



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3653

by Rep. Brad Halbrook - Jeanne M Ives

SYNOPSIS AS INTRODUCED:

820 ILCS 305/7	from Ch. 48, par. 138.7
820 ILCS 305/8	from Ch. 48, par. 138.8

Amends the Workers' Compensation Act. Changes the compensation rates for certain accidental injuries to the levels that existed before Public Act 94-277 took effect. Removes language requiring employers to make payments on annual adjustments to the compensation rate in awards for death benefits or permanent total disability for every accident occurring on or after July 20, 2005 but before November 11, 2005 (the date Public Act 94-695 took effect). Makes other changes.

LRB100 05229 KTG 15239 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Workers' Compensation Act is amended by
5 changing Sections 7 and 8 as follows:

6 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

7 Sec. 7. The amount of compensation which shall be paid for
8 an accidental injury to the employee resulting in death is:

9 (a) If the employee leaves surviving a widow, widower,
10 child or children, the applicable weekly compensation rate
11 computed in accordance with subparagraph 2 of paragraph (b) of
12 Section 8, shall be payable during the life of the widow or
13 widower and if any surviving child or children shall not be
14 physically or mentally incapacitated then until the death of
15 the widow or widower or until the youngest child shall reach
16 the age of 18, whichever shall come later; provided that if
17 such child or children shall be enrolled as a full time student
18 in any accredited educational institution, the payments shall
19 continue until such child has attained the age of 25. In the
20 event any surviving child or children shall be physically or
21 mentally incapacitated, the payments shall continue for the
22 duration of such incapacity.

23 The term "child" means a child whom the deceased employee

1 left surviving, including a posthumous child, a child legally
2 adopted, a child whom the deceased employee was legally
3 obligated to support or a child to whom the deceased employee
4 stood in loco parentis. The term "children" means the plural of
5 "child".

6 The term "physically or mentally incapacitated child or
7 children" means a child or children incapable of engaging in
8 regular and substantial gainful employment.

9 In the event of the remarriage of a widow or widower, where
10 the decedent did not leave surviving any child or children who,
11 at the time of such remarriage, are entitled to compensation
12 benefits under this Act, the surviving spouse shall be paid a
13 lump sum equal to 2 years compensation benefits and all further
14 rights of such widow or widower shall be extinguished.

15 If the employee leaves surviving any child or children
16 under 18 years of age who at the time of death shall be
17 entitled to compensation under this paragraph (a) of this
18 Section, the weekly compensation payments herein provided for
19 such child or children shall in any event continue for a period
20 of not less than 6 years.

21 Any beneficiary entitled to compensation under this
22 paragraph (a) of this Section shall receive from the special
23 fund provided in paragraph (f) of this Section, in addition to
24 the compensation herein provided, supplemental benefits in
25 accordance with paragraph (g) of Section 8.

26 (b) If no compensation is payable under paragraph (a) of

1 this Section and the employee leaves surviving a parent or
2 parents who at the time of the accident were totally dependent
3 upon the earnings of the employee then weekly payments equal to
4 the compensation rate payable in the case where the employee
5 leaves surviving a widow or widower, shall be paid to such
6 parent or parents for the duration of their lives, and in the
7 event of the death of either, for the life of the survivor.

8 (c) If no compensation is payable under paragraphs (a) or
9 (b) of this Section and the employee leaves surviving any child
10 or children who are not entitled to compensation under the
11 foregoing paragraph (a) but who at the time of the accident
12 were nevertheless in any manner dependent upon the earnings of
13 the employee, or leaves surviving a parent or parents who at
14 the time of the accident were partially dependent upon the
15 earnings of the employee, then there shall be paid to such
16 dependent or dependents for a period of 8 years weekly
17 compensation payments at such proportion of the applicable rate
18 if the employee had left surviving a widow or widower as such
19 dependency bears to total dependency. In the event of the death
20 of any such beneficiary the share of such beneficiary shall be
21 divided equally among the surviving beneficiaries and in the
22 event of the death of the last such beneficiary all the rights
23 under this paragraph shall be extinguished.

24 (d) If no compensation is payable under paragraphs (a), (b)
25 or (c) of this Section and the employee leaves surviving any
26 grandparent, grandparents, grandchild or grandchildren or

1 collateral heirs dependent upon the employee's earnings to the
2 extent of 50% or more of total dependency, then there shall be
3 paid to such dependent or dependents for a period of 5 years
4 weekly compensation payments at such proportion of the
5 applicable rate if the employee had left surviving a widow or
6 widower as such dependency bears to total dependency. In the
7 event of the death of any such beneficiary the share of such
8 beneficiary shall be divided equally among the surviving
9 beneficiaries and in the event of the death of the last such
10 beneficiary all rights hereunder shall be extinguished.

11 (e) The compensation to be paid for accidental injury which
12 results in death, as provided in this Section, shall be paid to
13 the persons who form the basis for determining the amount of
14 compensation to be paid by the employer, the respective shares
15 to be in the proportion of their respective dependency at the
16 time of the accident on the earnings of the deceased. The
17 Commission or an Arbitrator thereof may, in its or his
18 discretion, order or award the payment to the parent or
19 grandparent of a child for the latter's support the amount of
20 compensation which but for such order or award would have been
21 paid to such child as its share of the compensation payable,
22 which order or award may be modified from time to time by the
23 Commission in its discretion with respect to the person to whom
24 shall be paid the amount of the order or award remaining unpaid
25 at the time of the modification.

26 The payments of compensation by the employer in accordance

1 with the order or award of the Commission discharges such
2 employer from all further obligation as to such compensation.

3 (f) The sum of \$4,200 ~~\$8,000~~ for burial expenses shall be
4 paid by the employer to the widow or widower, other dependent,
5 next of kin or to the person or persons incurring the expense
6 of burial.

7 In the event the employer failed to provide necessary first
8 aid, medical, surgical or hospital service, he shall pay the
9 cost thereof to the person or persons entitled to compensation
10 under paragraphs (a), (b), (c) or (d) of this Section, or to
11 the person or persons incurring the obligation therefore, or
12 providing the same.

