

1 AN ACT concerning employment.

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

22 (b) Whenever an eligible employee suffers any injury in the
23 line of duty which causes him to be unable to perform his

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

17 (b-5) Upon the occurrence of circumstances, directly or
18 indirectly attributable to COVID-19, occurring on or after
19 March 9, 2020 and on or before June 30, 2021 (including the
20 period between December 31, 2020 and the effective date of this
21 amendatory Act of the 101st General Assembly) ~~December 31, 2020~~
22 which would hinder the physical recovery from an injury of an
23 eligible employee within the one-year period as required under
24 subsection (b), the eligible employee shall be entitled to an
25 extension of no longer than 60 days by which he or she shall
26 continue to be paid by the employing public entity on the same

1 basis as he or she was paid before the injury. The employing
2 public entity may require proof of the circumstances hindering
3 an eligible employee's physical recovery before granting the
4 extension provided under this subsection (b-5).

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

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

24 (e) Any employee of the State of Illinois, as defined in
25 Section 14-103.05 of the Illinois Pension Code, who becomes
26 permanently unable to perform the duties of such employment due

1 to an injury received in the active performance of his duties
2 as a State employee as a result of a willful act of violence by
3 another employee of the State of Illinois, as so defined,
4 committed during such other employee's course of employment and
5 after January 1, 1988, shall be eligible for benefits pursuant
6 to the provisions of this Section. For purposes of this
7 Section, permanent disability is defined as a diagnosis or
8 prognosis of an inability to return to current job duties by a
9 physician licensed to practice medicine in all of its branches.

10 (f) The compensation and other benefits provided to
11 part-time employees covered by this Section shall be calculated
12 based on the percentage of time the part-time employee was
13 scheduled to work pursuant to his or her status as a part-time
14 employee.

15 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
16 Article VII of the Illinois Constitution, this Act specifically
17 denies and limits the exercise by home rule units of any power
18 which is inconsistent herewith, and all existing laws and
19 ordinances which are inconsistent herewith are hereby
20 superseded. This Act does not preempt the concurrent exercise
21 by home rule units of powers consistent herewith.

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

24 (h) In those cases where the injury to a State employee for
25 which a benefit is payable under this Act was caused under
26 circumstances creating a legal liability for damages on the

1 part of some person other than the State employer, all of the
2 rights and privileges, including the right to notice of suit
3 brought against such other person and the right to commence or
4 join in such suit, as given the employer, together with the
5 conditions or obligations imposed under paragraph (b) of
6 Section 5 of the Workers' Compensation Act, are also given and
7 granted to the State, to the end that, with respect to State
8 employees only, the State may be paid or reimbursed for the
9 amount of benefit paid or to be paid by the State to the
10 injured employee or his or her personal representative out of
11 any judgment, settlement, or payment for such injury obtained
12 by such injured employee or his or her personal representative
13 from such other person by virtue of the injury.

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

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

17 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)

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

20 (a) Beginning January 1, 1986, and without regard to
21 whether or not the annuity in question began before that date,
22 if the annuity for the widow of a policeman whose death, on or
23 after January 1, 1940, results from injury incurred in the
24 performance of an act or acts of duty, is not equal to the sum

1 hereinafter stated, "compensation annuity" equal to the
2 difference between the annuity and an amount equal to 75% of
3 the policeman's salary attached to the position he held by
4 certification and appointment as a result of competitive civil
5 service examination that would ordinarily have been paid to him
6 as though he were in active discharge of his duties shall be
7 payable to the widow until the policeman, had he lived, would
8 have attained age 63. The total amount of the widow's annuity
9 and children's awards payable to the family of such policeman
10 shall not exceed the amounts stated in Section 5-152.

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

1 for a period of 14 or more consecutive days immediately prior
2 to the date of contraction of COVID-19. For the purposes of
3 determining when a policeman contracted COVID-19 under this
4 paragraph, the date of contraction is either the date that the
5 policeman was diagnosed with COVID-19 or was unable to work due
6 to symptoms that were later diagnosed as COVID-19, whichever
7 occurred first.

