

65-R-19

A RESOLUTION

**Approving Procedures Regarding Determination of Benefit Eligibility
Under the Public Safety Employee Benefits Act**

WHEREAS, the City of Evanston ("City") is a home rule municipality in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Public Safety Employee Benefits Act, 820 ILCS 320/1 *et seq.* ("PSEBA"), requires that the City provide certain benefits to any public safety employee covered by PSEBA who suffers a catastrophic injury or is killed in the line of duty; and

WHEREAS, the City's Human Resources Division recommends the adoption of a policy identifying the procedures for determining the eligibility of public safety employees for PSEBA benefits and for the provision of those benefits; and

WHEREAS, the proposed policy and procedures are in accordance with the Public Safety Employee Benefits Act; and

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

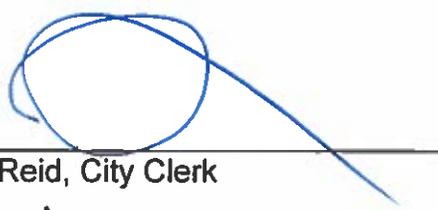
SECTION 1: The policy and procedures for determining the eligibility of public safety employees for PSEBA benefits and for the provision of those benefits set forth in the document entitled *City of Evanston Public Safety Employee Benefits Act (PSEBA) Policy*, attached hereto as Exhibit A and incorporated herein by this

reference, is hereby adopted as the official policy for determining the eligibility of public safety employees for PSEBA benefits and for the provision of those benefits.

SECTION 2: This Resolution 65-R-19 shall be in full force and effect on January 1, 2020, after its passage and approval in the manner provided by law.

SECTION 3: If any section or provision of this Resolution or the adopted PSEBA Policy is declared to be invalid, that decision shall not affect the validity of this Resolution or adopted PSEBA Policy as a whole or any part thereof, other than the part so declared to be invalid.

Attest:



Devon Reid, City Clerk

Adopted: July 8th, 2019



Stephen H. Hagerty, Mayor

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel

EXHIBIT 1

**CITY OF EVANSTON
PUBLIC SAFETY EMPLOYEE BENEFITS ACT
(PSEBA) POLICY**



City of Evanston Public Safety Employee Benefits Act (PSEBA) Policy

Purpose

The Public Safety Employee Benefits Act ("PSEBA" or the "Act") 820 ILCS 320/1, et seq., requires certain benefits be provided to a public safety employee covered by the Act who suffers a catastrophic injury or is killed in the line of duty. The Act defines a public safety employee to include any fulltime law enforcement, correctional or correctional probation officer, firefighter or licensed emergency medical technician (EMT) who is a sworn member of a public fire department. The same benefits may be extended to the spouse and eligible dependents of the catastrophically injured or deceased public safety employee, provided the conditions as established by the Act are met.

The City of Evanston ("City"), as an employer of public safety employees, may be required to pay the entire premium of the City's basic health insurance plan for a public safety employee and his/her spouse and eligible dependents for the period defined by the Act, if such public safety employee is eligible for benefits under the Act.

The general purpose of this Policy is to memorialize the process as it may be administratively amended from time to time for application for health insurance benefits pursuant to PSEBA. This Policy is consistent with the obligations of the City under state law to provide health insurance benefits to certain public safety employees who qualify for, and are determined by the City to be eligible to receive, certain health insurance benefits pursuant to this policy and the Act.

Administrative Process

All applications for health insurance benefits under PSEBA must be submitted, and will be considered, according to the following process.

1. Application Form

Any person seeking PSEBA benefits from the City must complete and submit to the City the standard application form prepared by the City, and all supporting documentation required by the application. The PSEBA application must be completed, sworn, and notarized as to the content of the application.

2. Time Period for Submission of Application

Employees eligible to apply for Public Safety Employee Benefits Act (PSEBA) health insurance coverage must request, in writing, an

application for such benefits from the Human Resources division within two weeks from the date an employee's duty related disability pension commences. The completed application must be submitted via certified mail to:

City of Evanston
2100 Ridge Avenue
Evanston, IL 60201
Attn: Human Resources/Safety & Worker's Compensation Mgr.

Failure to submit a timely PSEBA application, within 90 days from the commencement of the disability pension, may result in a waiver of the claim under this Policy for benefits under the Act. The Safety & Worker's Compensation Manager, or their designee, will review the application when all of the documentation required by the City under this Policy has been received.

3. Processing of Applicant

Upon receipt of a timely, complete and executed application form, the Safety & Worker's Compensation Manager shall promptly review the materials and other relevant information necessary or appropriate to analyze whether the applicant is eligible for PSEBA benefits.

- a. If the Safety & Worker's Compensation Manager determines that additional fact-finding is necessary or appropriate, the applicant will respond in writing to written requests from the City for additional information not later than 30 days after receipt of the City's request.
- b. If the applicant does not respond to, or cooperate with, the City's written requests for additional information, the City will send a reminder notice to the applicant explaining the duty of full cooperation in the fact-finding process.
- c. If the applicant does not provide the requested information or otherwise cooperate with the City within 21 days after receipt of such additional notice, then the City shall deem the application for PSEBA benefits to be withdrawn and waived.

