

# NIAFPD Fall Seminar 2020

LEGAL ASPECTS OF COVID-19

## Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.

**Karl R. Ottosen**  
1804 N. Naper Blvd., Ste. 350  
Naperville, IL 60563  
(630) 614-7622  
kottosen@ottosenlaw.com



**Ryan R. Morton**  
1804 N. Naper Blvd., Ste. 350  
Naperville, IL 60563  
(630) 614-7609  
rmorton@ottosenlaw.com

## Legal Aspects of COVID-19

- ▶ Workplace Precautions
- ▶ Purchasing Equipment
- ▶ State & Federal Funding
- ▶ Preparing for the 2020 Levy
- ▶ Workers' Compensation
- ▶ Paid Sick & Family Leave
- ▶ Meeting Virtually

PLUS . . . Pension Consolidation

ALSO . . . Diversity in the Fire Service

## Workplace Precautions

EMPLOYEES' HEALTH RIGHTS AND RESPONSIBILITIES

## Health and Safety – with public and coworkers

- Changes in protocol necessary to protect residents and each other
  - More emphasis on handwashing and hygiene.
  - Mandatory face coverings.
  - Keeping socially distanced as possible.
  - Discontinuing unsafe equipment and practices.
  - Monitoring staff for illness.

## Changes to Building Layout

- ▶ Determine any "hot spots" where transmission may easily occur.
  - ▶ Ensure handwashing or sanitizing supplies are readily available in these areas.
- ▶ Clean shared equipment thoroughly between each shift
- ▶ Drinking fountains:
  - ▶ Consider shutting off
  - ▶ Water systems should be flushed to prevent spread of mold and legionella.
- ▶ Barriers when social distance isn't possible.
  - ▶ Dividers might be necessary in confined spaces, such as between bathroom sinks and bunk rooms.



## Alternate Plans For At-Risk Groups (a non-exhaustive list of at-risk individuals)

### Persons at increased risk

- Those with conditions such as:
- ▶ Obesity
  - ▶ COPD
  - ▶ Type 2 Diabetes
  - ▶ Immunocompromised state from organ transplant
  - ▶ Serious heart condition
  - ▶ Sickle cell disease

### Persons possibly at increased risk

- Those with conditions such as:
- ▶ Asthma
  - ▶ Cystic fibrosis
  - ▶ Hypertension
  - ▶ Liver disease
  - ▶ Pregnancy
  - ▶ Type 1 Diabetes

## Keeping Your Buildings Infection Free

### IDPH Guidelines **require**:

- ▶ Appropriate PPE for all staff.
- ▶ No more than 50 individuals gathered in one place (25 or 10 in some counties).
- ▶ Symptom screenings and temperature checks or require individuals to **self-certify** they are free of symptoms before entering buildings.

### IDPH Guidelines **encourage**:

- ▶ Staff staying home if feeling under the weather.
  - ▶ Consider relaxing the district's sick-leave policy to encourage this.




## Proper Face Covering Use

- ▶ **Proper** use of a face covering is an effective way to stop COVID-19 spread.
- ▶ District policy should provide specific situational requirements
  - ▶ What type of mask should be worn at the station and when?
  - ▶ What type of mask should be worn on EMS calls?
  - ▶ What if the patient is not wearing a mask?
  - ▶ What if the patient is COVID positive? COVID possible?
- ▶ Due to interactions with the public, employees must be medically able to wear a mask

## PPE beyond masks

- ▶ Gloves.
- ▶ Isolation gowns.
- ▶ Cleaning supplies and disinfectants.
  - ▶ Make sure they're EPA approved.
- ▶ Non-contact thermometers.
- ▶ Hand sanitizer.



Personal Protective Equipment by CDC/NIH is licensed under CC BY 4.0

## What to Clean

- ▶ All surfaces must be cleaned and sanitized to prevent the spread of COVID-19.
- ▶ Clean shared items between individual use.
- ▶ Regularly clean and disinfect high-touch surfaces, such as doorknobs and light switches.
- ▶ Sanitize soft surfaces.
- ▶ Launder items such as rugs and blankets at a **high** temperature.

