



Committee of the Whole Meeting – April 19, 2021 Staff Responses to Council Questions

Before each Committee of the Whole or City Council meeting, questions that have been posed by the City Council relating to [the agenda](#) for that evening will be posted to the City's website. Below are the responses to this week's questions.

3. Items of Business

b. Consider Draft Ordinance Amending Title 2 (Public Safety Departments) of the Geneva City Code Establishing an Administrative Hearing Procedure Under the Public Safety Employee Benefits Act (PSEBA).

Q: Is the 30-day time period in which a family must file for this standard? Is there notification from the City upon these circumstances so the family knows they must act quickly?

A: The 30-day time limit is a standard shared by many municipalities. Each qualifying event is unique, and the City will respond and communicate with employees depending on the nature and circumstances of any incident that would meet the requirements for PSEBA benefits as detailed in the Act.

Q: Who currently determines whether benefits are honored/given?

A: According to the Act, there is a two-prong test to determine if PSEBA benefits apply – 1) an injury was suffered that entitled the public safety employee to a line-of-duty disability pension (this is determined by the pension board); and 2) the injury must occur in response to what is reasonably believed to be an unforeseen circumstance involving imminent danger to a person or property requiring an urgent response. Absent an established administrative process, the determination is based upon the pension's board ruling and the second prong of the test may ultimately reside with a court should there be a dispute regarding eligibility. Adopting a policy ensures a consistent and fair process that clearly articulates the benefits available to employees and their responsibility in the process.

Q: By making this process via a hearing, will the hearing process be the only change to this?

A: The proposed hearing process does not alter the benefits. The hearing process will be used to determine that an employee and/or dependents are eligible and qualified to receive the benefits. Adopting the process ensures key questions are answered in advance, not in response to a claim.

Q: Will the lawyer appointed by the mayor be paid? If so, what are the estimated costs? Who will pay (City of Geneva or claimant)?

A: The hearing officer would be compensated for their services. Cost estimates vary depending on the nature of a claim. Unless determined otherwise, the City would incur the cost of the Administrative Hearing Officer. Other expenses related to the hearing may be split or the responsibility of the applicant as described in the ordinance.

Q: Will the lawyer be chosen on a per case basis or will the person handle multiple cases for a defined time period/indefinitely?

A: The appointment of a hearing officer is the prerogative of the mayor and made with the advice and consent of the City Council. Due to the unique and specific nature of these claims, a hearing officer would likely be appointed on a case-by-case basis.

No Public Comments submitted