



## Alerts

### Illinois Workers' Compensation Commission Notice of Emergency Amendment Regarding COVID-19

April 15, 2020

*Insights for Employers*

On April 13, 2020, the Illinois Workers' Compensation Commission adopted an [emergency rule](#) stating that First Responders and employees in a broad range of industries who develop COVID-19 are "rebuttably presumed" to have contracted the disease in connection with their employment.

The key to defending COVID-19 worker compensation claims will be an immediate and thorough investigation which should include an interview of the claimant to determine if the virus was contracted "in connection" with their employment. While most claims will have minimal exposure, the exposure could be significant if an employee is hospitalized and/or passes away from COVID-19.

It is uncertain whether this Emergency Amendment will ultimately withstand legal scrutiny in the long run due to the absence of legislative involvement. However, for now this rule will impact the handling of any COVID-19 claims in Illinois. We certainly anticipate legal issues with respect to compensability in terms of whether an employee has an "injury" or "disease" that "arose out of" and "in the course of the employment." Regardless of the presumption in the new rule change, the claims analysis will be impacted factually by any testing, confirmed cases, high risk employees to known/potential exposures and medical opinions.

#### Attorneys

Peter H. Carlson

Matthew P. Walsh II

#### Service Areas

Labor & Employment

Workers' Compensation  
Defense