**If an item can't be sanitized don't use it!**

## Best Cleaning and Disinfecting Solutions

- ▶ Make sure all cleaning and disinfecting solutions are EPA approved.
  - ▶ If EPA approved solutions unavailable, contact your local health department for guidance.
- ▶ Preference should be given to items on USEPA's list of disinfectants for use against SARS CoV 2.
  - ▶ This list can be found on the EPA's website.
- ▶ Hand sanitizer should contain at least 60-95% alcohol.
  - ▶ Make sure you're not using hand sanitizer brands that the FDA has warned against.

## Handling Infections

- ▶ Symptomatic individuals (regardless of tests) should be isolated immediately.
  - ▶ Make sure you have a space designated for this purpose.
- ▶ Also, isolate anyone who:
  - ▶ Has tested positive (regardless of symptoms),
  - ▶ Has had contact with a COVID-19 positive person, or
  - ▶ Has had contact with a COVID-19 suspected positive person
- ▶ Thoroughly clean and disinfect any area when an infected person leaves the space.
  - ▶ CDC recommends waiting 24 hours or as long as practical before cleaning and disinfecting.

## Handling Infections

- ▶ CDC recommends designating one point of contact for COVID-19 communication
- ▶ Monitor absent staff for:
  - ▶ Symptoms of COVID-19
  - ▶ Diagnosis of COVID-19
  - ▶ Exposure to someone with COVID-19
- ▶ If an employee is infected, be sure to notify:
  - ▶ Local health officials.
  - ▶ Those who have had close contact with the infected party.
- ▶ Districts still need to follow privacy laws and maintain confidentiality when sharing information with the community.

## Handling Infections

### When can employees return after illness?

- ▶ Generally after 14 days, but there are exceptions
- ▶ Positive employees can return sooner without ever having symptoms
- ▶ Negative or non-tested employees can return sooner depending on symptoms
- ▶ See "[COVID-19 EXCLUSION AND RETURN TO WORK CHART](#)"

## State and Federal Funding

CARES, FEMA, AND CURE

## Two Funding Options

### CARES Act / Local CURE

- ▶ CARES Act
  - ▶ Money to Cook, DuPage, Lake, Will, and Kane Counties
  - ▶ Counties disburse funds
- ▶ Local CURE Program
  - ▶ Money to State of Illinois
  - ▶ Illinois disburses funds to districts in other counties
- ▶ Reimburse for necessary expenses

### FEMA Grant Program

- ▶ Assistance to Firefighters Grants
  - ▶ Expanded with CARES Act funding
  - ▶ Only available to volunteer and combination departments
- ▶ PPE reimbursement only

## Coronavirus Aid, Relief, and Economic Security (CARES) Act

- ▶ Cook, DuPage, Lake, Will, & Kane
- ▶ Each county determines how to distribute funds
- ▶ Necessary documents
  - ▶ Application
  - ▶ Intergovernmental Agreement
  - ▶ Board Resolution
  - ▶ Itemized, detailed expenses
  - ▶ Corresponding receipts/invoices
- ▶ Incurred between March 1 and December 30, 2020
  - ▶ Not budgeted as of March 27, 2020

October 30 Deadline  
(for some counties)

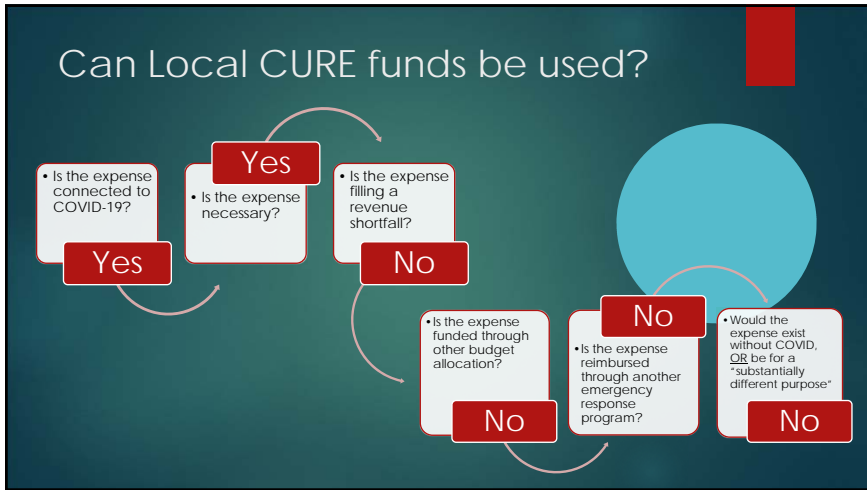
## Local Coronavirus Urgent Remediation Emergency (CURE) Program