13 On January 15 and July 15, 1981, and on January 15 and July
14 15 of each year thereafter the employer shall within 60 days
15 pay a sum equal to 1/8 of 1% of all compensation payments made
16 by him after July 1, 1980, either under this Act or the
17 Workers' Occupational Diseases Act, whether by lump sum
18 settlement or weekly compensation payments, but not including
19 hospital, surgical or rehabilitation payments, made during the
20 first 6 months and during the second 6 months respectively of
21 the fiscal year next preceding the date of the payments, into a
22 special fund which shall be designated the "Second Injury
23 Fund", of which the State Treasurer is ex-officio custodian,
24 such special fund to be held and disbursed for the purposes
25 hereinafter stated in paragraphs (f) and (g) of Section 8,
26 either upon the order of the Commission or of a competent

1 court. Said special fund shall be deposited the same as are
2 State funds and any interest accruing thereon shall be added
3 thereto every 6 months. It is subject to audit the same as
4 State funds and accounts and is protected by the General bond
5 given by the State Treasurer. It is considered always
6 appropriated for the purposes of disbursements as provided in
7 Section 8, paragraph (f), of this Act, and shall be paid out
8 and disbursed as therein provided and shall not at any time be
9 appropriated or diverted to any other use or purpose.

10 On January 15, 1991, the employer shall further pay a sum
11 equal to one half of 1% of all compensation payments made by
12 him from January 1, 1990 through June 30, 1990 either under
13 this Act or under the Workers' Occupational Diseases Act,
14 whether by lump sum settlement or weekly compensation payments,
15 but not including hospital, surgical or rehabilitation
16 payments, into an additional Special Fund which shall be
17 designated as the "Rate Adjustment Fund". On March 15, 1991,
18 the employer shall pay into the Rate Adjustment Fund a sum
19 equal to one half of 1% of all such compensation payments made
20 from July 1, 1990 through December 31, 1990. Within 60 days
21 after July 15, 1991, the employer shall pay into the Rate
22 Adjustment Fund a sum equal to one half of 1% of all such
23 compensation payments made from January 1, 1991 through June
24 30, 1991. Within 60 days after January 15 of 1992 and each
25 subsequent year through 1996, the employer shall pay into the
26 Rate Adjustment Fund a sum equal to one half of 1% of all such

1 compensation payments made in the last 6 months of the
2 preceding calendar year. Within 60 days after July 15 of 1992
3 and each subsequent year through 1995, the employer shall pay
4 into the Rate Adjustment Fund a sum equal to one half of 1% of
5 all such compensation payments made in the first 6 months of
6 the same calendar year. Within 60 days after January 15 of 1997
7 and each subsequent year through 2005, the employer shall pay
8 into the Rate Adjustment Fund a sum equal to three-fourths of
9 1% of all such compensation payments made in the last 6 months
10 of the preceding calendar year. Within 60 days after July 15 of
11 1996 and each subsequent year through 2004, the employer shall
12 pay into the Rate Adjustment Fund a sum equal to three-fourths
13 of 1% of all such compensation payments made in the first 6
14 months of the same calendar year. Within 60 days after July 15
15 of 2005, the employer shall pay into the Rate Adjustment Fund a
16 sum equal to 1% of such compensation payments made in the first
17 6 months of the same calendar year. Within 60 days after
18 January 15 of 2006 and each subsequent year, the employer shall
19 pay into the Rate Adjustment Fund a sum equal to 1.25% of such
20 compensation payments made in the last 6 months of the
21 preceding calendar year. Within 60 days after July 15 of 2006
22 and each subsequent year, the employer shall pay into the Rate
23 Adjustment Fund a sum equal to 1.25% of such compensation
24 payments made in the first 6 months of the same calendar year.
25 The administrative costs of collecting assessments from
26 employers for the Rate Adjustment Fund shall be paid from the

1 Rate Adjustment Fund. The cost of an actuarial audit of the
2 Fund shall be paid from the Rate Adjustment Fund. The State
3 Treasurer is ex officio custodian of such Special Fund and the
4 same shall be held and disbursed for the purposes hereinafter
5 stated in paragraphs (f) and (g) of Section 8 upon the order of
6 the Commission or of a competent court. The Rate Adjustment
7 Fund shall be deposited the same as are State funds and any
8 interest accruing thereon shall be added thereto every 6
9 months. It shall be subject to audit the same as State funds
10 and accounts and shall be protected by the general bond given
11 by the State Treasurer. It is considered always appropriated
12 for the purposes of disbursements as provided in paragraphs (f)
13 and (g) of Section 8 of this Act and shall be paid out and
14 disbursed as therein provided and shall not at any time be
15 appropriated or diverted to any other use or purpose. Within 5
16 days after the effective date of this amendatory Act of 1990,
17 the Comptroller and the State Treasurer shall transfer
18 \$1,000,000 from the General Revenue Fund to the Rate Adjustment
19 Fund. By February 15, 1991, the Comptroller and the State
20 Treasurer shall transfer \$1,000,000 from the Rate Adjustment
21 Fund to the General Revenue Fund. The Comptroller and Treasurer
22 are authorized to make transfers at the request of the Chairman
23 up to a total of \$19,000,000 from the Second Injury Fund, the
24 General Revenue Fund, and the Workers' Compensation Benefit
25 Trust Fund to the Rate Adjustment Fund to the extent that there
26 is insufficient money in the Rate Adjustment Fund to pay claims

1 and obligations. Amounts may be transferred from the General
2 Revenue Fund only if the funds in the Second Injury Fund or the
3 Workers' Compensation Benefit Trust Fund are insufficient to
4 pay claims and obligations of the Rate Adjustment Fund. All
5 amounts transferred from the Second Injury Fund, the General
6 Revenue Fund, and the Workers' Compensation Benefit Trust Fund
7 shall be repaid from the Rate Adjustment Fund within 270 days
8 of a transfer, together with interest at the rate earned by
9 moneys on deposit in the Fund or Funds from which the moneys
10 were transferred.

11 Upon a finding by the Commission, after reasonable notice
12 and hearing, that any employer has willfully and knowingly
13 failed to pay the proper amounts into the Second Injury Fund or
14 the Rate Adjustment Fund required by this Section or if such
15 payments are not made within the time periods prescribed by
16 this Section, the employer shall, in addition to such payments,
17 pay a penalty of 20% of the amount required to be paid or
18 \$2,500, whichever is greater, for each year or part thereof of
19 such failure to pay. This penalty shall only apply to
20 obligations of an employer to the Second Injury Fund or the
21 Rate Adjustment Fund accruing after the effective date of this
22 amendatory Act of 1989. All or part of such a penalty may be
23 waived by the Commission for good cause shown.

