

In Brief

SHORT LEGISLATIVE SESSION PACKS A PUNCH: CHANGES TO WORKER'S COMPENSATION, NOVEMBER ELECTION, PROPERTY TAXES, AND MUCH MORE

Written by [Matthew M. Swift](#)

After missing much of its spring legislative session, the Illinois General Assembly returned for four days to address some of the most critical legislative needs in the wake of the COVID-19 pandemic. Although legislators only passed 22 bills, they packed plenty of changes into those bills that are important for local governments, school districts, and other employers.

Workers' Compensation, Unemployment, and Disability Benefits

[HB 2455](#) became law on June 5 and went into effect immediately. Much like a controversial emergency workers' compensation rule that was withdrawn, this legislation includes a rebuttable presumption that "essential" workers who contract COVID-19 were infected while working, making it easier for them to establish successful claims for benefits. However, unlike the emergency rule, the new law details evidence that an employer may use to defeat the presumption, including evidence that the employer applied the precautions in the latest federal and state public health guidance. The legislation provides a similar rebuttable presumption for police and firefighter death benefits, but only with a positive test or confirmed diagnosis as evidence of a death due to COVID-19. Notably, COVID-19 cases will not increase workers' compensation insurance experience ratings, limiting the impact on insurance premiums.

This legislation also revises the state's unemployment statute. One of the most significant changes to the statute is that non-professional school employees may now be eligible for benefits over the 2020 summer break. In addition, it excludes Federal Pandemic Unemployment Compensation from maximum weekly benefits, allows rulemaking to limit work search requirements, and reduces how much of the benefits are chargeable to employers when unemployment is due to COVID-19.

[SB 471](#), if signed, will amend the *Public Employee Disability Act*, which generally provides for continued salary payments for one year, without deducting any leave time or service credit, to full-time law enforcement officers, firefighters, and paramedics employed by public entities when they are injured in the line of duty and cannot perform their duties. Under SB 471, up to 60 additional days of payments may be available when circumstances due to COVID-19 hinder the employee's physical recovery.

November 2020 Election

The General Assembly passed a variety of measures in [SB 1863](#) to prepare for holding the 2020 general election in the midst of the COVID-19 pandemic. For this election, individuals as young as 16 may serve as election judges if they otherwise qualify. Because Election Day will be a State holiday to be observed throughout the state, all government offices must be closed on November 3, 2020, except for election authorities and locations being used for election day services or as polling places. Schools must be available to an election authority as polling places. Both schools and colleges must publish online notice and notify their students about the opportunity to serve as an election judge for the 2020 general election, as well as the qualifications for serving.

Property Taxes and School Funding

The legislature also passed property tax and other funding changes relevant to counties and school districts. [SB 685](#), which was signed and went into effect on June 5, gives counties the ability to grant certain homestead exemptions for 2020 property taxes without an application, if they were already approved for 2019. Counties also must postpone their annual tax sales, and most of them may waive interest penalties for 2019 property tax payments.

Thanks to a plan to borrow up to \$5 billion from a Federal Reserve program, the state's FY 2021 budget in [SB 264](#) includes K-12 education funding at the same level as the FY 2020 budget. School districts are expected to receive level funding for mandated categorical payments and early childhood programs, and even more funds for special education reimbursement. [SB 1569](#) would allow school districts to continue making transfers between operations funds through June 30, 2021. That bill also gives school districts receiving a Property Tax Pool Relief Grant two years (instead of one) to increase the total property tax revenue that they seek based on the amount of property tax relief they have provided.

Other Education Issues

Besides changes regarding interfund transfers and property tax relief, SB 1569 makes many changes to the *Illinois School Code*, including codifications of some already put in place on a temporary basis through executive orders and emergency rules. Highlights of the bill include the following:

- Provisions related to learning during a public health emergency, such as five remote learning planning days, a superintendent-approved "remote and blended remote learning day plan," and waiving the five clock-hour requirement.
- A one-year extension of Professional Educator Licenses that would otherwise expire on June 30, 2020, and waiver of classroom teaching requirements for educator license applicants.
- An exception to the default "proficient" rating for unfinished teacher evaluations. During a public health emergency, tenured teachers who last received an "excellent" rating, will be evaluated "excellent" instead. Districts and unions can agree to an alternate performance rating.
- During a public health emergency, schools receiving preschool educational program grants may serve children ages 0 to 12 of essential workers.
- Changes to the Individualized Education Plan (IEP) process, such as giving parents a choice

of how to receive written material that will be considered at IEP meetings, defining what services must be included in logs, and requiring written notice to parents of the district's use of intervention or a multi-tiered system of support for the child.

OMA, Notary, and Statements of Economic Interest

[SB 2135](#), signed June 12 and effective immediately, is now the *Government Emergency Administration Act*. Although early drafts included provisions to relax some requirements of both the Freedom of Information Act and the Open Meetings Act (OMA), the final version of the bill only includes changes to OMA's physical presence requirements. For details on these changes, see our recent [In Brief](#). In addition, SB 2135 codifies the new remote notary and witness rules provided by Governor Pritzker's Executive Order 2020-14, making them effective until 30 days after expiration of the Governor's emergency declaration regarding COVID-19. This legislation also suspends the date for filing statements of economic interest under the *Illinois Governmental Ethics Act* until August 1, 2020.

Other Local Government Issues

[HB 2096](#) includes changes relevant to various types of local governments, and Governor Pritzker signed it into law on June 5 as well. For townships, the bill allows postponing annual meetings to the third Tuesday, after 6 p.m., of the month following the end of a disaster declaration. For libraries, the bill requires participation in nonresident card reciprocal borrowing programs of a regional library system, and it eliminates nonresident fees for certain students. For school districts, the bill removes a prohibition on contract bids for construction purposes being communicated, accepted, or opened electronically. Finally, for local governments administering financial aid under the *Illinois Public Aid Code*, the bill provides that "rebates" from federal economic programs created in response to the COVID-19 pandemic (such as \$1200 CARES Act payments) are not "earned income" and will not affect eligibility for financial aid.

We continue to monitor bills as they are sent to the Governor and signed into law. Contact your Robbins Schwartz attorney with your questions about these changes and what they mean for you.