- ▶ Other 97 counties
- ▶ Using federal CARES money, the State disburses to local governments
- ▶ Procedure:
  - ▶ Apply for the program (new window every 2 weeks)
  - ▶ Receive allotment certification from Department of Commerce & Economic Opportunity (DCEO)
  - ▶ Register for Local CURE Reporting Portal
  - ▶ Submit requests for reimbursement through Portal
- ▶ <https://www2.illinois.gov/dceo/Pages/CURE.aspx>

▶ **NOTE:** Three regions have depleted CURE funds


- ▶ 1 - North (Winnebago, DeKalb, Boone, Ogle, etc.)
- ▶ 7 - South Suburban (Kankakee)
- ▶ 9 - North Suburban (McHenry)

▶ More funding may become available December 1, so apply now



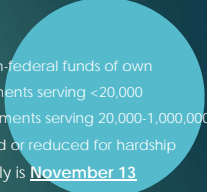
## Eligible Expenses include:

- ▶ Medical expenses
  - ▶ COVID-19 tests
- ▶ Payroll expenses
  - ▶ If employees were substantially dedicated to mitigating or responding to COVID-19
  - ▶ Attributable overtime
- ▶ Public health compliance
  - ▶ Personal Protective Equipment
  - ▶ Sanitation measures



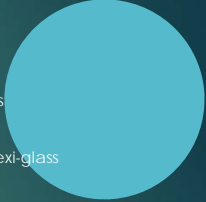
## FEMA Assistance to Firefighters Grant Program

- ▶ CARES Act authorized \$100 million for purchase of supplies for first responders
- ▶ Eligible expenses:
  - ▶ Any supplies used to prevent, prepare for, and respond to COVID-19
  - ▶ Since January 1, 2020
- ▶ Must report funding to National Fire Incident Reporting System (NFIRS) and become NIMS compliant
- ▶ Must become NIMS compliant before end of grant period
- ▶ Cost sharing
  - ▶ Contribute non-federal funds of own
  - ▶ 5% for departments serving <20,000
  - ▶ 10% for departments serving 20,000-1,000,000
  - ▶ Can be waived or reduced for hardship
- ▶ Deadline to apply is **November 13**
  - ▶ If not already registered for program, could take 4 weeks before applying



## Local CURE Expenses

<p>Eligible:</p> <ul style="list-style-type: none"> <li>▶ Isolation gowns</li> <li>▶ Eye protection</li> <li>▶ Gloves</li> <li>▶ Respirators</li> <li>▶ Surgical masks</li> <li>▶ Decontamination supplies</li> <li>▶ Antiseptic hand washes/sanitizers</li> </ul>	<p>Ineligible:</p> <ul style="list-style-type: none"> <li>▶ Thermometers</li> <li>▶ Narcotics/medications</li> <li>▶ N95 fit tester</li> <li>▶ Separation barriers/plexi-glass</li> <li>▶ COVID-19 testing kits</li> <li>▶ Pulse oximeters</li> </ul>
--	---



