

Illinois COVID-19 Workers' Compensation Update

Earlier this month, Governor Pritzker signed HB2455 into law, thereby increasing access to workers' compensation benefits for Illinois First Responders and Front-Line Workers who contract COVID-19 between March 9, 2020, and December 31, 2020. The new forward-looking law creates a "rebuttable presumption" that the novel coronavirus was contracted during the course of employment for this class of "essential" workers. As Illinois moves to enter Phase 4 of its re-opening on Friday, and more residents return to their jobs across all industries, it is important for employers to be aware there are viable ways to contest these claims by showing evidence: The employee contracted the virus by an alternative source other than in the workplace; The employer was following all applicable public health guidelines issued by the CDC and/or Illinois Department of Public Health; or The employee was working from home and/or on leave of absence for at least 14 consecutive days before testing positive. **TIPS FOR EMPLOYERS: DO THE RIGHT THING:**

- Enforce social distancing;
- Sanitize the workplace regularly – especially the common areas;
- Provide and require use of PPE.

CONDUCT IMMEDIATE AND THOROUGH INVESTIGATIONS:

- Designate an individual or team, have them trained and ready to investigate in a planned, uniform manner;
- Obtain information regarding the employee's whereabouts at or around the time of the alleged exposure;
- Interview the employee and co-workers;
- Search social media websites for leads on alternative sources
- Subpoena cell phone GPS data, medical records, etc.

REQUIRE PROOF OF COVID-19 DIAGNOSES:

- For COVID-19 diagnoses occurring on and before June 15, 2020, an employee must provide a confirmed medical diagnosis by a licensed medical practitioner or positive laboratory test for the virus or its antibodies.
- For COVID-19 diagnoses occurring after June 15, 2020, an employee must provide a positive laboratory test for the virus or its antibodies.

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