



MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Nicole Aranas, Assistant Village Manager
DATE: October 25, 2017
SUBJECT: **PSEBA ADMINISTRATIVE HEARING ORDINANCE**

The Public Safety Employee Benefits Act (PSEBA), 820 ILCS 320 et seq., was enacted in 1997 to provide certain benefits for public safety personnel who have suffered extreme injury or a fatality in the line of duty. Attached is a proposed ordinance which establishes an administrative proceeding for the Village surrounding the administration of PSEBA benefits.

PSEBA OVERVIEW

In order to be eligible for PSEBA benefits, the employee must suffer catastrophic injury or be killed in the line of duty. The catastrophic injury must have occurred as a result of the officer's response to fresh pursuit, the officers or firefighter'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. If benefits under PSEBA are awarded, the employer must pay the entire premium of the health insurance plan for the injured employee, the employee's spouse and for each dependent child.

MUNICIPAL AUTHORITY

The PSEBA statute is silent on how to determine eligibility for benefits under the Statute. In Illinois, non-home rule municipalities only possess those powers specifically conveyed by the Constitution or by statute. An Illinois Appellate Court recently found that the Illinois Municipal Code provides non-home rule municipalities with the authority to enact administrative procedures to determine eligibility for health insurance benefits under PSEBA. Accordingly, the Illinois Municipal League has developed a model ordinance for adoption by Illinois non-home rule municipalities in regards to PSEBA administration.

PROPOSED ORDINANCE

The Village Attorney's office has reviewed and edited the recommended IML model ordinance and prepared a proposed ordinance for adoption by the Village of Lombard. The proposed ordinance provides for specific application procedures, the appointment of an administrative hearing officer, procedures for an administrative hearing, and administration of PSEBA benefits awards granted. The attached ordinance has been reviewed by the Finance and Administration Committee and is recommended for approval by Village staff.