## Purchasing Equipment

CONSIDERATIONS IN THE TIME OF COVID-19



## Preparing for 2020 Tax Levy

PLUS, CURRENT YEAR TAX DISTRIBUTIONS

## Paid Sick and Family Leave

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

### Families First Coronavirus Response Act

- ▶ Effective April 1 to December 31, 2020
- ▶ Responds to COVID-19 outbreak
- ▶ Provides two new types of leave for employees
- ▶ Provides paid sick leave, expanded FMLA leave, tax credits, free COVID-19 testing; expanded child nutrition, SNAP, unemployment benefits, and increased Medicaid funding



## Families First Coronavirus Response Act

- ▶ Requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19
  - ▶ Public employers
  - ▶ Private employers with fewer than 500 employees
  - ▶ Exempts small businesses with fewer than 50 employees if leave requirement would jeopardize the viability of the business

## Families First Coronavirus Response Act Emergency Paid Sick Leave

- ▶ ALL public employees eligible
- ▶ No hours or tenure requirement
- ▶ Entitled to two weeks of paid sick leave under specific circumstances
- ▶ Full-time employees = up to **80 hours** (hard cap)
- ▶ Part-time employees = up to the "**number of hours** that such employee works, **on average**, over a 2-week period"

## Families First Coronavirus Response Act Emergency Paid Sick Leave

- ▶ For those with varying hours, if the employer is uncertain how many hours would have been worked during the leave period, use average based on previous 6 months worked
- ▶ If the employee did not work during the previous 6 months, then use "the reasonable expectation of the employee at the time of hiring"
- ▶ Not intended to replace unemployment benefits or employees who have had their workplace shut down due to COVID-19 by their employers

## Families First Coronavirus Response Act Emergency Paid Sick Leave



- ▶ Allows an eligible employee to take paid sick leave if the employee **is unable** to work or telework because:
  1. Subject to a federal, state, or local quarantine or isolation order due to COVID-19 (Includes Governor Pritzker's Stay at Home order)
  2. A health care provider has advised the employee to self-quarantine due to concerns related to COVID-19
  3. Experiencing symptoms of COVID-19 and seeking a medical diagnosis

## Families First Coronavirus Response Act Emergency Paid Sick Leave



- ▶ Allows an eligible employee to take paid sick leave if the employee **is unable** to work or telework because:
  4. Caring for an individual who is subject to quarantine or isolation order, or has been told to self-quarantine
  5. Caring for a child whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19 precautions
  6. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretaries of Treasury and Labor



## Families First Coronavirus Response Act Emergency Paid Sick Leave

- ▶ Employee receives 100% of compensation under the 1st 3 reasons:
  - ▶ Subject to federal, state or local quarantine or isolation order related to COVID-19
  - ▶ Advised by a health care provider to self-quarantine due to COVID-19 concerns
  - ▶ Experiencing symptoms of COVID-19 and seeking a medical diagnosis
- ▶ Employee receives 66.67% compensation under the last 3 reasons:
  - ▶ Caring for an individual subject to quarantine or isolation order, or who has been told to self-quarantine
  - ▶ Caring for child whose school or place of care has closed, or whose childcare provider is unavailable, due to COVID-19 precautions
  - ▶ Experiencing sickness similar to COVID-19

## Families First Coronavirus Response Act Emergency Paid Sick Leave

- ▶ For reasons 1, 2, & 3, employee entitled to full regular rate of pay
  - ▶ Maximum \$511/day (capping salaries > \$132,860)
- ▶ For reasons 4, 5, & 6, employee entitled to two-thirds regular rate of pay
  - ▶ Maximum \$200/day (capping salaries > \$78,000)
- ▶ Employers can provide more than these amounts

## Families First Coronavirus Response Act Emergency Paid Sick Leave

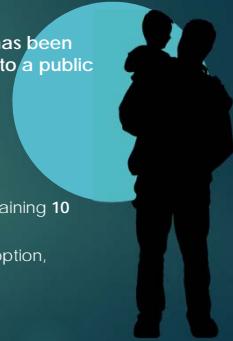
- ▶ Employer cannot require employees to use other accrued paid leave first
- ▶ Employees cannot carry over emergency paid leave into 2021

