

## Illinois Work Jobs Program Act—HB2455

Amends the Workers' Occupational Diseases Act (820 ILCS 310/1 et. seq.) to create a rebuttable presumption in workers' compensation cases that COVID-19 (the disease caused by the novel coronavirus) was contracted at work for front-line workers. Educational employees who are required to encounter members of the general public in the course of their jobs OR work at a job site with more than 15 employees are covered by this law.

What this means for you:

- If you can show a COVID-19 positive result by one of the methods below, the hearing officer will initially assume that you contracted COVID-19 at work.
  - If you contracted the disease **before** June 15, 2020, you must show that you were diagnosed by a health care provider as COVID-19 positive OR have a positive lab test result for COVID-19 or its antibodies.
  - If you contracted the disease **after** June 15, 2020, you must have a positive lab test result for COVID-19 or its antibodies.
  - If you are unable to meet these requirements, it **does not** mean that you are ineligible for workers' compensation benefits if you contract COVID-19. In all cases, please consult a workers' compensation attorney for advice. Your UniServ Director can provide you with a referral to a reputable attorney.
- Your eligibility for workers' compensation benefits ("injury date") will be based on the earlier of:
  - The date you are unable to work because you had symptoms that were later diagnosed as COVID-19, or
  - The date you were unable to work because you contracted COVID-19.
- Your employer can rebut the initial assumption that you got sick at work by showing evidence of one of the following things:
  - You were exposed to the coronavirus somewhere other than work.
  - You either worked exclusively from home or were on leave for 14 or more days before the injury date above.
  - The employer was engaging in, and applying to the fullest extent possible, and enforcing to the best of its ability: sanitation, social distancing, and workplace health and safety measures based on guidance from the Centers for Disease Control (CDC) or the Illinois Department of Public Health (IDPH), or was using personal protective equipment (PPE) to reduce the transmission of COVID-19 to all employees for at least 14 days before your injury date.
- Your employer will not be negatively impacted if you are awarded workers' compensation benefits as a result of COVID-19 infection.
- The Illinois Unemployment Insurance Act (820 ILCS 405/401) is amended to state that non-instructional, research, or primarily administrative employees of educational employers, i.e. educational support personnel (ESPs), are eligible to receive unemployment compensation



between March 15, 2020 and December 31, 2020 during periods between academic terms or seasonal breaks, even if they have a “reasonable assurance” of returning to work in the next academic year.

- The new law also allows the Director of the Illinois Department of Employment Security to issue rules that limit the need for benefit recipients to show that they are actively seeking work, and we anticipate that the Director will do so if the COVID-19 crisis continues to impact businesses’ ability to operate and individuals’ ability to work. Further, for benefit years beginning on March 8, 2020, the requirement that you must have a one-week waiting period with no wage earning before you can receive benefits is waived. This waiver will remain in place until the last week of Governor Pritzker’s disaster declaration or the last week of federal cost sharing, whichever is later.
- Employers pay a certain rate of contribution to the state’s unemployment insurance program. The rate is based on the number of unemployment claims made by its employees. This legislation provides that an employer who can show claims for unemployment benefits were made as a result of the COVID-19 crisis will not see a contribution rate increase.