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CLIENT ALERT

NEW STATE LAW CREATES COVID-SPECIFIC DISABILITY BENEFITS EXTENSION AND INCREASES PROTECTIONS FOR RETAIL EMPLOYEES

by Andrew Fiske

Public employers should note that [Public Act 101-0651](#) (“Act”), signed by Governor Pritzker on August 7, 2020, and taking immediate effect, allows employees currently receiving benefits under the Public Employee Disability Act (“PEDA”) to seek a 60-day extension of PEDA’s one-year benefit period.

Employees receiving PEDA benefits may seek a 60-day extension of the one-year benefit period where circumstances “directly or indirectly attributable” to the COVID-19 pandemic “hinder the physical recovery from an injury.” The COVID-specific circumstances at issue in the extension request must have occurred on or after March 9, 2020 and before December 31, 2020.

Employers receiving an extension request may require the employee to provide proof of the circumstances hindering their recovery before granting the 60-day extension.

P.A. 101-0651 does not define the “circumstances” that will trigger eligibility for the extension or what it means to “hinder” recovery. Unless and until additional rulemaking clarifies the Act’s provisions, public employers will have to exercise judgment in evaluating whether a PEDA-eligible employee provides sufficient proof that COVID-related circumstances justify the extension. The attorneys at Elrod Friedman can assist our public sector clients in navigating these issues.

In addition to creating the COVID-related extension period under PEDA, the Act also includes increased protections for retail workers who provide health and safety information concerning declared emergencies. The Act amends the definition of “aggravated battery” under the Illinois Criminal Code to include merchants who are battered in the course of relaying health or safety information relating to an emergency declaration. The inclusion of this conduct under “aggravated battery”, generally defined as a Class 3 felony, provides local law enforcement with an additional option when addressing incidents concerning customers who retaliate against store employees concerning mask-wearing or other public health requirements related to the pandemic.