## Families First Coronavirus Response Act Emergency Paid Family Leave

- ▶ Temporary expansion for Family and Medical Leave Act (FMLA)
- ▶ Employees must have worked 30 calendar days to be eligible
  - ▶ Ignores normal FMLA requirements (12 months; 1,250 hours; 50 or more employees)
  - ▶ Includes employees laid off after March 1, 2020 and then re-hired
- ▶ Part-time employees are eligible

## Families First Coronavirus Response Act Emergency Paid Family Leave

- ▶ Caring for a minor child whose school or place of care has been closed, or whose childcare provider is unavailable, due to a public health emergency
- ▶ Employee benefits
  - ▶ Eligible for 12 weeks of leave, first 10 days **unpaid**, with remaining **10 weeks paid** at 2/3 regular rate of pay
  - ▶ May substitute paid leave for the first days at employee's option, including Emergency Paid Sick Leave



## Families First Coronavirus Response Act Emergency Paid Family Leave

- ▶ Maximum compensation (at two-thirds) is \$200/day,
- ▶ \$10,000 in aggregate (capping salaries > \$78,000)
- ▶ Employers can provide more than this amount
- ▶ Most employees are entitled to reinstatement to the same or equivalent position after leave



## Families First Coronavirus Response Act Emergency Paid Family Leave

- ▶ Employer cannot require employees to use other accrued paid leave first
- ▶ Employees can choose to use other leave, including Emergency Paid Sick Leave (reason #5), for the two unpaid weeks
- ▶ Emergency Paid Family Leave counts against an employee's annual allotment of 12 weeks of regular FMLA leave
- ▶ If an employee has already used all regular FMLA leave, then Emergency Paid Family Leave is not available until start of next 12-month period
- ▶ If an employee has already used some regular FMLA leave, then Emergency Paid Family Leave is available up to balance of 12 weeks

## Families First Coronavirus Response Act Emergency Responders

- ▶ Employers can exclude "emergency responders" from emergency paid leave
- ▶ U.S. Department of Labor definition:
 

"an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, **fire fighters**, **emergency medical services personnel**, physicians, nurses, public health personnel, **emergency medical technicians**, **paramedics**, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as **individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.**"

## Families First Coronavirus Response Act Emergency Responders

- ▶ Local decision whether to exclude emergency responders from receiving either type of paid leave, or both
  - ▶ We recommend allowing emergency responders to use emergency paid sick leave, but excluding expansion of FMLA
- ▶ Prepare for union negotiations if excluding employees
  - ▶ Important to open dialogue with union before making final decision



## Families First Coronavirus Response Act Notice Requirements

- ▶ Employers must conspicuously post the Department of Labor's "FFCRA Notice"
  - ▶ Available at [www.dol.gov/agencies/whd/pandemic](http://www.dol.gov/agencies/whd/pandemic)
- ▶ Should be posted at all worksites
- ▶ "Posting" can be satisfied by emailing or direct mailing to employees, or posting on an employee information internal or external website

## Families First Coronavirus Response Act Notice Requirements

- ▶ Employers must conspicuously post the Department of Labor's "FFCRA Notice"
  - ▶ Available at [www.dol.gov/agencies/whd/pandemic](http://www.dol.gov/agencies/whd/pandemic)
- ▶ Should be posted at all worksites
- ▶ "Posting" can be satisfied by emailing or direct mailing to employees, or posting on an employee information internal or external website

## Families First Coronavirus Response Act Employer Costs

- ▶ Fire districts are not eligible for federal tax credits to reimburse emergency paid leave costs
- ▶ However, emergency paid leave compensation is not considered "wages" for social security tax purposes
  - ▶ Employers must set up separate payroll coding to ensure FICA not taken out of employees' checks
  - ▶ Employers can also choose not to pay their portion of FICA for that compensation

## Families First Coronavirus Response Act Other Employer Provisions

- ▶ Employees must provide documentation tailored to the COVID-19 reason
- ▶ If an employer has no work available, paid leave benefits do not need to be provided to former or furloughed employees *shut down in SDNY case – DOJ, change*
- ▶ Paid leave benefits end the day after the reason for leave ends
- ▶ Unlawful to discharge, discipline, or discriminate against employee who takes emergency paid sick leave