8 The provisions of this Section, as amended by Public Act
9 84-1104, including the reference to the date upon which the
10 deceased policeman would have attained age 63, shall apply to
11 all widows of policemen whose death occurs on or after January
12 1, 1940 due to injury incurred in the performance of an act of
13 duty, regardless of whether such death occurred prior to
14 September 17, 1969. For those widows of policemen that died
15 prior to September 17, 1969, who became eligible for
16 compensation annuity by the action of Public Act 84-1104, such
17 compensation annuity shall begin and be calculated from January
18 1, 1986. The provisions of this amendatory Act of 1987 are
19 intended to restate and clarify the intent of Public Act
20 84-1104, and do not make any substantive change.

21 (b) Upon termination of the compensation annuity,
22 "supplemental annuity" shall become payable to the widow, equal
23 to the difference between the annuity for the widow and an
24 amount equal to 75% of the annual salary (including all salary
25 increases and longevity raises) that the policeman would have
26 been receiving when he attained age 63 if the policeman had

1 continued in service at the same rank (whether career service
2 or exempt) that he last held in the police department. The
3 increase in supplemental annuity resulting from this
4 amendatory Act of the 92nd General Assembly applies without
5 regard to whether the deceased policeman was in service on or
6 after the effective date of this amendatory Act and is payable
7 from July 1, 2002 or the date upon which the supplemental
8 annuity begins, whichever is later.

9 (c) Neither compensation nor supplemental annuity shall be
10 paid unless the death of the policeman was a direct result of
11 the injury, or the injury was of such character as to prevent
12 him from subsequently resuming service as a policeman; nor
13 shall compensation or supplemental annuity be paid unless the
14 widow was the wife of the policeman when the injury occurred.

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

16 (40 ILCS 5/5-153) (from Ch. 108 1/2, par. 5-153)

17 Sec. 5-153. Death benefit.

18 (a) Effective January 1, 1962, an ordinary death benefit is
19 payable on account of any policeman in service and in receipt
20 of salary on or after such date, which benefit is in addition
21 to all other annuities and benefits herein provided. This
22 benefit is payable upon death of a policeman:

23 (1) occurring in active service while in receipt of
24 salary;

25 (2) on an authorized and approved leave of absence,

1 without salary, beginning on or after January 1, 1962, if
2 the death occurs within 60 days from the date the employee
3 was in receipt of salary; or otherwise in the service and
4 not separated by resignation or discharge beginning
5 January 1, 1962 if death occurs before his resignation or
6 discharge from the service;

7 (3) receiving duty disability or ordinary disability
8 benefit;

9 (4) occurring within 60 days from the date of
10 termination of duty disability or ordinary disability
11 benefit payments if re-entry into service had not occurred;
12 or

13 (5) occurring on retirement and while in receipt of an
14 age and service annuity, Tier 2 monthly retirement annuity,
15 or prior service annuity; provided (a) retirement on such
16 annuity occurred on or after January 1, 1962, and (b) such
17 separation from service was effective on or after the
18 policeman's attainment of age 50, and (c) application for
19 such annuity was made within 60 days after separation from
20 service.

21 (b) The ordinary death benefit is payable to such
22 beneficiary or beneficiaries as the policeman has nominated by
23 written direction duly signed and acknowledged before an
24 officer authorized to take acknowledgments, and filed with the
25 board. If no such written direction has been filed or if the
26 designated beneficiaries do not survive the policeman, payment

1 of the benefit shall be made to his estate.

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

14 Until December 31, 1977, if the policeman's death occurs
15 while he is in receipt of an annuity, the benefit is \$2,000 if
16 retirement was effective upon attainment of age 55 or greater.
17 If the policeman retired at age 50 or over and before age 55,
18 the benefit of \$2,000 shall be reduced \$100 for each year or
19 fraction of a year that the policeman's age at retirement was
20 less than age 55 to a minimum payment of \$1,500.

21 After December 31, 1977, and on or before January 1, 1986,
22 if death occurs prior to retirement on annuity and before the
23 policeman's attainment of age 50, the amount of the benefit
24 payable is \$7,000. If death occurs prior to retirement, at age
25 50 or over, the benefit of \$7,000 shall be reduced \$400 for
26 each year (commencing on the policeman's attainment of age 50,

1 and thereafter on each succeeding birthdate) that the
2 policeman's age, at date of death, is more than age 50, but in
3 no event below the amount of \$3,000. However, if death results
4 from injury incurred in the performance of an act or acts of
5 duty, prior to retirement on annuity, the amount of the benefit
6 payable is \$7,000 notwithstanding the age attained.

