

SB3197



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3197

Introduced 1/13/2022, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

820 ILCS 320/3
820 ILCS 320/10
820 ILCS 320/15
820 ILCS 320/17
820 ILCS 320/20
820 ILCS 320/25 new

Amends the Public Safety Employee Benefits Act. Provides that caseworkers employed by the Department of Children and Family Services are covered by the provisions of the Act. Provides that the changes made by the amendatory Act shall apply retroactively to one year before the effective date of the amendatory Act. Effective immediately.

LRB102 25208 SPS 34478 b

A BILL FOR

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 Safety Employee Benefits Act is
5 amended by changing Sections 3, 10, 15, 17, and 20 and by
6 adding Section 25 as follows:

7 (820 ILCS 320/3)

8 Sec. 3. Definitions ~~Definition~~. As used in this Act:

9 "Caseworker" means an employee of the Department of
10 Children and Family Services who is assigned case management
11 duties concerning a child or person under the care and legal
12 custody of the Department.

13 "Firefighter" ~~For the purposes of this Act, the term~~
14 ~~"firefighter"~~ includes, without limitation, a licensed
15 emergency medical technician (EMT) who is a sworn member of a
16 public fire department, a paramedic employed by a unit of
17 local government, or an EMT, emergency medical
18 technician-intermediate (EMT-I), or advanced emergency medical
19 technician (A-EMT) employed by a unit of local government.

20 "Health ~~For the purposes of this Act, the term "health~~
21 insurance plan" is limited to the insurance plan options that
22 are codified in the employee's collective bargaining
23 agreement. If the collective bargaining agreement is silent on

1 plan options, the available plans for the employee shall be
2 negotiated with the authorized representative and subject to
3 the grievance process.

4 (Source: P.A. 102-439, eff. 1-1-22.)

5 (820 ILCS 320/10)

6 Sec. 10. Required health coverage benefits.

7 (a) An employer who employs a full-time law enforcement,
8 correctional or correctional probation officer, ~~or~~
9 firefighter, or caseworker, who, on or after the effective
10 date of this Act suffers a catastrophic injury or is killed in
11 the line of duty shall pay the entire premium of the employer's
12 health insurance plan for the injured employee, the injured
13 employee's spouse, and for each dependent child of the injured
14 employee until the child reaches the age of majority or until
15 the end of the calendar year in which the child reaches the age
16 of 25 if the child continues to be dependent for support or the
17 child is a full-time or part-time student and is dependent for
18 support. The term "health insurance plan" does not include
19 supplemental benefits that are not part of the basic group
20 health insurance plan. If the injured employee subsequently
21 dies, the employer shall continue to pay the entire health
22 insurance premium for the surviving spouse until remarried and
23 for the dependent children under the conditions established in
24 this Section. However:

25 (1) Health insurance benefits payable from any other

1 source shall reduce benefits payable under this Section.

2 (2) It is unlawful for a person to willfully and
3 knowingly make, or cause to be made, or to assist,
4 conspire with, or urge another to make, or cause to be
5 made, any false, fraudulent, or misleading oral or written
6 statement to obtain health insurance coverage as provided
7 under this Section. A violation of this item is a Class A
8 misdemeanor.

9 (3) Upon conviction for a violation described in item
10 (2), a law enforcement, correctional or correctional
11 probation officer, or other beneficiary who receives or
12 seeks to receive health insurance benefits under this
13 Section shall forfeit the right to receive health
14 insurance benefits and shall reimburse the employer for
15 all benefits paid due to the fraud or other prohibited
16 activity. For purposes of this item, "conviction" means a
17 determination of guilt that is the result of a plea or
18 trial, regardless of whether adjudication is withheld.

19 (b) In order for the law enforcement, correctional or
20 correctional probation officer, firefighter, caseworker,
21 spouse, or dependent children to be eligible for insurance
22 coverage under this Act, the injury or death must have
23 occurred as the result of the officer's response to fresh
24 pursuit, the officer, caseworker, or firefighter's response to
25 what is reasonably believed to be an emergency, an unlawful
26 act perpetrated by another, or during the investigation of a

1 criminal act. Nothing in this Section shall be construed to
2 limit health insurance coverage or pension benefits for which
3 the officer, firefighter, caseworker, spouse, or dependent
4 children may otherwise be eligible.

5 (Source: P.A. 90-535, eff. 11-14-97.)

6 (820 ILCS 320/15)

7 Sec. 15. Required educational benefits. If a firefighter,
8 law enforcement, or correctional or correctional probation
9 officer, or caseworker is accidentally or unlawfully and
10 intentionally killed as specified in subsection (b) of Section
11 10 on or after July 1, 1980, the State shall waive certain
12 educational expenses which children of the deceased incur
13 while obtaining a vocational-technical certificate or an
14 undergraduate education at a State supported institution. The
15 amount waived by the State shall be an amount equal to the cost
16 of tuition and matriculation and registration fees for a total
17 of 120 credit hours. The child may attend a State
18 vocational-technical school, a public community college, or a
19 State university. The child may attend any or all of the
20 institutions specified in this Section, on either a full-time
21 or part-time basis. The benefits provided under this Section
22 shall continue to the child until the child's 25th birthday.

