

WORKERS' COMPENSATION COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Arbitration
- 2) Code Citation: 50 Ill. Adm. Code 9030
- 3) Section Numbers: 9030.70 Emergency Action:
Emergency Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8.2(d) of the Illinois Workers' Compensation Act [820 ILCS 305] and Sections 16 and 19(m) of the Illinois Workers' Occupational Diseases Act [820 ILCS 310].
- 5) Effective Date of Emergency Rules: April 13, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: April 13, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Workers' Compensation Commission's principal office and is available for public inspection.
- 9) Reason for Emergency: The rapid spread of COVID-19 and uncertainty created within regulated industry has necessitated the modification of evidentiary rules regarding practice before the Commission to ensure first responders and front line workers, who are most susceptible to exposure to COVID-19, are afforded the full protections of the Workers' Compensation Act in the event they are exposed to or contract the virus.
- 10) A Complete Description of the Subjects and Issues Involved: The proposed rules are designed to ensure in any case before the Workers' Compensation Commission where any COVID-19 First Responder or Front-Line Worker, defined within the Rule, is exposed to COVID-19 during the State of Emergency, it will be rebuttably presumed that the individual's exposure arises out of and in the course of and rebuttably presumed to be causally connected to their employment.
- 11) Are there any other rulemakings pending on this Part? No

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- 12) Statement of Statewide Policy Objective: This rulemaking neither creates nor expands any state mandates on units of local government.
- 13) Information and questions regarding these emergency rules shall be directed to:

Cole D. Garrett
Deputy General Counsel
Illinois Workers' Compensation Commission
100 W. Randolph St., Suite 8-200
Chicago, IL 60601
e-mail: IWCC.Rules@illinois.gov

The full text of the Emergency Amendments begins on the next page:

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TITLE 50: INSURANCE

CHAPTER VI: ILLINOIS WORKERS' COMPENSATION COMMISSION

PART 9030
ARBITRATION

Section

9030.10 Arbitration Assignments

9030.20 Setting a Case for Trial

9030.30 Disqualification of Commissioners and Arbitrators

9030.40 Request for Hearing

9030.50 Subpoena Practice

9030.60 Depositions

9030.70 Rules of Evidence

EMERGENCY

9030.80 Briefs, Arbitrators' Decisions

9030.90 Opening and/or Closing Statements

9030.100 Voluntary Arbitration under Section 19(p) of the Workers' Compensation Act and Section 19(m) of the Workers' Occupational Diseases Act

AUTHORITY: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305] and the Workers' Occupational Diseases Act [820 ILCS 310].

SOURCE: Filed and effective March 1, 1977; amended at 4 Ill. Reg. 26, p. 159, effective July 1, 1980; emergency amendment at 5 Ill. Reg. 8547, effective August 3, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 3570, effective March 22, 1982; emergency amendment at 6 Ill. Reg. 5820, effective May 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 7, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2514; amended at 9 Ill. Reg. 19722, effective December 6, 1985; emergency amendment at 14 Ill. Reg. 4913, effective March 9, 1990, for a maximum of 150 days; emergency expired August 6, 1990; amended at 14 Ill. Reg. 13141, effective August 1, 1990; amended at 15 Ill. Reg. 8214, effective May 17, 1991; amended at 20 Ill. Reg. 4053, effective February 15, 1996; amended at 36 Ill. Reg. 17913, effective December 4, 2012; recodified from 50 Ill. Adm. Code 7030 to 50 Ill. Adm. Code 9030 at 39 Ill. Reg. 9605; amended at 40 Ill. Reg. 15732, effective November 9, 2016; emergency amendment at 44 Ill. Reg. _____, effective _____ for a maximum of 150 days.

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Section 9030.70 Rules of Evidence

EMERGENCY

- a) The Illinois Rules of Evidence shall apply in all proceedings before the Commission, either upon Arbitration or Review, except to the extent they conflict with the Act, the Workers' Occupational Diseases Act [820 ILCS 310], or the Rules Governing Practice Before the Workers' Compensation Commission (50 Ill. Adm. Code Chapter VI).
- 1) In any proceeding before the Commission where the petitioner is a COVID-19 First Responder or Front-Line Worker as defined in Section (a)(2), if the petitioner's injury or period of incapacity resulted from exposure to the COVID-19 virus during a COVID-19-related state of emergency, the exposure will be rebuttably presumed to have arisen out of and in the course of the petitioner's COVID-19 First Responder or Front-Line Worker employment and, further, will be rebuttably presumed to be causally connected to the hazards or exposures of the petitioner's COVID-19 First Responder or Front-Line Worker employment.
- 2) The term "COVID-19 First Responder or Front-Line Worker" means any individuals employed as police, fire personnel, emergency medical technicians, or paramedics and all individuals employed and considered as first responders, health care providers engaged in patient care, correction officers, and the crucial personnel identified under the following headings in Section 1 Part 12 of Executive Order 2020-10 dated March 20, 2020: "Stores that sell groceries and medicine"; "Food, beverage, and cannabis production and agriculture"; "Organizations that provide charitable and social services"; "Gas stations and businesses needed for transportation"; "Financial institutions"; "Hardware and supplies stores"; "Critical trades"; "Mail, post, shipping, logistics, delivery, and pick-up services"; "Educational institutions"; "Laundry services"; "Restaurants for consumption off-premises"; "Supplies to work from home"; "Supplies for Essential Businesses and Operations"; "Transportation"; "Home-based care and services"; "Residential facilities and shelters"; "Professional services"; "Day care centers for employees exempted by [Executive Order 2020-10]"; "Manufacture, distribution, and supply chain for critical products and industries"; "Critical labor union functions"; "Hotels and motels"; and "Funeral services".
- b) Exhibits offered in evidence, whether admitted or rejected, shall be retained by the assigned Arbitrator or Commissioner until a decision is issued in the matter. Exhibits may not be removed by the parties. Once a final decision is rendered, exhibits shall be retained by the Commission pursuant to the requirements of Section 17 of the Act.

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(Source: Amended by emergency rulemaking at 44 Ill. Reg. _____, effective
_____ for a maximum of 150 days)