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Workers' Compensation Practice

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An Update from the Commission

Chairman Michael Brennan of the Illinois Workers' Compensation Commission announced that all Arbitrators will continue to conduct pretrial hearings via Webex. Beginning in February 2021, after a pretrial is held, Arbitrators will slowly return to conducting in-person trials, but those will be on a limited basis where preference will be given to emergency petitions. *Pro se* settlement hearings will continue via Webex. Although there are new procedures to follow for *pro se* settlement contracts, Heyl Royster is able to take care of *pro se* settlement contracts and get them approved quickly and efficiently.

The Illinois Legislature extended the COVID-19 rebuttable presumption provision under the Illinois Workers' Occupational Diseases Act, from the original deadline of December 31, 2020, to June 30, 2021. This provision creates a rebuttable presumption of workers' compensation coverage for certain workers who are exposed to and contract COVID-19. The rebuttable presumption applies to COVID-19 first responders or front line workers, which includes: healthcare workers, law enforcement, and any individual employed by essential businesses and operations, such as employees of grocery stores, pharmacies, convenience stores, food banks, media outlets, gas stations, banks, hardware stores, educational institutions, transportation providers, manufacturing facilities, and restaurants. Additionally, the Chicago Police and Chicago Firefighter Articles of the Pension Code relating to death benefits were amended to provide a rebuttable presumption that the death of a policeman or fireman from COVID-19 is a fatal injury while in active service.

The legislature also amended the Public Employee Disability Act. When circumstances which are directly or indirectly attributable to COVID-19 hinder the physical recovery from an injury of an eligible worker within a one-year period, the eligible worker is entitled to an extension of up to 60 days for compensation paid by the employing public entity at the rate paid prior to the injury. The injury must occur on or after March 9, 2020 and on or before June 30, 2021.

Additional Resources

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