## Regular Family and Medical Leave Act

- ▶ Excludes
  - ▶ Employees who take leave to avoid getting COVID-19
  - ▶ Employees who take leave to care for healthy children who have been dismissed from school on account of the pandemic
- ▶ May require employees to provide
  - ▶ Medical certification supporting the need for leave due to a serious health condition affecting the employee, spouse, or immediate family member
  - ▶ Second or third medical opinions (at employer's expense)
  - ▶ Periodic reports during FMLA leave regarding the employee's status and intent to return to work; and
  - ▶ Fitness for duty certification

## Travel Restrictions and CDC

- ▶ CDC established the Do Not Board list in June 2007
- ▶ Covers individuals who are contagious with certain diseases of public health concern
- ▶ Public Health Lookout list complements the Do Not Board list, utilized by Customs and Border Protection
- ▶ Prevents individuals who are contagious with certain diseases endangering public health from entering the United States (seaport, airport, land border)

## Travel Restrictions: Cook County Public Health

- ▶ CCDPH Travel Quarantine Guidance applies to suburban Cook County, excluding City of Evanston and Village of Skokie
- ▶ List of states is updated every Tuesday
  - ▶ Currently 30, plus Puerto Rico
- ▶ Travelers returning to suburban Cook County from the designated states should self-quarantine for 14 days, except essential workers
- ▶ Applies to people even if they aren't sick or showing symptoms
- ▶ Applies to people even if they test negative for COVID-19
- ▶ Only a recommendation

## Travel Restrictions and the City of Chicago

- ▶ Order of the Commissioner of Health of City of Chicago No. 2020-10 effective July 6, 2020
- ▶ Applies to individuals arriving in the City of Chicago, excludes individuals flying into a Chicago airport then traveling to a suburban municipality
- ▶ List is reviewed and amended every Tuesday
- ▶ Violation of Order (\$100 - \$500/day, up to \$7,000)

## Americans with Disabilities Act (ADA)

- ▶ 30-year anniversary
- ▶ Covers people of all ages who have a physical or mental disability that substantially limits a major life activity
- ▶ People with disabilities have a right to reasonable accommodation unless it causes employer an undue burden

## ADA and COVID-19

- ▶ ADA covered employers may ask employees if they are experiencing symptoms of COVID-19
- ▶ Employee illness is a confidential medical record
- ▶ Employees are not entitled to an accommodation in order to avoid exposing a family member who is at higher risk of severe illness from COVID-19
- ▶ EEOC Guidelines encourage accommodating employees who may be at higher risk, or who have family members at higher risk of severe COVID-19 illness

## ADA and COVID-19

- ▶ Reasonable accommodation absent undue hardship
  - ▶ Flexibility is important
  - ▶ Low-cost solutions that may only be performed at the workplace
- ▶ Mental illness or disorder exacerbated due to COVID-19
  - ▶ Employers may ask questions to determine whether condition is a disability
  - ▶ Discuss with the employee how the requested accommodation would enable them to keep working
  - ▶ Explore alternative accommodations that may effectively meet the employee's needs; and
  - ▶ Request medical documentation

## Employment Benefit Changes

WORKERS' COMPENSATION, PEDAs, AND PENSIONS

## Workers' Compensation

(P.A. 101-0633)

- ▶ Effective: June 5, 2020 (through December 31, 2020)
- ▶ First Responder's (or Front-Line Worker's) Covid-19 related illness is presumed to have happened on the job
- ▶ Employee must provide positive lab test
- ▶ This is a **rebuttable** presumption. Some ways to rebut:
  - ▶ Employee on leave for 14 or more days before illness;
  - ▶ Employer follows extensive industry-specific CDC and IDPH guidelines for workplace sanitation, social distancing, and safety practices; or
  - ▶ Employee had alternate source of exposure
- ▶ Potential impact on line-of-duty pensions

## Chicago Police & Fire Pensions

(P.A. 101-0633)