23 (1) Upon failure of any child benefited by the
24 provisions of this Section to comply with the ordinary and
25 minimum requirements of the institution attended, both as

1 to discipline and scholarship, the benefits shall be
2 withdrawn as to the child and no further moneys may be
3 expended for the child's benefits so long as the failure
4 or delinquency continues.

5 (2) Only a student in good standing in his or her
6 respective institution may receive the benefits under this
7 Section.

8 (3) A child receiving benefits under this Section must
9 be enrolled according to the customary rules and
10 requirements of the institution attended.

11 (Source: P.A. 92-651, eff. 7-11-02.)

12 (820 ILCS 320/17)

13 Sec. 17. Reporting forms.

14 (a) A person who qualified for benefits under subsections
15 (a) and (b) of Section 10 of this Act (hereinafter referred to
16 as "PSEBA recipient") shall be required to file a form with his
17 or her employer as prescribed in this Section. The Commission
18 on Government Forecasting and Accountability (COGFA) shall use
19 the form created in this Act and prescribe the content of the
20 report in cooperation with one statewide labor organization
21 representing police, one statewide law enforcement
22 organization, one statewide labor organization representing
23 firefighters employed by at least 100 municipalities in this
24 State that is affiliated with the Illinois State Federation of
25 Labor, one statewide labor organization representing

1 correctional officers and parole agents that is affiliated
2 with the Illinois State Federation of Labor, one statewide
3 organization representing municipalities, and one regional
4 organization representing municipalities. COGFA may accept
5 comment from any source, but shall not be required to solicit
6 public comment. Within 60 days after the effective date of
7 this amendatory Act of the 98th General Assembly, COGFA shall
8 remit a copy of the form contained in this subsection to all
9 employers subject to this Act and shall make a copy available
10 on its website.

11 "PSEBA RECIPIENT REPORTING FORM:

12 Under Section 17 of the Public Safety Employee
13 Benefits Act (820 ILCS 320/17), the Commission on
14 Government Forecasting and Accountability (COGFA) is
15 charged with creating and submitting a report to the
16 Governor and the General Assembly setting forth
17 information regarding recipients and benefits payable
18 under the Public Safety Employee Benefits Act (Act). The
19 Act requires employers providing PSEBA benefits to
20 distribute this form to any former peace officer,
21 firefighter, ~~or~~ correctional officer, or caseworker
22 currently in receipt of PSEBA benefits.

23 The responses to the questions below will be used by
24 COGFA to compile information regarding the PSEBA benefit
25 for its report. The Act prohibits the release of any

1 personal information concerning the PSEBA recipient and
2 exempts the reported information from the requirements of
3 the Freedom of Information Act (FOIA).

4 The Act requires the PSEBA recipient to complete this
5 form and submit it to the employer providing PSEBA
6 benefits within 60 days of receipt. If the PSEBA recipient
7 fails to submit this form within 60 days of receipt, the
8 employer is required to notify the PSEBA recipient of
9 non-compliance and provide an additional 30 days to submit
10 the required form. Failure to submit the form in a timely
11 manner will result in the PSEBA recipient incurring
12 responsibility for reimbursing the employer for premiums
13 paid during the period the form is due and not filed.

- 14 (1) PSEBA recipient's name:
15 (2) PSEBA recipient's date of birth:
16 (3) Name of the employer providing PSEBA benefits:
17 (4) Date the PSEBA benefit first became payable:
18 (5) What was the medical diagnosis of the injury
19 that qualified you for the PSEBA benefit?
20 (6) Are you currently employed with compensation?
21 (7) If so, what is the name(s) of your current
22 employer(s)?
23 (8) Are you or your spouse enrolled in a health
24 insurance plan provided by your current employer or
25 another source?
26 (9) Have you or your spouse been offered or

1 provided access to health insurance from your current
2 employer(s)?

3 If you answered yes to question 8 or 9, please provide
4 the name of the employer, the name of the insurance
5 provider(s), and a general description of the type(s) of
6 insurance offered (HMO, PPO, HSA, etc.):

7 (10) Are you or your spouse enrolled in a health
8 insurance plan provided by a current employer of your
9 spouse?

10 (11) Have you or your spouse been offered or
11 provided access to health insurance provided by a
12 current employer of your spouse?