24 Any obligations of an employer to the Second Injury Fund
25 and Rate Adjustment Fund accruing prior to the effective date
26 of this amendatory Act of 1989 shall be paid in full by such

1 employer within 5 years of the effective date of this
2 amendatory Act of 1989, with at least one-fifth of such
3 obligation to be paid during each year following the effective
4 date of this amendatory Act of 1989. If the Commission finds,
5 following reasonable notice and hearing, that an employer has
6 failed to make timely payment of any obligation accruing under
7 the preceding sentence, the employer shall, in addition to all
8 other payments required by this Section, be liable for a
9 penalty equal to 20% of the overdue obligation or \$2,500,
10 whichever is greater, for each year or part thereof that
11 obligation is overdue. All or part of such a penalty may be
12 waived by the Commission for good cause shown.

13 The Chairman of the Illinois Workers' Compensation
14 Commission shall, annually, furnish to the Director of the
15 Department of Insurance a list of the amounts paid into the
16 Second Injury Fund and the Rate Adjustment Fund by each
17 insurance company on behalf of their insured employers. The
18 Director shall verify to the Chairman that the amounts paid by
19 each insurance company are accurate as best as the Director can
20 determine from the records available to the Director. The
21 Chairman shall verify that the amounts paid by each
22 self-insurer are accurate as best as the Chairman can determine
23 from records available to the Chairman. The Chairman may
24 require each self-insurer to provide information concerning
25 the total compensation payments made upon which contributions
26 to the Second Injury Fund and the Rate Adjustment Fund are

1 predicated and any additional information establishing that
2 such payments have been made into these funds. Any deficiencies
3 in payments noted by the Director or Chairman shall be subject
4 to the penalty provisions of this Act.

5 The State Treasurer, or his duly authorized
6 representative, shall be named as a party to all proceedings in
7 all cases involving claim for the loss of, or the permanent and
8 complete loss of the use of one eye, one foot, one leg, one arm
9 or one hand.

10 The State Treasurer or his duly authorized agent shall have
11 the same rights as any other party to the proceeding, including
12 the right to petition for review of any award. The reasonable
13 expenses of litigation, such as medical examinations,
14 testimony, and transcript of evidence, incurred by the State
15 Treasurer or his duly authorized representative, shall be borne
16 by the Second Injury Fund.

17 If the award is not paid within 30 days after the date the
18 award has become final, the Commission shall proceed to take
19 judgment thereon in its own name as is provided for other
20 awards by paragraph (g) of Section 19 of this Act and take the
21 necessary steps to collect the award.

22 Any person, corporation or organization who has paid or
23 become liable for the payment of burial expenses of the
24 deceased employee may in his or its own name institute
25 proceedings before the Commission for the collection thereof.

26 For the purpose of administration, receipts and

1 disbursements, the Special Fund provided for in paragraph (f)
2 of this Section shall be administered jointly with the Special
3 Fund provided for in Section 7, paragraph (f) of the Workers'
4 Occupational Diseases Act.

5 (g) All compensation, except for burial expenses provided
6 in this Section to be paid in case accident results in death,
7 shall be paid in installments equal to the percentage of the
8 average earnings as provided for in Section 8, paragraph (b) of
9 this Act, at the same intervals at which the wages or earnings
10 of the employees were paid. If this is not feasible, then the
11 installments shall be paid weekly. Such compensation may be
12 paid in a lump sum upon petition as provided in Section 9 of
13 this Act. However, in addition to the benefits provided by
14 Section 9 of this Act where compensation for death is payable
15 to the deceased's widow, widower or to the deceased's widow,
16 widower and one or more children, and where a partial lump sum
17 is applied for by such beneficiary or beneficiaries within 18
18 months after the deceased's death, the Commission may, in its
19 discretion, grant a partial lump sum of not to exceed 100 weeks
20 of the compensation capitalized at their present value upon the
21 basis of interest calculated at 3% per annum with annual rests,
22 upon a showing that such partial lump sum is for the best
23 interest of such beneficiary or beneficiaries.

24 (h) In case the injured employee is under 16 years of age
25 at the time of the accident and is illegally employed, the
26 amount of compensation payable under paragraphs (a), (b), (c),

1 (d) and (f) of this Section shall be increased 50%.

2 Nothing herein contained repeals or amends the provisions
3 of the Child Labor Law relating to the employment of minors
4 under the age of 16 years.

5 However, where an employer has on file an employment
6 certificate issued pursuant to the Child Labor Law or work
7 permit issued pursuant to the Federal Fair Labor Standards Act,
8 as amended, or a birth certificate properly and duly issued,
9 such certificate, permit or birth certificate is conclusive
10 evidence as to the age of the injured minor employee for the
11 purposes of this Section only.

12 (i) Whenever the dependents of a deceased employee are
13 aliens not residing in the United States, Mexico or Canada, the
14 amount of compensation payable is limited to the beneficiaries
15 described in paragraphs (a), (b) and (c) of this Section and is
16 50% of the compensation provided in paragraphs (a), (b) and (c)
17 of this Section, except as otherwise provided by treaty.

18 In a case where any of the persons who would be entitled to
19 compensation is living at any place outside of the United
20 States, then payment shall be made to the personal
21 representative of the deceased employee. The distribution by
22 such personal representative to the persons entitled shall be
23 made to such persons and in such manner as the Commission
24 orders.

25 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05;
26 94-695, eff. 11-16-05.)