- ▶ Effective: June 5, 2020
- ▶ Only applies to Article 5 & 6 of the Pension Code
- ▶ Chicago police officer or firefighter who dies from COVID-19 will be presumed to have contracted the disease while on duty
- ▶ Fatal injury while in active service also presumed
- ▶ Rebuttable
  - ▶ Away from work for 14 or more consecutive days immediately prior to contracting disease
- ▶ Might be a push to include for Articles 3 & 4

## Public Employees Disability Act

(P.A. 101-0651)

- ▶ Effective: August 7, 2020
- ▶ Employees eligible for PEDAs given more time to recover
- ▶ Only if recovery is hindered—directly or indirectly—by COVID-19
- ▶ Extension of up to 60 days, during which payments continue
- ▶ Employer can require proof of how recovery was hindered

## Remote Meeting Attendance

OPEN MEETINGS ACT CHANGES

## Electronic Meeting Attendance

- ▶ Pre-Pandemic
  - ▶ Only if Board policy in place
  - ▶ Only if quorum physically present
  - ▶ Only if caused by:
    - ▶ Personal illness/disability
    - ▶ Employment
    - ▶ Family or other emergency
- ▶ During Quarantine
  - ▶ Executive Order 2020-07
  - ▶ No physically present quorum needed
  - ▶ No special excuse needed
  - ▶ Encouraged to:
    - ▶ Provide electronic access to public
    - ▶ Update websites/social media about meeting format

## Electronic Meeting Attendance

- ▶ During Public Health Emergency
  - ▶ 5 ILCS 120/7(e)
  - ▶ Meeting not practical or prudent
  - ▶ Verify members
  - ▶ One person at meeting location
  - ▶ Roll call votes
  - ▶ Maintain recording



## Meeting Decision

- ▶ Governor or IDPH Director must issue disaster declaration related to public health concerns
  - ▶ All or part of the district in the disaster area
- ▶ Board president's choice
  - ▶ Determine if in-person meeting is "not practical or prudent" due to disaster
- ▶ If in-person meeting, some members can still participate remotely under the old rules



## Verify Participation

- ▶ Presiding board member should verify each participant's face or voice
- ▶ All board members should confirm they can hear everything
- ▶ All votes must be by roll call
  - ▶ All members participating are considered present for quorum

## Prepare for the Public

- ▶ At least one person must be at the regular meeting location, if feasible
  - ▶ Board member, fire chief, or chief legal counsel
- ▶ Regular location remains open to public
  - ▶ Attendees must be able to hear all discussion, testimony, and votes
  - ▶ Unless attendance "is not feasible due to the disaster"
    - ▶ Alternative method for public to contemporaneously hear must be offered
    - ▶ Notice of alternative method must be given

## Notice

- ▶ Same as normal
  - ▶ 48 hours
  - ▶ Posted online
  - ▶ Provided to members and requesting news media
- ▶ Unless there is a bona fide emergency
  - ▶ "As soon as practicable" to requesting news media
  - ▶ Presiding officer states the nature of the emergency

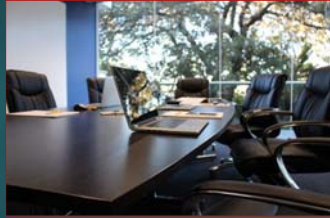


## Recording

- ▶ Verbatim recordings must be maintained
  - ▶ Audio or video
- ▶ Recordings must be made available to the public
  - ▶ In the same way as open session minutes (physically/digitally)
  - ▶ Kept for the same duration as closed session recordings



## Other Requirements



- ▶ All other parts of OMA remain
  - ▶ “Convenient and open”
  - ▶ Public comment
    - ▶ Can be written submissions
  - ▶ Quorum
  - ▶ Closed session

## Practical Considerations

- ▶ Top of Agendas
  - ▶ Include how to participate and how to submit written comments
- ▶ Capacity Limits
  - ▶ Still no more than 50 people
  - ▶ Consider overflow rooms with livestreaming
- ▶ Public Comment Policy
  - ▶ President can limit number of comments per topic
  - ▶ Might consider designating a number per side
  - ▶ Indicate that all other comments would be shared with board members and included in minutes

