

Business	Labor	Senate Dem	Final
Covers health care workers and emergency responders only.	Covers all essential workers as defined by the Governor's Executive Order.	Covers all workers. Does not limit to essential workers.	Covers all essential workers covered by the Governor's Executive Order that are required to encounter the public or work for an employer with 15 or more workers.
Employee must contract the COVID-19 virus.	Employee must be exposed to COVID-19	Employee must be exposed to the COVID-19 virus.	Employee must be exposed to AND contract the COVID-19 virus.
An employee's home or residence is not a place of employment.	Silent	Silent	An employee's home or residence is not a place of employment.
Ordinary rebuttable presumption as set forth in the Kevin Johnston v. Illinois Workers' Compensation Commission.	Clear and convincing rebuttable presumption.	Clear and convincing rebuttable presumption.	Ordinary rebuttable presumption as set forth in the Johnston case with specific legislative intent on the floor.
Rebut presumption if: <ol style="list-style-type: none"> 1. Employee was working at home. 2. Employer engaged in industry best practices from the Centers for Disease Control 3. Employee was exposed by an alternate source. 	Rebut presumption if: <ol style="list-style-type: none"> 1. Employee was working from home for a period of 14 or more consecutive days. 2. Employer engaged in best practices from Illinois Department of 	Rebut presumption if: <ol style="list-style-type: none"> 1. Employee was working from home for a period of 14 or more consecutive days. 2. Employer engaged in best practices from Illinois Department of 	Rebut presumption if: <ol style="list-style-type: none"> 1. The home or residence is not a place of employment. 2. Employee was working from home for a period of 14 or more consecutive days.

	Public Health AND local Public Health Agencies. 3. Employee was exposed by an alternative source.	Public Health AND local Public Health Agencies. 3. Employee was exposed by an alternative source.	3. Employer engaged in best practices from either CDC or IDPH or the employer was using a combination of administrative controls, engineering controls, or PPE. 4. Employee was exposed by an alternative source. 5. CDC or IDPH guidance must have been in place at least 14 days prior to the injury.
PPE defined broadly including masks, gowns, barriers, and more.	No definition	No definition	PPE defined broadly including masks, gowns, barriers, and more.
Rebuttable presumption from March 9 to 30 days after the end of a declared emergency	No sunset	Sunset December 31, 2021	March 9 to December 31, 2020.
COVID cases will not affect an employer's WC experience rating	COVID cases will not affect an employer's WC experience rating	Silent	COVID cases will not affect an employer's WC experience rating.
COVID costs may be included in determining overall state loss costs.	Silent	Silent	COVID costs may be included in determining overall state loss costs.
Claimants need to show a positive COVID test	Claimants need a medical diagnosis	Claimants need a medical diagnosis	

			<p>Claimants need a positive COVID test or medical diagnosis before June 15.</p> <p>Claimants need a positive test on or after June 16.</p>
Employer is eligible to offset WC costs against any sick leave or extended salary benefits (FMLA) under federal law.	Silent	Silent	Employer is eligible to offset WC costs against any sick leave or extended salary benefits (FMLA) under federal law.
Employees must recertify for TTD benefits every 15 days	Silent	Silent	Employees must certify, and recertify, for TTD benefits at the discretion of the employer or insurer.
Allows an employee to file for WC if unable to meet rebuttable presumption standard (current law).	Silent	Silent	Allows an employee to file for WC if unable to meet rebuttable presumption standard (current law).