1 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

2 Sec. 8. The amount of compensation which shall be paid to
3 the employee for an accidental injury not resulting in death
4 is:

5 (a) The employer shall provide and pay the negotiated rate,
6 if applicable, or the lesser of the health care provider's
7 actual charges or according to a fee schedule, subject to
8 Section 8.2, in effect at the time the service was rendered for
9 all the necessary first aid, medical and surgical services, and
10 all necessary medical, surgical and hospital services
11 thereafter incurred, limited, however, to that which is
12 reasonably required to cure or relieve from the effects of the
13 accidental injury, even if a health care provider sells,
14 transfers, or otherwise assigns an account receivable for
15 procedures, treatments, or services covered under this Act. If
16 the employer does not dispute payment of first aid, medical,
17 surgical, and hospital services, the employer shall make such
18 payment to the provider on behalf of the employee. The employer
19 shall also pay for treatment, instruction and training
20 necessary for the physical, mental and vocational
21 rehabilitation of the employee, including all maintenance
22 costs and expenses incidental thereto. If as a result of the
23 injury the employee is unable to be self-sufficient the
24 employer shall further pay for such maintenance or
25 institutional care as shall be required.

1 The employee may at any time elect to secure his own
2 physician, surgeon and hospital services at the employer's
3 expense, or,

4 Upon agreement between the employer and the employees, or
5 the employees' exclusive representative, and subject to the
6 approval of the Illinois Workers' Compensation Commission, the
7 employer shall maintain a list of physicians, to be known as a
8 Panel of Physicians, who are accessible to the employees. The
9 employer shall post this list in a place or places easily
10 accessible to his employees. The employee shall have the right
11 to make an alternative choice of physician from such Panel if
12 he is not satisfied with the physician first selected. If, due
13 to the nature of the injury or its occurrence away from the
14 employer's place of business, the employee is unable to make a
15 selection from the Panel, the selection process from the Panel
16 shall not apply. The physician selected from the Panel may
17 arrange for any consultation, referral or other specialized
18 medical services outside the Panel at the employer's expense.
19 Provided that, in the event the Commission shall find that a
20 doctor selected by the employee is rendering improper or
21 inadequate care, the Commission may order the employee to
22 select another doctor certified or qualified in the medical
23 field for which treatment is required. If the employee refuses
24 to make such change the Commission may relieve the employer of
25 his obligation to pay the doctor's charges from the date of
26 refusal to the date of compliance.

1 Any vocational rehabilitation counselors who provide
2 service under this Act shall have appropriate certifications
3 which designate the counselor as qualified to render opinions
4 relating to vocational rehabilitation. Vocational
5 rehabilitation may include, but is not limited to, counseling
6 for job searches, supervising a job search program, and
7 vocational retraining including education at an accredited
8 learning institution. The employee or employer may petition to
9 the Commission to decide disputes relating to vocational
10 rehabilitation and the Commission shall resolve any such
11 dispute, including payment of the vocational rehabilitation
12 program by the employer.

13 The maintenance benefit shall not be less than the
14 temporary total disability rate determined for the employee. In
15 addition, maintenance shall include costs and expenses
16 incidental to the vocational rehabilitation program.

17 When the employee is working light duty on a part-time
18 basis or full-time basis and earns less than he or she would be
19 earning if employed in the full capacity of the job or jobs,
20 then the employee shall be entitled to temporary partial
21 disability benefits. Temporary partial disability benefits
22 shall be equal to two-thirds of the difference between the
23 average amount that the employee would be able to earn in the
24 full performance of his or her duties in the occupation in
25 which he or she was engaged at the time of accident and the
26 gross amount which he or she is earning in the modified job

1 provided to the employee by the employer or in any other job
2 that the employee is working.

3 Every hospital, physician, surgeon or other person
4 rendering treatment or services in accordance with the
5 provisions of this Section shall upon written request furnish
6 full and complete reports thereof to, and permit their records
7 to be copied by, the employer, the employee or his dependents,
8 as the case may be, or any other party to any proceeding for
9 compensation before the Commission, or their attorneys.

10 Notwithstanding the foregoing, the employer's liability to
11 pay for such medical services selected by the employee shall be
12 limited to:

13 (1) all first aid and emergency treatment; plus

14 (2) all medical, surgical and hospital services
15 provided by the physician, surgeon or hospital initially
16 chosen by the employee or by any other physician,
17 consultant, expert, institution or other provider of
18 services recommended by said initial service provider or
19 any subsequent provider of medical services in the chain of
20 referrals from said initial service provider; plus

21 (3) all medical, surgical and hospital services
22 provided by any second physician, surgeon or hospital
23 subsequently chosen by the employee or by any other
24 physician, consultant, expert, institution or other
25 provider of services recommended by said second service
26 provider or any subsequent provider of medical services in

1 the chain of referrals from said second service provider.
2 Thereafter the employer shall select and pay for all
3 necessary medical, surgical and hospital treatment and the
4 employee may not select a provider of medical services at
5 the employer's expense unless the employer agrees to such
6 selection. At any time the employee may obtain any medical
7 treatment he desires at his own expense. This paragraph
8 shall not affect the duty to pay for rehabilitation
9 referred to above.

10 (4) The following shall apply for injuries occurring on
11 or after June 28, 2011 (the effective date of Public Act
12 97-18) and only when an employer has an approved preferred
13 provider program pursuant to Section 8.1a on the date the
14 employee sustained his or her accidental injuries:

15 (A) The employer shall, in writing, on a form
16 promulgated by the Commission, inform the employee of
17 the preferred provider program;

18 (B) Subsequent to the report of an injury by an
19 employee, the employee may choose in writing at any
20 time to decline the preferred provider program, in
21 which case that would constitute one of the two choices
22 of medical providers to which the employee is entitled
23 under subsection (a) (2) or (a) (3); and

24 (C) Prior to the report of an injury by an
25 employee, when an employee chooses non-emergency
26 treatment from a provider not within the preferred

1 provider program, that would constitute the employee's
2 one choice of medical providers to which the employee
3 is entitled under subsection (a) (2) or (a) (3).

4 When an employer and employee so agree in writing, nothing
5 in this Act prevents an employee whose injury or disability has
6 been established under this Act, from relying in good faith, on
7 treatment by prayer or spiritual means alone, in accordance
8 with the tenets and practice of a recognized church or
9 religious denomination, by a duly accredited practitioner
10 thereof, and having nursing services appropriate therewith,
11 without suffering loss or diminution of the compensation
12 benefits under this Act. However, the employee shall submit to
13 all physical examinations required by this Act. The cost of
14 such treatment and nursing care shall be paid by the employee
15 unless the employer agrees to make such payment.