4. Recommendation to the City Manager

The Safety & Worker's Compensation Manager will make a recommendation to the City Manager on the applicant's eligibility for PSEBA benefits after completing a review of the application, supporting materials, and any related fact-finding evidence.

The Safety & Worker's Compensation Manager, upon review of the PSEBA application and all supporting documentation (the packet) will

forward the packet to the City Attorney for a final review before forwarding to the City Manager for review and determination.

5. *City Manager's Determination of Eligibility*

After receipt of the recommendation of the Safety & Worker's Compensation Manager, the City Manager will review the facts contained in the application, supporting materials and any other information gathered through any additional fact-finding. Based on this review of facts, the City Manager will make a final determination regarding the applicant's eligibility for PSEBA benefits.

6. *Notice of City Manager's Determination*

Not later than 45 days after receipt of the recommendation of the Safety & Worker's Compensation Manager, the City Manager will advise the applicant, in writing, of the City Manager's determination.

Health Insurance Benefits During the Pendency of a PSEBA Application

During the processing and review of the PSEBA application, the applicant may remain on the City's health insurance plan. But, the applicant shall be responsible for payment of 100% of the health insurance premium. For those applicants wishing to continue their health insurance during the pendency of their PSEBA application health insurance premiums shall be deducted from the PSEBA applicant's pension check until such time as a determination has been made.

If the City Manager grants PSEBA benefits and the eligible recipient elected to continue on the City's health insurance plan while the PSEBA application was being reviewed, the City will reimburse the PSEBA benefit recipient for any health insurance premiums paid during the period beginning on the date on which the City became obligated to provide PSEBA benefits to the eligible recipient, and ending on the date of the City's first premium payment after the City Manager's determination; provided, however, that any reimbursement by the City will not exceed the pro rata amount of the City's basic group health insurance plan monthly premium multiplied by the number of months, or parts thereof, within the same period. The City will pay any such reimbursement not later than 60 calendar days after the date of the City Manager's determination. There shall be no reimbursement of health insurance premiums if the eligible recipient did not elect to continue on a City health insurance plan while the PSEBA application was being reviewed.

If the City Manager denies PSEBA benefits, the applicant may remain on the City's health insurance plan pursuant to COBRA or state insurance statutes; however, the applicant will be responsible for the payment of 100% of the health insurance premium cost.

All records pertaining to the administrative process will be held in a separate file in the applicant's name within the Administrative Services Department/Human Resources Division of the City of Evanston. Requests for such file shall be made in accordance with the requirements of the Freedom of Information Act.

Health Insurance Benefits if PSEBA Benefits Are Granted

If an applicant is awarded health insurance benefits pursuant to PSEBA, the following provisions apply:

1. **City of Evanston Insurance Plan**

If the City of Evanston approves the PSEBA application and awards health insurance benefits under PSEBA, the City's specifically designated base HMO insurance plan is the employer's basic group health insurance plan offered. The basic group health insurance plan will be determined annually by the City at the start of the benefit open enrollment period. The City reserves the right to change the basic group health insurance plan offered to persons eligible for health insurance benefits under PSEBA or those already receiving PSEBA benefits. This Policy will be administratively amended if the City decides to change the basic group health insurance plan offered to persons who are awarded health insurance benefits under PSEBA. If the applicant, or current PSEBA recipient, chooses to enroll in any plan other than the basic group health insurance plan offered by the City of Evanston, the applicant, or current PSEBA recipient, must pay the difference in insurance premiums. Health insurance coverage under the Act does not include any supplemental coverage such as dental insurance, optical insurance or life insurance. If such supplemental coverage(s) are available, they may be continued by the eligible recipient at his/her own cost. If health insurance benefits under the Act are not awarded, the public safety employee may continue to remain on a City health insurance plan if allowed to do so under City policy, however he/she will be responsible for 100% of the health insurance premium cost. If the public Safety employee chooses not to remain on a City health insurance plan, he/she may be eligible to continue health insurance coverage under applicable laws as defined under COBRA.

2. **Other Health Insurance Benefits**

Pursuant to PSEBA, health insurance benefits payable from another source will reduce the benefits payable from the City. Each PSEBA applicant or benefit recipient claiming full health insurance benefits from the City's basic group health insurance plan will be required to sign an affidavit attesting that he or she is not eligible for insurance benefits from any other source.

It is the responsibility of the PSEBA benefit recipient to notify the City of Evanston within 30 days of any changes to other sources of health

insurance benefits, and to otherwise comply with all applicable reporting and information requests and requirements. Any PSEBA benefit recipient who receives health insurance benefits from the City, and whose City-paid premiums should have been reduced because of health insurance payable from another source, will be required to reimburse the City for the difference between the premiums actually paid by the City and the reduced premiums that the City should have paid. The City reserves the right to annually require any PSEBA benefit recipient to provide an affidavit attesting to any other health insurance available or payable to the PSEBA benefit recipient, the recipient's spouse or to the recipient's dependent children.

Effective Date: _____

Signature: _____

Wally Bobkiewicz, City Manager