13 If you answered yes to question 10 or 11, please
14 provide the name of the employer, the name of the
15 insurance provider, and a general description of the type
16 of insurance offered (HMO, PPO, HSA, etc.) by an employer
17 of your spouse:"

18 COGFA shall notify an employer of its obligation to notify
19 any PSEBA recipient receiving benefits under this Act of that
20 recipient's obligation to file a report under this Section. A
21 PSEBA recipient receiving benefits under this Act must
22 complete and return this form to the employer within 60 days of
23 receipt of such form. Any PSEBA recipient who has been given
24 notice as provided under this Section and who fails to timely
25 file a report under this Section within 60 days after receipt

1 of this form shall be notified by the employer that he or she
2 has 30 days to submit the report or risk incurring the cost of
3 his or her benefits provided under this Act. An employer may
4 seek reimbursement for premium payments for a PSEBA recipient
5 who fails to file this report with the employer 30 days after
6 receiving this notice. The PSEBA recipient is responsible for
7 reimbursing the employer for premiums paid during the period
8 the report is due and not filed. Employers shall return this
9 form to COGFA within 30 days after receiving the form from the
10 PSEBA recipient.

11 Any information collected by the employer under this
12 Section shall be exempt from the requirements of the Freedom
13 of Information Act except for data collected in the aggregate
14 that does not reveal any personal information concerning the
15 PSEBA recipient.

16 By July 1 of every even-numbered year, beginning in 2016,
17 employers subject to this Act must send the form contained in
18 this subsection to all PSEBA recipients eligible for benefits
19 under this Act. The PSEBA recipient must complete and return
20 this form by September 1 of that year. Any PSEBA recipient who
21 has been given notice as provided under this Section and who
22 fails to timely file a completed form under this Section
23 within 60 days after receipt of this form shall be notified by
24 the employer that he or she has 30 days to submit the form or
25 risk incurring the costs of his or her benefits provided under
26 this Act. The PSEBA recipient is responsible for reimbursing

1 the employer for premiums paid during the period the report is
2 due and not filed. The employer shall resume premium payments
3 upon receipt of the completed form. Employers shall return
4 this form to COGFA within 30 days after receiving the form from
5 the PSEBA recipient.

6 (b) An employer subject to this Act shall complete and
7 file the form contained in this subsection.

8 "EMPLOYER SUBJECT TO PSEBA REPORTING FORM:

9 Under Section 17 of the Public Safety Employee
10 Benefits Act (820 ILCS 320/17), the Commission on
11 Government Forecasting and Accountability (COGFA) is
12 charged with creating and submitting a report to the
13 Governor and General Assembly setting forth information
14 regarding recipients and benefits payable under the Public
15 Safety Employee Benefits Act (Act).

16 The responses to the questions below will be used by
17 COGFA to compile information regarding the PSEBA benefit
18 for its report.

19 The Act requires all employers subject to the PSEBA
20 Act to submit the following information within 120 days
21 after receipt of this form.

22 (1) Name of the employer:

23 (2) The number of PSEBA benefit applications filed
24 under the Act during the reporting period provided in
25 the aggregate and listed individually by name of

1 applicant and date of application:

2 (3) The number of PSEBA benefits and names of
3 PSEBA recipients receiving benefits awarded under the
4 Act during the reporting period provided in the
5 aggregate and listed individually by name of applicant
6 and date of application:

7 (4) The cost of the health insurance premiums paid
8 due to PSEBA benefits awarded under the Act during the
9 reporting period provided in the aggregate and listed
10 individually by name of PSEBA recipient:

11 (5) The number of PSEBA benefit applications filed
12 under the Act since the inception of the Act provided
13 in the aggregate and listed individually by name of
14 applicant and date of application:

15 (6) The number of PSEBA benefits awarded under the
16 Act since the inception of the Act provided in the
17 aggregate and listed individually by name of applicant
18 and date of application:

19 (7) The cost of health insurance premiums paid due
20 to PSEBA benefits awarded under the Act since the
21 inception of the Act provided in the aggregate and
22 listed individually by name of PSEBA recipient:

23 (8) The current annual cost of health insurance
24 premiums paid for PSEBA benefits awarded under the Act
25 provided in the aggregate and listed individually by
26 name of PSEBA recipient:

1 (9) The annual cost of health insurance premiums
2 paid for PSEBA benefits awarded under the Act listed
3 by year since the inception of the Act provided in
4 annual aggregate amounts and listed individually by
5 name of PSEBA recipient:

6 (10) A description of health insurance benefit
7 levels currently provided by the employer to the PSEBA
8 recipient:

9 (11) The total cost of the monthly health
10 insurance premium currently provided to the PSEBA
11 recipient:

12 (12) The other costs of the health insurance
13 benefit currently provided to the PSEBA recipient
14 including, but not limited to:

15 (i) the co-pay requirements of the health
16 insurance policy provided to the PSEBA recipient;

17 (ii) the out-of-pocket deductibles of the
18 health insurance policy provided to the PSEBA
19 recipient;

20 (iii) any pharmaceutical benefits and co-pays
21 provided in the insurance policy; and

22 (iv) any policy limits of the health insurance
23 policy provided to the PSEBA recipient."

