to be causally connected to the hazards or exposures of the
22 employee's first responder or front-line worker employment.

23 (2) The term "COVID-19 first responder or front-line
24 worker" means: all individuals employed as police, fire
25 personnel, emergency medical technicians, or paramedics; all
26 individuals employed and considered as first responders; all

1 workers for health care providers, including nursing homes and
2 rehabilitation facilities and home care workers; corrections
3 officers; and any individuals employed by essential businesses
4 and operations as defined in Executive Order 2020-10 dated
5 March 20, 2020, as long as individuals employed by essential
6 businesses and operations are required by their employment to
7 encounter members of the general public or to work in
8 employment locations of more than 15 employees. For purposes of
9 this subsection only, an employee's home or place of residence
10 is not a place of employment, except for home care workers.

11 (3) The presumption created in this subsection may be
12 rebutted by evidence, including, but not limited to, the
13 following:

14 (A) the employee was working from his or her home, on
15 leave from his or her employment, or some combination
16 thereof, for a period of 14 or more consecutive days
17 immediately prior to the employee's injury, occupational
18 disease, or period of incapacity resulted from exposure to
19 COVID-19; or

20 (B) the employer was engaging in and applying to the
21 fullest extent possible or enforcing to the best of its
22 ability industry-specific workplace sanitation, social
23 distancing, and health and safety practices based on
24 updated guidance issued by the Centers for Disease Control
25 and Prevention or Illinois Department of Public Health or
26 was using a combination of administrative controls,

1 engineering controls, or personal protective equipment to
2 reduce the transmission of COVID-19 to all employees for at
3 least 14 consecutive days prior to the employee's injury,
4 occupational disease, or period of incapacity resulting
5 from exposure to COVID-19. For purposes of this subsection,
6 "updated" means the guidance in effect at least 14 days
7 prior to the COVID-19 diagnosis. For purposes of this
8 subsection, "personal protective equipment" means
9 industry-specific equipment worn to minimize exposure to
10 hazards that cause illnesses or serious injuries, which may
11 result from contact with biological, chemical,
12 radiological, physical, electrical, mechanical, or other
13 workplace hazards. "Personal protective equipment"
14 includes, but is not limited to, items such as face
15 coverings, gloves, safety glasses, safety face shields,
16 barriers, shoes, earplugs or muffs, hard hats,
17 respirators, coveralls, vests, and full body suits; or

18 (C) the employee was exposed to COVID-19 by an
19 alternate source.

20 (4) The rebuttable presumption created in this subsection
21 applies to all cases tried after June 5, 2020 (the effective
22 date of Public Act 101-633) ~~this amendatory Act of the 101st~~
23 ~~General Assembly~~ and in which the diagnosis of COVID-19 was
24 made on or after March 9, 2020 and on or before June 30, 2021
25 (including the period between December 31, 2020 and the
26 effective date of this amendatory Act of the 101st General

1 Assembly) ~~December 31, 2020.~~

2 (5) Under no circumstances shall any COVID-19 case increase
3 or affect any employer's workers' compensation insurance
4 experience rating or modification, but COVID-19 costs may be
5 included in determining overall State loss costs.

6 (6) In order for the presumption created in this subsection
7 to apply at trial, for COVID-19 diagnoses occurring on or
8 before June 15, 2020, an employee must provide a confirmed
9 medical diagnosis by a licensed medical practitioner or a
10 positive laboratory test for COVID-19 or for COVID-19
11 antibodies; for COVID-19 diagnoses occurring after June 15,
12 2020, an employee must provide a positive laboratory test for
13 COVID-19 or for COVID-19 antibodies.

14 (7) The presumption created in this subsection does not
15 apply if the employee's place of employment was solely the
16 employee's home or residence for a period of 14 or more
17 consecutive days immediately prior to the employee's injury,
18 occupational disease, or period of incapacity resulted from
19 exposure to COVID-19.

20 (8) The date of injury or the beginning of the employee's
21 occupational disease or period of disability is either the date
22 that the employee was unable to work due to contraction of
23 COVID-19 or was unable to work due to symptoms that were later
24 diagnosed as COVID-19, whichever came first.

25 (9) An employee who contracts COVID-19, but fails to
26 establish the rebuttable presumption is not precluded from

1 filing for compensation under this Act or under the Workers'
2 Compensation Act.

3 (10) To qualify for temporary total disability benefits
4 under the presumption created in this subsection, the employee
5 must be certified for or recertified for temporary disability.

6 (11) An employer is entitled to a credit against any
7 liability for temporary total disability due to an employee as
8 a result of the employee contracting COVID-19 for (A) any sick
9 leave benefits or extended salary benefits paid to the employee
10 by the employer under Emergency Family Medical Leave Expansion
11 Act, Emergency Paid Sick Leave Act of the Families First
12 Coronavirus Response Act, or any other federal law, or (B) any
13 other credit to which an employer is entitled under the
14 Workers' Compensation Act.

15 (Source: P.A. 101-633, eff. 6-5-20.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.44 as follows:

18 (30 ILCS 805/8.44 new)

19 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 101st General Assembly.

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.".