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

15 After January 1, 1986, if death occurs prior to retirement
16 on annuity and before the policeman's attainment of age 50, the
17 amount of benefit payable is \$12,000. If death occurs prior to
18 retirement, at age 50 or over, the benefit of \$12,000 shall be
19 reduced \$400 for each year (commencing on the policeman's
20 attainment of age 50, and thereafter on each succeeding
21 birthdate) that the policeman's age, at date of death, is more
22 than age 50, but in no event below the amount of \$6,000.
23 However, if death results from injury in the performance of an
24 act or acts of duty, prior to retirement on annuity, the amount
25 of benefit payable is \$12,000 notwithstanding the age attained.

26 After January 1, 1986, if the policeman's death occurs

1 while he is in receipt of an annuity, the benefit is \$6,000.

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

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

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

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

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

8 Unless the performance of an act or acts of duty results
9 directly in the death of the fireman, or prevents him from
10 subsequently resuming active service in the fire department,
11 the annuity herein provided shall not be paid; nor shall such
12 annuities be paid unless the widow was the wife of the fireman
13 at the time of the act or acts of duty which resulted in his
14 death.

15 For the purposes of this Section only, the death of any
16 fireman as a result of the exposure to and contraction of
17 COVID-19, as evidenced by either (i) a confirmed positive
18 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
19 confirmed diagnosis of COVID-19 from a licensed medical
20 professional, shall be rebuttably presumed to have been
21 contracted while in the performance of an act or acts of duty
22 and the fireman shall be rebuttably presumed to have been
23 fatally injured while in active service. The presumption shall
24 apply to any fireman who was exposed to and contracted COVID-19
25 on or after March 9, 2020 and on or before June 30, 2021
26 (including the period between December 31, 2020 and the

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

12 (b) The changes made to this Section by this amendatory Act
13 of the 92nd General Assembly apply without regard to whether
14 the deceased fireman was in service on or after the effective
15 date of this amendatory Act. In the case of a widow receiving
16 an annuity under this Section that has been reduced to 40% of
17 current salary because the fireman, had he lived, would have
18 attained the age prescribed for compulsory retirement, the
19 annuity shall be restored to the amount provided in subsection
20 (a), with the increase beginning to accrue on the later of
21 January 1, 2001 or the day the annuity first became payable.

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

23 (40 ILCS 5/6-150) (from Ch. 108 1/2, par. 6-150)

24 Sec. 6-150. Death benefit.

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

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

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

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

12 (3) receiving duty, occupational disease, or ordinary
13 disability benefit;

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

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

26 (b) The ordinary death benefit shall be payable to such

1 beneficiary or beneficiaries as the fireman has nominated by
2 written direction duly signed and acknowledged before an
3 officer authorized to take acknowledgments, and filed with the
4 board. If no such written direction has been filed or if the
5 designated beneficiaries do not survive the fireman, payment of
6 the benefit shall be made to his estate.

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

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

18 (d) For the purposes of this Section only, the death of any
19 fireman 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 fireman shall be rebuttably presumed to have been
26 fatally injured while in active service. The presumption shall

1 apply to any fireman who was exposed to and contracted COVID-19
2 on or after March 9, 2020 and on or before June 30, 2021
3 (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 fireman was on a leave of absence from his or
7 her employment or otherwise not required to report for duty for
8 a period of 14 or more consecutive days immediately prior to
9 the date of contraction of COVID-19. For the purposes of
10 determining when a fireman contracted COVID-19 under this
11 subsection, the date of contraction is either the date that the
12 fireman 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 (Source: P.A. 101-633, eff. 6-5-20.)

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

18 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

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

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

23 1. The State and each county, city, town, township,
24 incorporated village, school district, body politic, or

1 municipal corporation therein.

2 2. Every person, firm, public or private corporation,
3 including hospitals, public service, eleemosynary,
4 religious or charitable corporations or associations, who
5 has any person in service or under any contract for hire,
6 express or implied, oral or written.

