



Policy 6.8	Public Safety Employee Benefits		
<u>Effective Date:</u> 2/28/12	<u>Applicable Law/Statute:</u> 820 ILCS 320	<u>Source Doc/Dept.:</u> None/HR	<u>Authorizing I.C. Sec:</u> None
<u>Last Amended Date:</u>			

PUBLIC SAFETY EMPLOYEE BENEFITS

6.8

POLICY

This policy is established in recognition of the County's obligations under state law to provide health insurance benefits to its public safety employees who qualify for, and are determined to be eligible to receive, certain health insurance benefits from the County. Pursuant to the provisions of the Public Safety Employee Benefits Act (hereinafter, "PSEBA") (820 ILCS 320/1 *et seq.*), the following procedure is established for the determination of eligibility of full-time law enforcement, correctional or correctional probation officers for insurance benefits to be provided by the County under PSEBA.

ELIGIBILITY

- A full-time law enforcement, correctional or correctional probation officer who suffers a catastrophic injury, or is killed in the line of duty, where the injury or death occurred as the result of the officer's response to fresh pursuit, the officer's response to what is reasonably believed to be an emergency, an unlawful act perpetrated by another, or during the investigation of a criminal act (see 820 ILCS 320/10), is eligible to apply for benefits under PSEBA.

GUIDELINES

A PSEBA health insurance application form prepared by the County shall be the standard form required for public safety employees to utilize to request benefits under PSEBA. The form shall be completed and executed by the requesting public safety employee (hereinafter "applicant") and delivered to the County's Director of Human Resources. The form shall include a release from the applicant authorizing the Illinois Municipal Retirement Fund (IMRF), and the applicant's medical care providers, to release to the County of DuPage, records surrounding the injury and award of any benefits to the applicant. The applicant shall provide, along with the application, any medical records regarding the injury and any additional pertinent documentation that the applicant wants to have considered.

PROCEDURE

1. When the County's Director of Human Resources, receives a complete and executed PSEBA health insurance application form requesting benefits under PSEBA, the

County's Director of Human Resources shall review the application and engage in such additional fact-finding and/or investigation as may be deemed necessary or appropriate to evaluate the application, including, but not limited to review of worker's compensation documentation and independent medical examinations.

- a. If additional fact-finding and/or investigation is determined to be necessary, the applicant shall fully cooperate.
- b. If the applicant refuses or otherwise fails to fully cooperate, then a reminder notice shall be sent to the applicant explaining the duty of full cooperation in the fact-finding and/or investigation process.
- c. If the applicant fails to cooperate as requested within 21 calendar days after receipt of such notice, then the application for benefits shall be deemed withdrawn.

2. Within thirty-five (35) calendar days **after the later of the following:**

- a. the submission of the relevant documentation; **and/or,**
- b. the completion of such additional fact-finding as deemed necessary or appropriate(as stated in paragraph 1, above); **and/or,**
- c. the completion of any investigation as deemed necessary or appropriate(as stated in paragraph 1, above), the County's Director of Human Resources, in conjunction with the County's County Administrator, shall make a written recommendation, including reasons for the recommendation, recommending either:
 - that the applicant is eligible for benefits under PSEBA; **or,**
 - that a hearing should be convened in order to determine whether or not the applicant is eligible for benefits under PSEBA and shall inform the applicant, in writing, of the decision and the reasons for the decision.

3. If the County's Director of Human Resources and the County's County Administrator recommend that the applicant is eligible for benefits under PSEBA, the recommendation shall be presented to the County Board at the next regularly scheduled County Board meeting (subject to the notice provisions of the Open Meetings Act). The County Board shall make a determination that:

- a. the applicant is eligible for benefits under PSEBA; **or,**
- b. that a hearing should be convened in order to determine whether or not the applicant is eligible for benefits under PSEBA.

The County's Director of Human Resources shall inform the applicant, in writing, of the County Board's determination.

4. If the County's Director of Human Resources and the County's County Administrator recommend that a hearing should be convened, or the County Board determines that a hearing should be convened, the County Board Chairman shall convene a hearing before a hearing officer and a Hearing Panel. The hearing officer shall be selected by the County Board Chairman, or designee, and shall be an individual who is trained in conducting hearings and obtaining evidence (The hearing officer may be compensated

at a per diem rate). The Hearing Panel shall consist of three (3) members: two individuals designated by the County Board Chairman; and, an individual designated by the Sheriff of DuPage County. At such hearing, the applicant and the County's Director of Human Resources may present documentary evidence, call witnesses and cross-examine witnesses relevant to the determination of the eligibility of the applicant for benefits under PSEBA. The parties may be represented by counsel. All witnesses shall be sworn and their testimony transcribed by a court reporter or by electronic means. Hearings will be closed to the public.

5. The hearing shall commence within thirty (30) business days from receipt by the applicant of the County's Director of Human Resources written notice informing the applicant of the County Board's determination (as required by paragraph 3, above), unless the time is extended by written agreement by both parties.
6. Written notice of time, date and place of the hearing shall be served by the County's Director of Human Resources on the applicant at least seven (7) calendar days before the date of the hearing.
7. The Hearing Panel shall consider the evidence introduced at the hearing and, within thirty-five (35) calendar days, deliver a written recommendation as to the eligibility of the employee for benefits under PSEBA, stating findings of fact and conclusions of law upon which the decision is based.
8. The Hearing Panel's recommendation shall be presented to the County Board at the next regularly scheduled County Board meeting (subject to the notice provisions of the Open Meetings Act). Within thirty-five (35) calendar days, the County Board shall issue a decision either accepting or rejecting the recommendation of the Hearing Panel. If the County Board decides to reject the recommendation of the Hearing Panel, its decision shall state findings of fact and conclusions of law upon which the decision is based.
9. Pursuant to 55 ILCS 5/1-6007, the decision of the County Board is subject to review under the Administrative Review Law (735 ILCS 5/3-101, *et seq.*).