16 Where the accidental injury results in the amputation of an
17 arm, hand, leg or foot, or the enucleation of an eye, or the
18 loss of any of the natural teeth, the employer shall furnish an
19 artificial of any such members lost or damaged in accidental
20 injury arising out of and in the course of employment, and
21 shall also furnish the necessary braces in all proper and
22 necessary cases. In cases of the loss of a member or members by
23 amputation, the employer shall, whenever necessary, maintain
24 in good repair, refit or replace the artificial limbs during
25 the lifetime of the employee. Where the accidental injury
26 accompanied by physical injury results in damage to a denture,

1 eye glasses or contact eye lenses, or where the accidental
2 injury results in damage to an artificial member, the employer
3 shall replace or repair such denture, glasses, lenses, or
4 artificial member.

5 The furnishing by the employer of any such services or
6 appliances is not an admission of liability on the part of the
7 employer to pay compensation.

8 The furnishing of any such services or appliances or the
9 servicing thereof by the employer is not the payment of
10 compensation.

11 (b) If the period of temporary total incapacity for work
12 lasts more than 3 working days, weekly compensation as
13 hereinafter provided shall be paid beginning on the 4th day of
14 such temporary total incapacity and continuing as long as the
15 total temporary incapacity lasts. In cases where the temporary
16 total incapacity for work continues for a period of 14 days or
17 more from the day of the accident compensation shall commence
18 on the day after the accident.

19 1. The compensation rate for temporary total
20 incapacity under this paragraph (b) of this Section shall
21 be equal to 66 2/3% of the employee's average weekly wage
22 computed in accordance with Section 10, provided that it
23 shall be not less than the following amounts in the
24 following cases:

25 \$100.90 in case of a single person;

26 \$105.50 in case of a married person with no

1 children;

2 \$108.30 in case of one child;

3 \$113.40 in case of 2 children;

4 \$117.40 in case of 3 children;

5 \$124.30 in case of 4 or more children;

6 ~~66 2/3% of the sum of the Federal minimum wage under the~~
7 ~~Fair Labor Standards Act, or the Illinois minimum wage~~
8 ~~under the Minimum Wage Law, whichever is more, multiplied~~
9 ~~by 40 hours. This percentage rate shall be increased by 10%~~
10 ~~for each spouse and child, not to exceed 100% of the total~~
11 ~~minimum wage calculation,~~

12 nor exceed the employee's average weekly wage computed in
13 accordance with the provisions of Section 10, whichever is
14 less.

15 2. The compensation rate in all cases other than for
16 temporary total disability under this paragraph (b), and
17 other than for serious and permanent disfigurement under
18 paragraph (c) and other than for permanent partial
19 disability under subparagraph (2) of paragraph (d) or under
20 paragraph (e), of this Section shall be equal to 66 2/3% of
21 the employee's average weekly wage computed in accordance
22 with the provisions of Section 10, provided that it shall
23 be not less than the following amounts in the following
24 cases:

25 \$80.90 in case of a single person;

26 \$83.20 in case of a married person with no

1 children;

2 \$86.10 in case of one child;

3 \$88.90 in case of 2 children;

4 \$91.80 in case of 3 children;

5 \$96.90 in case of 4 or more children;

6 ~~66 2/3% of the sum of the Federal minimum wage under the~~
7 ~~Fair Labor Standards Act, or the Illinois minimum wage~~
8 ~~under the Minimum Wage Law, whichever is more, multiplied~~
9 ~~by 40 hours. This percentage rate shall be increased by 10%~~
10 ~~for each spouse and child, not to exceed 100% of the total~~
11 ~~minimum wage calculation,~~

12 nor exceed the employee's average weekly wage computed in
13 accordance with the provisions of Section 10, whichever is
14 less.

15 2.1. The compensation rate in all cases of serious and
16 permanent disfigurement under paragraph (c) and of
17 permanent partial disability under subparagraph (2) of
18 paragraph (d) or under paragraph (e) of this Section shall
19 be equal to 60% of the employee's average weekly wage
20 computed in accordance with the provisions of Section 10,
21 provided that it shall be not less than the following
22 amounts in the following cases:

23 \$80.90 in case of a single person;

24 \$83.20 in case of a married person with no
25 children;

26 \$86.10 in case of one child;

1 \$88.90 in case of 2 children;

2 \$91.80 in case of 3 children;

3 \$96.90 in case of 4 or more children;

4 ~~66 2/3% of the sum of the Federal minimum wage under the~~
5 ~~Fair Labor Standards Act, or the Illinois minimum wage~~
6 ~~under the Minimum Wage Law, whichever is more, multiplied~~
7 ~~by 40 hours. This percentage rate shall be increased by 10%~~
8 ~~for each spouse and child, not to exceed 100% of the total~~
9 ~~minimum wage calculation, nor exceed the employee's~~
10 average weekly wage computed in accordance with the
11 provisions of Section 10, whichever is less.

12 3. As used in this Section the term "child" means a
13 child of the employee including any child legally adopted
14 before the accident or whom at the time of the accident the
15 employee was under legal obligation to support or to whom
16 the employee stood in loco parentis, and who at the time of
17 the accident was under 18 years of age and not emancipated.
18 The term "children" means the plural of "child".

19 4. All weekly compensation rates provided under
20 subparagraphs 1, 2 and 2.1 of this paragraph (b) of this
21 Section shall be subject to the following limitations:

22 The maximum weekly compensation rate from July 1, 1975,
23 except as hereinafter provided, shall be 100% of the
24 State's average weekly wage in covered industries under the
25 Unemployment Insurance Act, that being the wage that most
26 closely approximates the State's average weekly wage.

1 The maximum weekly compensation rate, for the period
2 July 1, 1984, through June 30, 1987, except as hereinafter
3 provided, shall be \$293.61. Effective July 1, 1987 and on
4 July 1 of each year thereafter the maximum weekly
5 compensation rate, except as hereinafter provided, shall
6 be determined as follows: if during the preceding 12 month
7 period there shall have been an increase in the State's
8 average weekly wage in covered industries under the
9 Unemployment Insurance Act, the weekly compensation rate
10 shall be proportionately increased by the same percentage
11 as the percentage of increase in the State's average weekly
12 wage in covered industries under the Unemployment
13 Insurance Act during such period.

