



NEWS UPDATE

Workers Compensation Amended For Those Who Contract COVID-19

The Illinois Workers' Compensation Commission issued an Emergency Rule declaring that any employee in an "essential industry" that contracts COVID-19 will be rebuttably presumed to have contracted the virus at work. This includes construction workers. In short, the Rule shifts the burden of proof from the employee to the employer, requiring the employer to present evidence that the employee did not contract the virus at work. As a result, Illinois has made it easier for a much broader segment of employees to successfully pursue COVID-related worker compensation claims.

As you will read in the Emergency Amendment, (see the link in the body of this email) there will be a presumption in worker compensation (WC) cases that a COVID-19 infection came from the job site.

This new law is in effect until September 10, 2020. Under prior application of the law, it was difficult for most ill workers to prove that they contracted COVID-19 on the job. Under the new evidentiary amendment, the law creates a Rebuttable Presumption that a worker's COVID-19 is, in fact, related to their work.

WC benefits under the Illinois WC Act, in conjunction with this recent amendment, requires that:

- Workers must get tested and that the test result must be POSITIVE.
- Workers must give notice to his/her employer as soon as possible. The law requires 45 days from the date a worker has reason to know he/she has a work related claim.
- Workers get a note from their doctor instructing them to quarantine at home and not go to work. Disability pay is paid at 2/3 of average weekly earnings over the preceding 52 weeks.

Several contractor associations have voiced concerns with this new emergency amendment and CISCO will provide updates as more information becomes available.