

**Illinois Local Government Lawyers Association
Fall Seminar 2017
Downers Grove Public Works Building
5101 Walnut Avenue, Conference Training Room
Downers Grove, Illinois**

Presented by:

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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 – Better than 2/3 offered by Workers Comp.
 - *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)
- No other employment – Even uncompensated work.

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.

SIGNIFICANT ILLINOIS SUPREME COURT CASES

- *Village of Vernon Hills v. Heelan*, 2015 IL 118170
 - Affirms Krohe – Catastrophic Injury Requirement of PSEBA satisfied by Line of Duty Disability Pension.
- *Bremer v. City of Rockford*, 2016 IL 119889
 - Occupational Disease Disability Pension *does not* automatically satisfy Catastrophic Injury requirement of PSEBA.
- *Vaughn v. City of Carbondale*, 2016 IL 119181
 - Court interprets emergency issue in Section 10(b) of PSEBA (reaching for microphone to respond to dispatch is not an emergency).

Pre-PSEBA Injury and Post-PSEBA Disability Pension for Same Injury

- *Hancock v. Village of Itasca*, 2016 IL App (2d) 150677
- *Terrazzino v. City of Des Plaines*, 2017 IL App (1st) 162930-U
 - 5 year Statute of Limitation applies for PSEBA claims.
 - Court does not address *Nowak* argument – PSEBA benefits apply at time line duty disability pension granted (despite PSEBA statute limiting PSEBA to injuries after passage in 1997).

Municipal Intervention into Pension Hearing

- *Village of Vernon Hills v. Vernon Hills Police Pension Fund*, 2017 IL App (2d) 160308-U
 - Municipal Intervention in Pension Proceedings not a right. Intervention only with discretion of Pension Fund.

Municipal Ordinances for PSEBA Hearings

- Pedersen v. Village of Hoffman Estates, 2014 IL App (1st) 123402
 - Home Rule Municipalities may pass ordinance requiring administrative hearing for PSEBA benefits.
- *Englum v. City of Charleston*, 2017 IL App (4th) 160747
 - Non-Home Rule Municipalities may pass ordinance requiring administrative hearing for PSEBA benefits.
- General discussion of various ordinances, including IML Model ordinances.