

# Supreme Court Summaries

Opinions filed December 1, 2011

## **Nowak v. City of Country Club Hills, 2011 IL 111838**

Appellate citation: 406 Ill. App. 3d 837.

JUSTICE THOMAS delivered the judgment of the court, with opinion.

Chief Justice Kilbride and Justices Freeman, Garman, Karmeier, Burke, and Theis concurred in the judgment and opinion.

On August 21, 2005, this City of Country Club Hills police officer was injured while attempting to make an arrest and did not work again.

Nowak had been voluntarily enrolled in the City's health insurance plan and had been paying 20% of the premium out of his salary as a payroll deduction. For a year after his injury, he continued to receive 100% of his salary pursuant to the Public Employee Disability Act, and the 20% deduction also continued. After this, he began to receive workers' compensation benefits, and, out of them, paid his own health insurance premiums.

The Public Safety Employee Benefits Act provides that a peace officer who is killed or catastrophically injured in the line of duty is entitled to have his employer pay the health insurance premium for himself and his family. It is not clear from the statute the exact point in time at which this obligation begins. Nowak made application for, and, on October 14, 2008, was awarded, a line-of-duty disability pension by action of the City's police pension board. The City then commenced paying for his health insurance, at the 100% level provided for by the Act. Plaintiff employee, however, was not satisfied. He believed that, insofar as he had made contributions to his health insurance coverage after the date of the injury, he should be compensated therefor under the Act. He brought his action for reimbursement in the circuit court of Cook County. The circuit court refused and entered summary judgment for the City. On review, however, the appellate court reversed, and the City appealed.

In this decision, the supreme court said that the applicable statute does not make clear the exact date on which an employer must start paying the entire insurance premium for the injured employee and his family. Pointing out that the exact date of a disabling injury is not always known, the court said that the October 14, 2008, date on which it was determined that Nowak was permanently disabled, would never be returning to work, and should receive a line-of-duty disability pension was the date on which his employment terminated for purposes of the Public Safety Employee Benefits Act. This is the point in time at which the City's obligation to pay for health insurance as called for by the Act begins.

The circuit court was affirmed, and the appellate court was reversed.