14 The maximum weekly compensation rate, for the period
15 January 1, 1981 through December 31, 1983, except as
16 hereinafter provided, shall be 100% of the State's average
17 weekly wage in covered industries under the Unemployment
18 Insurance Act in effect on January 1, 1981. Effective
19 January 1, 1984 and on January 1, of each year thereafter
20 the maximum weekly compensation rate, except as
21 hereinafter provided, shall be determined as follows: if
22 during the preceding 12 month period there shall have been
23 an increase in the State's average weekly wage in covered
24 industries under the Unemployment Insurance Act, the
25 weekly compensation rate shall be proportionately
26 increased by the same percentage as the percentage of

1 increase in the State's average weekly wage in covered
2 industries under the Unemployment Insurance Act during
3 such period.

4 From July 1, 1977 and thereafter such maximum weekly
5 compensation rate in death cases under Section 7, and
6 permanent total disability cases under paragraph (f) or
7 subparagraph 18 of paragraph (3) of this Section and for
8 temporary total disability under paragraph (b) of this
9 Section and for amputation of a member or enucleation of an
10 eye under paragraph (e) of this Section shall be increased
11 to 133-1/3% of the State's average weekly wage in covered
12 industries under the Unemployment Insurance Act.

13 ~~For injuries occurring on or after February 1, 2006,~~
14 ~~the maximum weekly benefit under paragraph (d)1 of this~~
15 ~~Section shall be 100% of the State's average weekly wage in~~
16 ~~covered industries under the Unemployment Insurance Act.~~

17 4.1. Any provision herein to the contrary
18 notwithstanding, the weekly compensation rate for
19 compensation payments under subparagraph 18 of paragraph
20 (e) of this Section and under paragraph (f) of this Section
21 and under paragraph (a) of Section 7 ~~and for amputation of~~
22 ~~a member or enucleation of an eye under paragraph (e) of~~
23 ~~this Section,~~ shall in no event be less than 50% of the
24 State's average weekly wage in covered industries under the
25 Unemployment Insurance Act.

26 4.2. Any provision to the contrary notwithstanding,

1 the total compensation payable under Section 7 shall not
2 exceed the greater of \$250,000 ~~\$500,000~~ or 20 ~~25~~ years.

3 5. For the purpose of this Section this State's average
4 weekly wage in covered industries under the Unemployment
5 Insurance Act on July 1, 1975 is hereby fixed at \$228.16
6 per week and the computation of compensation rates shall be
7 based on the aforesaid average weekly wage until modified
8 as hereinafter provided.

9 6. The Department of Employment Security of the State
10 shall on or before the first day of December, 1977, and on
11 or before the first day of June, 1978, and on the first day
12 of each December and June of each year thereafter, publish
13 the State's average weekly wage in covered industries under
14 the Unemployment Insurance Act and the Illinois Workers'
15 Compensation Commission shall on the 15th day of January,
16 1978 and on the 15th day of July, 1978 and on the 15th day
17 of each January and July of each year thereafter, post and
18 publish the State's average weekly wage in covered
19 industries under the Unemployment Insurance Act as last
20 determined and published by the Department of Employment
21 Security. The amount when so posted and published shall be
22 conclusive and shall be applicable as the basis of
23 computation of compensation rates until the next posting
24 and publication as aforesaid.

25 7. The payment of compensation by an employer or his
26 insurance carrier to an injured employee shall not

1 constitute an admission of the employer's liability to pay
2 compensation.

3 (c) For any serious and permanent disfigurement to the
4 hand, head, face, neck, arm, leg below the knee or the chest
5 above the axillary line, the employee is entitled to
6 compensation for such disfigurement, the amount determined by
7 agreement at any time or by arbitration under this Act, at a
8 hearing not less than 6 months after the date of the accidental
9 injury, which amount shall not exceed 150 weeks ~~(if the~~
10 ~~accidental injury occurs on or after the effective date of this~~
11 ~~amendatory Act of the 94th General Assembly but before February~~
12 ~~1, 2006) or 162 weeks (if the accidental injury occurs on or~~
13 ~~after February 1, 2006)~~ at the applicable rate provided in
14 subparagraph 2.1 of paragraph (b) of this Section.

15 No compensation is payable under this paragraph where
16 compensation is payable under paragraphs (d), (e) or (f) of
17 this Section.

18 A duly appointed member of a fire department in a city, the
19 population of which exceeds 500,000 according to the last
20 federal or State census, is eligible for compensation under
21 this paragraph only where such serious and permanent
22 disfigurement results from burns.

23 (d) 1. If, after the accidental injury has been sustained,
24 the employee as a result thereof becomes partially
25 incapacitated from pursuing his usual and customary line of
26 employment, he shall, except in cases compensated under the

1 specific schedule set forth in paragraph (e) of this Section,
2 receive compensation for the duration of his disability,
3 subject to the limitations as to maximum amounts fixed in
4 paragraph (b) of this Section, equal to 66-2/3% of the
5 difference between the average amount which he would be able to
6 earn in the full performance of his duties in the occupation in
7 which he was engaged at the time of the accident and the
8 average amount which he is earning or is able to earn in some
9 suitable employment or business after the accident. For
10 accidental injuries that occur on or after September 1, 2011,
11 an award for wage differential under this subsection shall be
12 effective only until the employee reaches the age of 67 or 5
13 years from the date the award becomes final, whichever is
14 later.

15 2. If, as a result of the accident, the employee sustains
16 serious and permanent injuries not covered by paragraphs (c)
17 and (e) of this Section or having sustained injuries covered by
18 the aforesaid paragraphs (c) and (e), he shall have sustained
19 in addition thereto other injuries which injuries do not
20 incapacitate him from pursuing the duties of his employment but
21 which would disable him from pursuing other suitable
22 occupations, or which have otherwise resulted in physical
23 impairment; or if such injuries partially incapacitate him from
24 pursuing the duties of his usual and customary line of
25 employment but do not result in an impairment of earning
26 capacity, or having resulted in an impairment of earning