## COVID-related PAC Decisions

- New Trier Twp H.S. Dist. 203, May 29, 2020
  - 2020 PAC 62701 & 2020 PAC 63089
  - Public comment only by email is OK
  - Requested deadline to submit public comment is OK
    - PAC did not opine on whether a hard deadline is acceptable
  - Public can use pseudonyms

## Other Significant PAC Decisions

- ▶ Employee evaluations
  - ▶ Discussion of evaluation process alone not allowed (P.A.O. 20-004)
- ▶ Public comment
  - ▶ Non-residents are allowed to comment (P.A.O. 19-009)
- ▶ Agenda items
  - ▶ Listing a resolution number alone, without content, not sufficient (P.A.O. 19-012)


# Pension Consolidation Update

STATEWIDE ARTICLE 4 PENSION FUND



# Consolidation Refresher

- ▶ Effective January 1, 2020
- ▶ All 649 firefighter and police pension funds will be consolidated into 2 statewide funds
- ▶ 30-month transition period
  - ▶ Transition board
  - ▶ Permanent board
  - ▶ July 1, 2022 completion date
- ▶ Statewide funds will control all investments
- ▶ Local boards will still determine disability pensions



# Firefighters' Pension Investment Fund



- ▶ [www.ifpif.org](http://www.ifpif.org)
- ▶ Interim Board
  - ▶ Next Meeting: October 27
- ▶ Election Information
- ▶ Calendar
- ▶ Policies & Publications
  - ▶ By Laws
  - ▶ Procurement Policy
  - ▶ Ethics Policy
- ▶ Training sessions



# Interim Board Members

Executives	Participants	Others
<ul style="list-style-type: none"> <li>• Steve Chirico (Naperville Mayor)</li> <li>• Patrick Nichting (Peoria Treasurer)</li> <li>• Jeff Rowitz (Northbrook CFO)</li> </ul>	<ul style="list-style-type: none"> <li>• Kevin Bramwell (Bolingbrook)</li> <li>• Matthew Kink (Springfield)</li> <li>• George Schick (Orland FPD)</li> </ul>	<ul style="list-style-type: none"> <li>• Chuck Sullivan (Chair, AFFI)</li> <li>• Brad Cole (Vice Chair, IML)</li> <li>• Russ Hunt (Bolingbrook Retired FF)</li> </ul>



## Permanent Board Candidates

### Executives

- Patrick Nichting (Peoria Treasurer) (4-yr)
- John Perry (Lisle-Woodridge Trustee) (4-yr)
- Herb Roach (O'Fallon Mayor) (4-yr)
- David Geary (Wauconda Chief) (2-yr)
- Jeff Rowitz (Northbrook CFO) (2-yr)

### Participants

#### AUTOMATIC WINNERS

- Kevin Bramwell (Bolingbrook) (4-yr)
- Matthew Kink (Springfield) (4-yr)
- George Schick (Orland FPD) (2-yr)

### Others

- Russ Hunt (Bolingbrook Retired FF) (2-yr)
- Gregory Knoll (Homewood Retired FF) (2-yr)
- AFFI Representative
- IML Representative

## Permanent Board Elections

- ▶ Only mayors of municipalities and presidents of fire protection districts are eligible to vote for Executive trustees
  - ▶ Beneficiary and participant voters must be beneficiaries or participants as of August 16, 2020
- ▶ Executive Trustee ballots will be mailed to the public office address on or before October 26, 2020
  - ▶ Will include candidate biographies, voting instructions, the ballot, and prepaid return envelope
- ▶ Ballots must be received by 4:30 p.m. on December 1, 2020
- ▶ Results will be certified by December 7.

## The Big Takeaway

- ▶ Executive Director William Atwood has stated that his goal is to collect all pension fund assets by July 1, 2021, a full year before the statutory deadline

## Diversity in the Fire Service

FIREFIGHTER CERTIFICATION PROGRAM