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Bloomington Chamber of Commerce
Cindy Allston
President/CEO
104 S. Bloomingdale Road
Bloomington, IL 60108

**RE: Worker's Compensation Changes due to COVID-19
Emergency Amendment to Section 9030.70**

Dear Ms. Allston:

This memo is written to inform our Chamber Members that as of April 13, 2020 important changes to employee eligibility for worker's compensation goes into effect. The Illinois Worker's Compensation Commission pursuant to an emergency meeting now allow benefits to any employee working for an "essential" business that is injured or incapacitated from exposure to COVID-19. This change will be for the next 150 days however a realistic scenario exists wherein this arbitrary deadline becomes extended or even made permanent.

(see link here for the Work Comp Commission Amendment)

https://www2.illinois.gov/sites/iwcc/news/Documents/13APR20-Emergency_Amendment_Only-50IAC9030_70.pdf

(see link here for the Governor's March 20, 2020 Executive Order 2020-10 for listing of essential businesses) <https://www2.illinois.gov/Documents/ExecOrders/2020/ExecutiveOrder-2020-10.pdf>).

The challenges and risks to our Chamber Members are plentiful and of particular concern is eligibility. The new rules approve any exposed employee **automatically** and without any proof they were factually exposed to COVID-19 in the work place. This is obviously different from any other workplace injury wherein the employee must prove he was injured on the job. Employers and its Work-Comp counsel can still dispute the claim but it is now their burden to prove the employee did not get COVID-19 from the workplace, a daunting task for even the best legal team.

A full recovery is expected in most COVID-19 cases, therefore the payments to these employees will be relatively modest. However, in the event of medical treatment or hospitalization, the employee's health insurance carrier will be seeking reimbursement from Work Comp of the significant healthcare costs. In the tragic case of death the minimum Comp payment to the employee's estate is over \$755,000.00.

Due to risks employers face like Work Comp premium increases or even being dropped from coverage, it is feared that employers may decide the risks of keeping a marginally employed person on the payroll is outweighed by the employee's value. So although the intentions of the IWCC are well received to protect front-line, emergency, and first-responder type employees, the amendment goes too far with unintended consequences.

Three measures of advocacy I would encourage our members to take: 1) contact your insurance carrier to discuss these changes to determine any increases in premiums as a result of COVID-19 related claim; 2) call or write your state congress reps and encourage a rule prohibiting insurance carriers from increases in premiums as a result of COVID-19 claims <https://www.illinoispolicy.org/maps/> ; 3) contact the Commissioners at the IWCC responsible for these changes. (<https://www2.illinois.gov/sites/iwcc/contact/Pages/email.aspx#comms>) .

Sincerely,



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