1 capacity, the employee elects to waive his right to recover
2 under the foregoing subparagraph 1 of paragraph (d) of this
3 Section then in any of the foregoing events, he shall receive
4 in addition to compensation for temporary total disability
5 under paragraph (b) of this Section, compensation at the rate
6 provided in subparagraph 2.1 of paragraph (b) of this Section
7 for that percentage of 500 weeks that the partial disability
8 resulting from the injuries covered by this paragraph bears to
9 total disability. If the employee shall have sustained a
10 fracture of one or more vertebra or fracture of the skull, the
11 amount of compensation allowed under this Section shall be not
12 less than 6 weeks for a fractured skull and 6 weeks for each
13 fractured vertebra, and in the event the employee shall have
14 sustained a fracture of any of the following facial bones:
15 nasal, lachrymal, vomer, zygoma, maxilla, palatine or
16 mandible, the amount of compensation allowed under this Section
17 shall be not less than 2 weeks for each such fractured bone,
18 and for a fracture of each transverse process not less than 3
19 weeks. In the event such injuries shall result in the loss of a
20 kidney, spleen or lung, the amount of compensation allowed
21 under this Section shall be not less than 10 weeks for each
22 such organ. Compensation awarded under this subparagraph 2
23 shall not take into consideration injuries covered under
24 paragraphs (c) and (e) of this Section and the compensation
25 provided in this paragraph shall not affect the employee's
26 right to compensation payable under paragraphs (b), (c) and (e)

1 of this Section for the disabilities therein covered.

2 (e) For accidental injuries in the following schedule, the
3 employee shall receive compensation for the period of temporary
4 total incapacity for work resulting from such accidental
5 injury, under subparagraph 1 of paragraph (b) of this Section,
6 and shall receive in addition thereto compensation for a
7 further period for the specific loss herein mentioned, but
8 shall not receive any compensation under any other provisions
9 of this Act. The following listed amounts apply to either the
10 loss of or the permanent and complete loss of use of the member
11 specified, such compensation for the length of time as follows:

12 1. Thumb-70 weeks.

13 ~~70 weeks if the accidental injury occurs on or~~
14 ~~after the effective date of this amendatory Act of the~~
15 ~~94th General Assembly but before February 1, 2006.~~

16 ~~76 weeks if the accidental injury occurs on or~~
17 ~~after February 1, 2006.~~

18 2. First, or index finger-40 weeks.

19 ~~40 weeks if the accidental injury occurs on or~~
20 ~~after the effective date of this amendatory Act of the~~
21 ~~94th General Assembly but before February 1, 2006.~~

22 ~~43 weeks if the accidental injury occurs on or~~
23 ~~after February 1, 2006.~~

24 3. Second, or middle finger-35 weeks.

25 ~~35 weeks if the accidental injury occurs on or~~
26 ~~after the effective date of this amendatory Act of the~~

1 ~~94th General Assembly but before February 1, 2006.~~

2 ~~38 weeks if the accidental injury occurs on or~~
3 ~~after February 1, 2006.~~

4 4. Third, or ring finger-25 weeks.

5 ~~25 weeks if the accidental injury occurs on or~~
6 ~~after the effective date of this amendatory Act of the~~
7 ~~94th General Assembly but before February 1, 2006.~~

8 ~~27 weeks if the accidental injury occurs on or~~
9 ~~after February 1, 2006.~~

10 5. Fourth, or little finger-20 weeks.

11 ~~20 weeks if the accidental injury occurs on or~~
12 ~~after the effective date of this amendatory Act of the~~
13 ~~94th General Assembly but before February 1, 2006.~~

14 ~~22 weeks if the accidental injury occurs on or~~
15 ~~after February 1, 2006.~~

16 6. Great toe-35 weeks.

17 ~~35 weeks if the accidental injury occurs on or~~
18 ~~after the effective date of this amendatory Act of the~~
19 ~~94th General Assembly but before February 1, 2006.~~

20 ~~38 weeks if the accidental injury occurs on or~~
21 ~~after February 1, 2006.~~

22 7. Each toe other than great toe-12 weeks.

23 ~~12 weeks if the accidental injury occurs on or~~
24 ~~after the effective date of this amendatory Act of the~~
25 ~~94th General Assembly but before February 1, 2006.~~

26 ~~13 weeks if the accidental injury occurs on or~~

1 ~~after February 1, 2006.~~

2 8. The loss of the first or distal phalanx of the thumb
3 or of any finger or toe shall be considered to be equal to
4 the loss of one-half of such thumb, finger or toe and the
5 compensation payable shall be one-half of the amount above
6 specified. The loss of more than one phalanx shall be
7 considered as the loss of the entire thumb, finger or toe.
8 In no case shall the amount received for more than one
9 finger exceed the amount provided in this schedule for the
10 loss of a hand.

11 ~~9. Hand-~~

12 ~~190 weeks if the accidental injury occurs on or~~
13 ~~after the effective date of this amendatory Act of the~~
14 ~~94th General Assembly but before February 1, 2006.~~

15 ~~205 weeks if the accidental injury occurs on or~~
16 ~~after February 1, 2006.~~

17 9. Hand-190 weeks if the accidental injury occurs on or
18 after June 28, 2011 (the effective date of Public Act
19 97-18) and if the accidental injury involves carpal tunnel
20 syndrome due to repetitive or cumulative trauma, in which
21 case the permanent partial disability shall not exceed 15%
22 loss of use of the hand, except for cause shown by clear
23 and convincing evidence and in which case the award shall
24 not exceed 30% loss of use of the hand.

25 The loss of 2 or more digits, or one or more phalanges
26 of 2 or more digits, of a hand may be compensated on the

1 basis of partial loss of use of a hand, provided, further,
2 that the loss of 4 digits, or the loss of use of 4 digits,
3 in the same hand shall constitute the complete loss of a
4 hand.

5 ~~10. Arm-~~

6 ~~235 weeks if the accidental injury occurs on or~~
7 ~~after the effective date of this amendatory Act of the~~
8 ~~94th General Assembly but before February 1, 2006.~~

9 ~~253 weeks if the accidental injury occurs on or~~
10 ~~after February 1, 2006.~~

11 10. Arm-235 weeks. Where an accidental injury results
12 in the amputation of an arm below the elbow, such injury
13 shall be compensated as a loss of an arm. Where an
14 accidental injury results in the amputation of an arm above
15 the elbow, compensation for an additional 15 weeks ~~(if the~~
16 ~~accidental injury occurs on or after the effective date of~~
17 ~~this amendatory Act of the 94th General Assembly but before~~
18 ~~February 1, 2006)~~ or an additional 17 weeks ~~(if the~~
19 ~~accidental injury occurs on or after February 1, 2006)~~
20 shall be paid, except where the accidental injury results
21 in the amputation of an arm at the shoulder joint, or so
22 close to shoulder joint that an artificial arm cannot be
23 used, or results in the disarticulation of an arm at the
24 shoulder joint, in which case compensation for an
25 additional 65 weeks ~~(if the accidental injury occurs on or~~
26 ~~after the effective date of this amendatory Act of the 94th~~

1 ~~General Assembly but before February 1, 2006) or an~~
2 ~~additional 70 weeks (if the accidental injury occurs on or~~
3 ~~after February 1, 2006) shall be paid.~~

4 11. Foot-155 weeks.

