Donna Richter

From: Andy Martone <andymartone@hessemartone.com>
Sent: Monday, April 13, 2020 3:54 PM
To: Donna Richter
Cc: Matt Robinson
Subject: Covid-19 update-- Illinois Workers comp law
Attachments: 13APR20-Emergency_Amendment_Only-50IAC9030_70.pdf

Importance: High

Donna (and fellow SIBA members)—

As predicted in our last conference call, the State of Illinois has changed the law to create a presumption that a worker classified as a “Front Line Worker” who contracts Covid-19 is presumed to have contracted it at work, making it comprehensible under workers compensation unless the employer can prove otherwise.

Illinois construction workers and related workers are covered.

Here's the actual statute

Section 9030.70 Rules of Evidence

EMERGENCY

a) The Illinois Rules of Evidence shall apply in all proceedings before the Commission, either upon Arbitration or Review, except to the extent they conflict with the Act, the Workers' Occupational Diseases Act [820 ILCS 310], or the Rules Governing Practice Before the Workers' Compensation Commission (50 Ill. Adm. Code Chapter VI).

1) In any proceeding before the Commission where the petitioner is a COVID-19 First Responder or Front-Line Worker as defined in Section (a)(2), if the petitioner’s injury or period of incapacity resulted from exposure to the COVID-19 virus during a COVID-19-related state of emergency, the exposure will be rebuttably presumed to have arisen out of and in the course of the petitioner’s COVID-19 First Responder or Front-Line Worker employment and, further, will be rebuttably presumed to be causally connected to the hazards or exposures of the petitioner’s COVID-19 First Responder or Front-Line Worker employment.

2) The term “COVID-19 First Responder or Front-Line Worker” means any individuals employed as police, fire personnel, emergency medical technicians, or paramedics and all individuals employed and considered as first responders, health care providers engaged in patient care, correction officers, and the crucial personnel identified under the following headings in Section 1 Part 12 of Executive Order 2020-10 dated March 20, 2020: “Stores that sell groceries and medicine”; “Food, beverage, and cannabis production and agriculture”; “Organizations that provide charitable and social services”; “Gas stations and businesses needed for transportation”; “Financial institutions”; “Hardware and supplies stores”; “Critical trades”; “Mail, post, shipping, logistics, delivery, and pick-up services”; “Educational institutions”; “Laundry services”; “Restaurants for consumption off-premises”; “Supplies to work from home”; “Supplies for Essential Businesses and Operations”; “Transportation”; “Home-based care and services”; “Residential facilities and shelters”; “Professional services”; “Day care centers for employees exempted by [Executive Order 2020-10]”; “Manufacture,
distribution, and supply chain for critical products and industries”; “Critical labor union functions”; “Hotels and motels”; and “Funeral services”.

Take care.

Andy

Andrew J. Martone | Hesse Martone, P.C.
530 Maryville Centre Drive, Suite 250 | St. Louis, MO 63141
andy@hessemartone.com | www.hessemartone.com | Bio | LinkedIn

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TITLE 50: INSURANCE
CHAPTER VI: ILLINOIS WORKERS’ COMPENSATION COMMISSION

PART 9030
ARBITRATION

Section
9030.10 Arbitration Assignments
9030.20 Setting a Case for Trial
9030.30 Disqualification of Commissioners and Arbitrators
9030.40 Request for Hearing
9030.50 Subpoena Practice
9030.60 Depositions
9030.70 Rules of Evidence

EMERGENCY
9030.80 Briefs, Arbitrators’ Decisions
9030.90 Opening and/or Closing Statements
9030.100 Voluntary Arbitration under Section 19(p) of the Workers’ Compensation Act and Section 19(m) of the Workers’ Occupational Diseases Act

AUTHORITY: Implementing and authorized by the Workers’ Compensation Act [820 ILCS 305] and the Workers’ Occupational Diseases Act [820 ILCS 310].


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have arisen out of and in the course of the petitioner’s COVID-19 First Responder or Front-Line Worker employment and, further, will be rebuttably presumed to be causally connected to the hazards or exposures of the petitioner’s COVID-19 First Responder or Front-Line Worker employment.

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b) Exhibits offered in evidence, whether admitted or rejected, shall be retained by the assigned Arbitrator or Commissioner until a decision is issued in the matter. Exhibits may not be removed by the parties. Once a final decision is rendered, exhibits shall be retained by the Commission pursuant to the requirements of Section 17 of the Act.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. _____, effective ____________ for a maximum of 150 days)