

Illinois Local Government Lawyers Association
Fall Seminar 2015
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Downers Grove, Illinois

Presented by:

Charles E. Hervas
Hervas, Condon & Bersani, P.C.
333 Pierce Road, Suite 195
Itasca, Illinois 60143
(630) 773-4774
chervas@hcbattorneys.com
www.hcbattorneys.com

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- PEDA – Public Employee Disability Act
5 ILCS 341/1 et. seq.
 - Police and fire injured in line of duty entitled to receive full salary for one year after injury.

 - PSEBA – Public Safety Employee Benefits Act
820 ILCS 320/1 et. seq.
 - Police and fire entitled to health insurance benefits under certain circumstances.

PEDA

- Salary at time of injury.
 - *Bahr v. Bartlett Fire Protection Dist.*, 383 Ill. App. 3d 68 (1st Dist. 2008)
- Benefits not limited to calendar year following injury.
 - *Albee v. City of Bloomington*, 365 Ill. App. 3d 526 (4th Dist. 2006)
- Collateral Estoppel may apply – “We see no meaningful difference between the ‘line of duty’ standard in PEDA and the causation test in workers’ compensation claims – that the injury ‘arose out of and in the course of employment.’”
 - *Mabie v. Village of Schaumburg*, 364 Ill. App. 3d 756 (1st Dist. 2006)

PSEBA

- Two Steps in order to obtain Health Coverage Benefit.
 - 1) Section 10(a) – full-time law enforcement officer or firefighter who suffers “a catastrophic injury or is killed in the line of duty . . .”
 - 2) Section 10(b) – injury or death must have occurred as a result of one of the following:
 - a) Officer’s response to fresh pursuit;
 - b) Officer or firefighter’s response to what is reasonably believed to be an emergency;
 - c) An unlawful act perpetrated by another; or
 - d) During the investigation of a criminal act.

PSEBA – SECTION 10(a)

- Catastrophic injury satisfied by line of duty disability pension.
 - Clearly stated by Illinois Supreme Court in *Krohe v. City of Bloomington*, 204 Ill. 2d 392 (2003).
 - Reiterated by Illinois Supreme Court on September 24, 2015 in *Village of Vernon Hills v. Heelan*, 2015 IL 118170 (not yet released for publication).

PSEBA – SECTION 10(b)

- Four qualifying 10(b) criteria liberally interpreted by Courts.
 - *Springborn v. Village of Sugar Grove*, 2013 IL App (2d) 120861.

- Process of determining 10(b) qualifying criteria.
 - *Gaffney & Lemmenes* – Illinois Supreme Court finds Fire Districts do not have authority to create administrative process (not an administrative review proceeding).

 - *Pederson v. Village of Hoffman Estates*, 2014 IL App (1st) 123402.
 - Home Rule municipalities may create an administrative process and Circuit Court shall review under common law writ of *certiorari* (identical standard as administrative review).

PSEBA – ADMINISTRATIVE PROCESS

- Home Rule municipalities now enacting ordinances creating an administrative hearing process (Schaumburg Ordinance Example).

- Non-Home Rule municipalities
 - Unclear if allowed to create administrative hearing process.
 - Obviously, fiduciary duty to investigate and make determinations.
 - Denial of PSEBA benefits results in employee filing a Circuit Court action seeking declaration of entitlement to benefits.