24 An employer covered under this Act shall file copies of
25 the PSEBA Recipient Reporting Form and the Employer Subject to

1 the PSEBA Act Reporting Form with COGFA within 120 days after
2 receipt of the Employer Subject to the PSEBA Act Reporting
3 Form.

4 The first form filed with COGFA under this Section shall
5 contain all information required by this Section. All forms
6 filed by the employer thereafter shall set forth the required
7 information for the 24-month period ending on June 30
8 preceding the deadline date for filing the report.

9 Whenever possible, communication between COGFA and
10 employers as required by this Act shall be through electronic
11 means.

12 (c) For the purpose of creating the report required under
13 subsection (d), upon receipt of each PSEBA Benefit Recipient
14 Form, or as soon as reasonably practicable, COGFA shall make a
15 determination of whether the PSEBA benefit recipient or the
16 PSEBA benefit recipient's spouse meets one of the following
17 criteria:

18 (1) the PSEBA benefit recipient or the PSEBA benefit
19 recipient's spouse is receiving health insurance from a
20 current employer, a current employer of his or her spouse,
21 or another source;

22 (2) the PSEBA benefit recipient or the PSEBA benefit
23 recipient's spouse has been offered or provided access to
24 health insurance from a current employer or employers.

25 If one or both of the criteria are met, COGFA shall make
26 the following determinations of the associated costs and

1 benefit levels of health insurance provided or offered to the
2 PSEBA benefit recipient or the PSEBA benefit recipient's
3 spouse:

4 (A) a description of health insurance benefit levels
5 offered to or received by the PSEBA benefit recipient or
6 the PSEBA benefit recipient's spouse from a current
7 employer or a current employer of the PSEBA benefit
8 recipient's spouse;

9 (B) the monthly premium cost of health insurance
10 benefits offered to or received by the PSEBA benefit
11 recipient or the PSEBA benefit recipient's spouse from a
12 current employer or a current employer of the PSEBA
13 benefit recipient's spouse including, but not limited to:

14 (i) the total monthly cost of the health insurance
15 premium;

16 (ii) the monthly amount of the health insurance
17 premium to be paid by the employer;

18 (iii) the monthly amount of the health insurance
19 premium to be paid by the PSEBA benefit recipient or
20 the PSEBA benefit recipient's spouse;

21 (iv) the co-pay requirements of the health
22 insurance policy;

23 (v) the out-of-pocket deductibles of the health
24 insurance policy;

25 (vi) any pharmaceutical benefits and co-pays
26 provided in the insurance policy;

1 (vii) any policy limits of the health insurance
2 policy.

3 COGFA shall summarize the related costs and benefit levels
4 of health insurance provided or available to the PSEBA benefit
5 recipient or the PSEBA benefit recipient's spouse and contrast
6 the results to the cost and benefit levels of health insurance
7 currently provided by the employer subject to this Act. This
8 information shall be included in the report required in
9 subsection (d).

10 (d) By June 1, 2014, and by January 1 of every odd-numbered
11 year thereafter beginning in 2017, COGFA shall submit a report
12 to the Governor and the General Assembly setting forth the
13 information received under subsections (a) and (b). The report
14 shall aggregate data in such a way as to not reveal the
15 identity of any single beneficiary. The requirement for
16 reporting to the General Assembly shall be satisfied by filing
17 copies of the report as required under Section 3.1 of the
18 General Assembly Organization Act, and the State Government
19 Report Distribution Center for the General Assembly as
20 required under paragraph (t) of Section 7 of the State Library
21 Act. COGFA shall make this report available electronically on
22 a publicly accessible website.

23 (Source: P.A. 99-239, eff. 8-3-15; 100-1148, eff. 12-10-18.)

24 (820 ILCS 320/20)

25 Sec. 20. Home rule. An employer, including a home rule

1 unit, that employs a full-time law enforcement, correctional
2 or correctional probation officer, ~~or~~ firefighter, or
3 caseworker may not provide benefits to persons covered under
4 this Act in a manner inconsistent with the requirements of
5 this Act. This Act is a limitation under subsection (i) of
6 Section 6 of Article VII of the Illinois Constitution on the
7 concurrent exercise of powers and functions exercised by the
8 State.

9 (Source: P.A. 90-535, eff. 11-14-97.)

10 (820 ILCS 320/25 new)

11 Sec. 25. Applicability. The changes made by this
12 amendatory Act of the 102nd General Assembly shall apply
13 retroactively to one year before the effective date of this
14 amendatory Act of the 102nd General Assembly.

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