7 3. Where an employer operating under and subject to the
8 provisions of this Act loans an employee to another such
9 employer and such loaned employee sustains a compensable
10 occupational disease in the employment of such borrowing
11 employer and where such borrowing employer does not provide
12 or pay the benefits or payments due such employee, such
13 loaning employer shall be liable to provide or pay all
14 benefits or payments due such employee under this Act and
15 as to such employee the liability of such loaning and
16 borrowing employers shall be joint and several, provided
17 that such loaning employer shall in the absence of
18 agreement to the contrary be entitled to receive from such
19 borrowing employer full reimbursement for all sums paid or
20 incurred pursuant to this paragraph together with
21 reasonable attorneys' fees and expenses in any hearings
22 before the Illinois Workers' Compensation Commission or in
23 any action to secure such reimbursement. Where any benefit
24 is provided or paid by such loaning employer, the employee
25 shall have the duty of rendering reasonable co-operation in
26 any hearings, trials or proceedings in the case, including

1 such proceedings for reimbursement.

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

16 An employer whose business or enterprise or a
17 substantial part thereof consists of hiring, procuring or
18 furnishing employees to or for other employers operating
19 under and subject to the provisions of this Act for the
20 performance of the work of such other employers and who
21 pays such employees their salary or wage notwithstanding
22 that they are doing the work of such other employers shall
23 be deemed a loaning employer within the meaning and
24 provisions of this Section.

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

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

21 2. Every person in the service of another under any
22 contract of hire, express or implied, oral or written, who
23 contracts an occupational disease while working in the
24 State of Illinois, or who contracts an occupational disease
25 while working outside of the State of Illinois but where
26 the contract of hire is made within the State of Illinois,

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

16 (c) "Commission" means the Illinois Workers' Compensation
17 Commission created by the Workers' Compensation Act, approved
18 July 9, 1951, as amended.

19 (d) In this Act the term "Occupational Disease" means a
20 disease arising out of and in the course of the employment or
21 which has become aggravated and rendered disabling as a result
22 of the exposure of the employment. Such aggravation shall arise
23 out of a risk peculiar to or increased by the employment and
24 not common to the general public.

25 A disease shall be deemed to arise out of the employment if
26 there is apparent to the rational mind, upon consideration of

1 all the circumstances, a causal connection between the
2 conditions under which the work is performed and the
3 occupational disease. The disease need not to have been
4 foreseen or expected but after its contraction it must appear
5 to have had its origin or aggravation in a risk connected with
6 the employment and to have flowed from that source as a
7 rational consequence.

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

19 Any injury to or disease or death of an employee arising
20 from the administration of a vaccine, including without
21 limitation smallpox vaccine, to prepare for, or as a response
22 to, a threatened or potential bioterrorist incident to the
23 employee as part of a voluntary inoculation program in
24 connection with the person's employment or in connection with
25 any governmental program or recommendation for the inoculation
26 of workers in the employee's occupation, geographical area, or

1 other category that includes the employee is deemed to arise
2 out of and in the course of the employment for all purposes
3 under this Act. This paragraph added by Public Act 93-829 is
4 declarative of existing law and is not a new enactment.

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

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

24 Any condition or impairment of health of an employee
25 employed as a firefighter, emergency medical technician (EMT),
26 emergency medical technician-intermediate (EMT-I), advanced

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

1 amendatory Act of the 98th General Assembly shall be narrowly
2 construed. The Finding and Decision of the Illinois Workers'
3 Compensation Commission under only the rebuttable presumption
4 provision of this paragraph shall not be admissible or be
5 deemed res judicata in any disability claim under the Illinois
6 Pension Code arising out of the same medical condition;
7 however, this sentence makes no change to the law set forth in
8 *Krohe v. City of Bloomington*, 204 Ill.2d 392.

9 The insurance carrier liable shall be the carrier whose
10 policy was in effect covering the employer liable on the last
11 day of the exposure rendering such employer liable in
12 accordance with the provisions of this Act.

13 (e) "Disablement" means an impairment or partial
14 impairment, temporary or permanent, in the function of the body
15 or any of the members of the body, or the event of becoming
16 disabled from earning full wages at the work in which the
17 employee was engaged when last exposed to the hazards of the
18 occupational disease by the employer from whom he or she claims
19 compensation, or equal wages in other suitable employment; and
20 "disability" means the state of being so incapacitated.

