



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB1744

Introduced 2/17/2021, by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/8-151

from Ch. 108 1/2, par. 8-151

30 ILCS 805/8.45 new

Amends the Chicago Municipal Article of the Illinois Pension Code. Provides that unless the performance of an act or acts of duty results solely in the death of the employee, a compensation annuity or supplemental annuity shall not be paid. Provides that the death of any employee as a result of the exposure to and contraction of COVID-19, as evidenced by either (i) a confirmed positive laboratory test for COVID-19 or COVID-19 antibodies or (ii) a confirmed diagnosis of COVID-19 from a licensed medical professional, shall be rebuttably presumed to have been contracted while in the performance of an act or acts of duty and the employee shall be rebuttably presumed to have been fatally injured while in active service. Provides that the presumption shall apply to any employee who was exposed to and contracted COVID-19 on or after March 9, 2020 and on or before June 30, 2021. Provides that the presumption shall not apply if the employee was on a leave of absence from his or her employment or otherwise not required to report for duty at the physical work space generally assigned to the employee, including, but not limited to, working remotely, for a period of 14 or more consecutive days immediately prior to the date of contraction of COVID-19. Makes other changes. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB102 11532 RPS 16866 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by  
5 changing Section 8-151 as follows:

6 (40 ILCS 5/8-151) (from Ch. 108 1/2, par. 8-151)

7 Sec. 8-151. Compensation annuity and supplemental annuity.

8 When annuity otherwise provided in this Article for the  
9 widow of an employee whose death results solely from injury  
10 incurred in the performance of an act of duty is less than 60%  
11 of his salary in effect at the time of the injury,  
12 "Compensation Annuity" equal to the difference between such  
13 annuity and 60% of such salary, shall be payable to her until  
14 the date when the employee, if alive, would have attained age  
15 65; and in any case where the employee's death is only partly  
16 due to the duty incurred injury, the "Compensation Annuity"  
17 shall be based on an amount equal to 40% of such salary.

18 Thereafter, the widow shall be entitled to "Supplemental  
19 Annuity" equal to the difference between the annuity otherwise  
20 provided in this Article and the annuity to which she would be  
21 entitled if the employee had lived and continued in the  
22 service at the salary in effect at the date of the injury until  
23 he attained age 65, and based upon her age as it would be on

1 the date he would have attained 65.

2 "Compensation" or "Supplemental Annuity" shall not be  
3 payable unless the widow was the wife of the employee when the  
4 injury was incurred.

5 The city shall contribute to the fund each year the amount  
6 required for all compensation annuities payable during any  
7 such year. Supplemental Annuity shall be provided from city  
8 contributions after the date of the employee's death of such  
9 equal sums annually which when improved by interest at the  
10 effective rate, will be sufficient, at the time payment of  
11 Compensation Annuity to the widow ceases to provide  
12 Supplemental Annuity, as stated, for the widow throughout her  
13 life thereafter.

14 Unless the performance of an act or acts of duty results  
15 solely in the death of the employee, the annuity provided in  
16 this Section shall not be paid. For the purposes of this  
17 Section only, the death of any employee as a result of the  
18 exposure to and contraction of COVID-19, as evidenced by  
19 either (i) a confirmed positive laboratory test for COVID-19  
20 or COVID-19 antibodies or (ii) a confirmed diagnosis of  
21 COVID-19 from a licensed medical professional, shall be  
22 rebuttably presumed to have been contracted while in the  
23 performance of an act or acts of duty and the employee shall be  
24 rebuttably presumed to have been fatally injured while in  
25 active service. The presumption shall apply to any employee  
26 who was exposed to and contracted COVID-19 on or after March 9,

1 2020 and on or before June 30, 2021; except that the  
2 presumption shall not apply if the employee was on a leave of  
3 absence from his or her employment or otherwise not required  
4 to report for duty at the physical work space generally  
5 assigned to the employee, including, but not limited to,  
6 working remotely, for a period of 14 or more consecutive days  
7 immediately prior to the date of contraction of COVID-19. For  
8 the purposes of determining when an employee contracted  
9 COVID-19 under this paragraph, the date of contraction is  
10 either the date that the employee was diagnosed with COVID-19  
11 or was unable to work due to symptoms that were later diagnosed  
12 as COVID-19, whichever occurred first.

13 (Source: Laws 1963, p. 161.)

14 Section 90. The State Mandates Act is amended by adding  
15 Section 8.45 as follows:

16 (30 ILCS 805/8.45 new)

17 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and  
18 8 of this Act, no reimbursement by the State is required for  
19 the implementation of any mandate created by this amendatory  
20 Act of the 102nd General Assembly.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.