



## Legislation Text

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File #: 18-598, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code and adding Chapter 14 to Title 1 to the Naperville Municipal Code to establish an administrative procedure for assessing and determining claims made under the Public Safety Employee Benefits Act.

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Dwight Pancottine, Labor and Employment Attorney

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

The Public Safety Employee Benefit Act ("PSEBA"), 820 ILCS 320/10, is a medical insurance benefit mandated under state law for sworn public safety officers (fire and police) that provides for lifetime medical insurance continuation for the officer and his/her spouse and dependent children where the officer dies or suffers a catastrophic injury while in the line of duty.

#### **DISCUSSION:**

The current process for a public safety officer to apply for a PSEBA benefit with the City is to file an application for the benefit which includes relevant information as to whether the criteria under the law for receiving the benefit have been met. The City Manager reviews the application, determines whether the criteria have been met and either grants or denies the PSEBA claim accordingly. If the claim is denied, the applicant may file an action in DuPage County Circuit Court seeking a determination that he or she is entitled to PSEBA benefits.

Illinois courts in recent years have ruled that a municipality has the right to establish an administrative hearing process to decide PSEBA claims. This process allows the municipality to appoint an administrative hearing officer to hear and decide the PSEBA claim where there are issues of fact and law that may be in dispute. This process is established through an ordinance. The attached ordinance drafted by staff creates a PSEBA administrative hearing process.

The administrative hearing process serves the interest of the City and its public safety officers by establishing a process for filing a PSEBA claim, providing due process to the applicant, and creating a fair and efficient method for assessing and deciding whether the claim should be granted or denied.

The process requires the applicant to file an application providing information relevant to his/her eligibility for PSEBA. The City Manager reviews the application and decides, based upon the facts

and law, whether to grant the benefits or to set the matter for a hearing before an administrative hearing officer. If a hearing is needed, the City will engage an administrative hearing officer to hear the evidence, create a record and decide whether the PSEBA claim should be granted or denied. If either party takes issue with the hearing officer's decision, it has the right to appeal the decision to the DuPage County circuit court. Both the City and the PSEBA applicant are bound by the record created in the administrative hearing process.

On June 5, 2018, the City Council held the first reading of the ordinance amending the municipal code to establish an administrative hearing process for PSEBA claims. The ordinance was placed on the June 19, 2018 agenda for final action but was tabled by City Council to allow for time to address an issue raised by the Naperville Firefighters Local # 4302 union. That issue was addressed with the union by staff and resulted in adding the following sentence to the end of Section 1-14-3 of the ordinance: "The Hearing Officer's background and service/performance data on file with or otherwise obtained by the City shall be made available to the Applicant."

**FISCAL IMPACT:**

This ordinance will have a fiscal impact associated with the cost of hiring an administrative hearing officer on an as needed basis