21 (f) No compensation shall be payable for or on account of
22 any occupational disease unless disablement, as herein
23 defined, occurs within two years after the last day of the last
24 exposure to the hazards of the disease, except in cases of
25 occupational disease caused by berylliosis or by the inhalation
26 of silica dust or asbestos dust and, in such cases, within 3

1 years after the last day of the last exposure to the hazards of
2 such disease and except in the case of occupational disease
3 caused by exposure to radiological materials or equipment, and
4 in such case, within 25 years after the last day of last
5 exposure to the hazards of such disease.

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

16 (2) The term "COVID-19 first responder or front-line
17 worker" means: all individuals employed as police, fire
18 personnel, emergency medical technicians, or paramedics; all
19 individuals employed and considered as first responders; all
20 workers for health care providers, including nursing homes and
21 rehabilitation facilities and home care workers; corrections
22 officers; and any individuals employed by essential businesses
23 and operations as defined in Executive Order 2020-10 dated
24 March 20, 2020, as long as individuals employed by essential
25 businesses and operations are required by their employment to
26 encounter members of the general public or to work in

1 employment locations of more than 15 employees. For purposes of
2 this subsection only, an employee's home or place of residence
3 is not a place of employment, except for home care workers.

4 (3) The presumption created in this subsection may be
5 rebutted by evidence, including, but not limited to, the
6 following:

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

13 (B) the employer was engaging in and applying to the
14 fullest extent possible or enforcing to the best of its
15 ability industry-specific workplace sanitation, social
16 distancing, and health and safety practices based on
17 updated guidance issued by the Centers for Disease Control
18 and Prevention or Illinois Department of Public Health or
19 was using a combination of administrative controls,
20 engineering controls, or personal protective equipment to
21 reduce the transmission of COVID-19 to all employees for at
22 least 14 consecutive days prior to the employee's injury,
23 occupational disease, or period of incapacity resulting
24 from exposure to COVID-19. For purposes of this subsection,
25 "updated" means the guidance in effect at least 14 days
26 prior to the COVID-19 diagnosis. For purposes of this

1 subsection, "personal protective equipment" means
2 industry-specific equipment worn to minimize exposure to
3 hazards that cause illnesses or serious injuries, which may
4 result from contact with biological, chemical,
5 radiological, physical, electrical, mechanical, or other
6 workplace hazards. "Personal protective equipment"
7 includes, but is not limited to, items such as face
8 coverings, gloves, safety glasses, safety face shields,
9 barriers, shoes, earplugs or muffs, hard hats,
10 respirators, coveralls, vests, and full body suits; or

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

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

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

25 (6) In order for the presumption created in this subsection
26 to apply at trial, for COVID-19 diagnoses occurring on or

1 before June 15, 2020, an employee must provide a confirmed
2 medical diagnosis by a licensed medical practitioner or a
3 positive laboratory test for COVID-19 or for COVID-19
4 antibodies; for COVID-19 diagnoses occurring after June 15,
5 2020, an employee must provide a positive laboratory test for
6 COVID-19 or for COVID-19 antibodies.

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

13 (8) The date of injury or the beginning of the employee's
14 occupational disease or period of disability is either the date
15 that the employee was unable to work due to contraction of
16 COVID-19 or was unable to work due to symptoms that were later
17 diagnosed as COVID-19, whichever came first.

18 (9) An employee who contracts COVID-19, but fails to
19 establish the rebuttable presumption is not precluded from
20 filing for compensation under this Act or under the Workers'
21 Compensation Act.

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

25 (11) An employer is entitled to a credit against any
26 liability for temporary total disability due to an employee as

1 a result of the employee contracting COVID-19 for (A) any sick
2 leave benefits or extended salary benefits paid to the employee
3 by the employer under Emergency Family Medical Leave Expansion
4 Act, Emergency Paid Sick Leave Act of the Families First
5 Coronavirus Response Act, or any other federal law, or (B) any
6 other credit to which an employer is entitled under the
7 Workers' Compensation Act.

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

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.44 as follows:

11 (30 ILCS 805/8.44 new)

12 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8
13 of this Act, no reimbursement by the State is required for the
14 implementation of any mandate created by this amendatory Act of
15 the 101st General Assembly.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.