



Air Conditioning Contractors of America

2800 Shirlington Rd. Suite 300 • Arlington, VA 22206 • 703-575-4477

April 20, 2020

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, IL 62706

Dear Joint Committee on Administrative Rules:

I'm writing to you today on behalf of ACCA, the national association of heating, ventilation, air conditioning, and refrigeration (HVACR) contractors. ACCA members are a backbone of the American economy and way of life. Contractors are responsible for designing, installing, and maintaining HVACR systems that protect our food supply, ensure modern medicine is possible, enable data centers to operate, and provide essential comfort and air quality needs to every home, healthcare facility, and office building in the country. ACCA members are recognized as the industry's leaders and are responsible for more than \$22,000,000,000 in annual sales.

On behalf of contractors in Illinois, I am writing today to urge you to review and overturn the recently approved emergency rule by the Illinois Workers Compensation Commission (IWCC) regarding workers' compensation.

As written, the new rule upends more than one hundred years of workers' compensation laws by adding language to the IWCC's Rules of Evidence to say that any first responder or employee of an essential business—as broadly defined under Governor Pritzker's March 20 Executive Order—who experience an injury, sickness, or period of incapacity due to COVID-19 will be presumed to have contracted the disease in the workplace, despite any evidence or lack thereof to support this claim.

Effective immediately, the new rule may apply to workers' compensation claims as far back as March 9. While the IWCC has suspended their regular operations through at least April, the commissioners are still hearing emergency motions. That means it is possible that filings could be subject to this new rule. Broadly and retroactively covering COVID-19 exposure in this manner will upset the balance of our state's workers' compensation system and could undermine its ability to provide workers with all types of injuries indemnity benefits and medical care without any financial responsibilities for the worker. ACCA is concerned that this would have a direct impact on small contractor businesses who are already feeling the financial strains of this pandemic.

To qualify for workers' compensation, it has long been held that there must be proof that an occupational disease arises out of and in the course employment. Moreover, it must be a disease that an employee is not ordinarily subjected or exposed to other than during a period of actual employment. Neither can be assured in the case of COVID-19.

Dispensing with the requirement that a worker proves that his or her injury rose out of and in the course of their employment would upset our otherwise reliable workers' compensation system. This rule violates over a century of established law, rewrites existing contracts between employers and insurers, and raises constitutionality questions. Please help protect a functioning workers' compensation in Illinois by overturning this misguided rule.



Thank you for the opportunity to share our views. ACCA looks forward to any questions that you may have, and we look forward to being updated in the future on any changes like this that would impact contractors in a timely manner.

Sincerely,

A handwritten signature in blue ink, reading "Barton C. James". The signature is fluid and cursive, with the first name "Barton" being larger and more prominent than the last name "James".

Barton James
President and CEO

CC:

Governor Jay Robert Pritzker
Office of the Governor
James R. Thompson Center
100 W. Randolph, 16-100

Lieutenant Governor Juliana Stratton
Office of the Lt. Governor
James R. Thompson Center
100 W. Randolph St., Ste. 15-200
Chicago, IL 60601

Attorney General Kwame Raoul
Office of the Attorney General
100 West Randolph Street
Chicago, IL 60601

Secretary of State Jesse White
Office of the Secretary of State
213 State Capitol
Springfield, IL 62756