5 ~~155 weeks if the accidental injury occurs on or~~
6 ~~after the effective date of this amendatory Act of the~~
7 ~~94th General Assembly but before February 1, 2006.~~

8 ~~167 weeks if the accidental injury occurs on or~~
9 ~~after February 1, 2006.~~

10 ~~12. Leg~~

11 ~~200 weeks if the accidental injury occurs on or~~
12 ~~after the effective date of this amendatory Act of the~~
13 ~~94th General Assembly but before February 1, 2006.~~

14 ~~215 weeks if the accidental injury occurs on or~~
15 ~~after February 1, 2006.~~

16 12. Leg-200 weeks. Where an accidental injury results
17 in the amputation of a leg below the knee, such injury
18 shall be compensated as loss of a leg. Where an accidental
19 injury results in the amputation of a leg above the knee,
20 compensation for an additional 25 weeks ~~(if the accidental~~
21 ~~injury occurs on or after the effective date of this~~
22 ~~amendatory Act of the 94th General Assembly but before~~
23 ~~February 1, 2006) or an additional 27 weeks (if the~~
24 ~~accidental injury occurs on or after February 1, 2006)~~
25 shall be paid, except where the accidental injury results
26 in the amputation of a leg at the hip joint, or so close to

1 the hip joint that an artificial leg cannot be used, or
2 results in the disarticulation of a leg at the hip joint,
3 in which case compensation for an additional 75 weeks ~~(if~~
4 ~~the accidental injury occurs on or after the effective date~~
5 ~~of this amendatory Act of the 94th General Assembly but~~
6 ~~before February 1, 2006) or an additional 81 weeks (if the~~
7 ~~accidental injury occurs on or after February 1, 2006)~~
8 shall be paid.

9 ~~13. Eye-~~

10 ~~150 weeks if the accidental injury occurs on or~~
11 ~~after the effective date of this amendatory Act of the~~
12 ~~94th General Assembly but before February 1, 2006.~~

13 ~~162 weeks if the accidental injury occurs on or~~
14 ~~after February 1, 2006.~~

15 13. Eye-150 weeks. Where an accidental injury results
16 in the enucleation of an eye, compensation for an
17 additional 10 weeks ~~(if the accidental injury occurs on or~~
18 ~~after the effective date of this amendatory Act of the 94th~~
19 ~~General Assembly but before February 1, 2006) or an~~
20 ~~additional 11 weeks (if the accidental injury occurs on or~~
21 ~~after February 1, 2006) shall be paid.~~

22 14. Loss of hearing of one ear-50 weeks.

23 ~~50 weeks if the accidental injury occurs on or~~
24 ~~after the effective date of this amendatory Act of the~~
25 ~~94th General Assembly but before February 1, 2006.~~

26 ~~54 weeks if the accidental injury occurs on or~~

1 ~~after February 1, 2006.~~

2 Total and permanent loss of hearing of both ears-200
3 weeks.

4 ~~200 weeks if the accidental injury occurs on or~~
5 ~~after the effective date of this amendatory Act of the~~
6 ~~94th General Assembly but before February 1, 2006.~~

7 ~~215 weeks if the accidental injury occurs on or~~
8 ~~after February 1, 2006.~~

9 15. Testicle-50 weeks.

10 ~~50 weeks if the accidental injury occurs on or~~
11 ~~after the effective date of this amendatory Act of the~~
12 ~~94th General Assembly but before February 1, 2006.~~

13 ~~54 weeks if the accidental injury occurs on or~~
14 ~~after February 1, 2006.~~

15 Both testicles-150 weeks.

16 ~~150 weeks if the accidental injury occurs on or~~
17 ~~after the effective date of this amendatory Act of the~~
18 ~~94th General Assembly but before February 1, 2006.~~

19 ~~162 weeks if the accidental injury occurs on or~~
20 ~~after February 1, 2006.~~

21 16. For the permanent partial loss of use of a member
22 or sight of an eye, or hearing of an ear, compensation
23 during that proportion of the number of weeks in the
24 foregoing schedule provided for the loss of such member or
25 sight of an eye, or hearing of an ear, which the partial
26 loss of use thereof bears to the total loss of use of such

1 member, or sight of eye, or hearing of an ear.

2 (a) Loss of hearing for compensation purposes
3 shall be confined to the frequencies of 1,000, 2,000
4 and 3,000 cycles per second. Loss of hearing ability
5 for frequency tones above 3,000 cycles per second are
6 not to be considered as constituting disability for
7 hearing.

8 (b) The percent of hearing loss, for purposes of
9 the determination of compensation claims for
10 occupational deafness, shall be calculated as the
11 average in decibels for the thresholds of hearing for
12 the frequencies of 1,000, 2,000 and 3,000 cycles per
13 second. Pure tone air conduction audiometric
14 instruments, approved by nationally recognized
15 authorities in this field, shall be used for measuring
16 hearing loss. If the losses of hearing average 30
17 decibels or less in the 3 frequencies, such losses of
18 hearing shall not then constitute any compensable
19 hearing disability. If the losses of hearing average 85
20 decibels or more in the 3 frequencies, then the same
21 shall constitute and be total or 100% compensable
22 hearing loss.

23 (c) In measuring hearing impairment, the lowest
24 measured losses in each of the 3 frequencies shall be
25 added together and divided by 3 to determine the
26 average decibel loss. For every decibel of loss

1 exceeding 30 decibels an allowance of 1.82% shall be
 2 made up to the maximum of 100% which is reached at 85
 3 decibels.

4 (d) If a hearing loss is established to have
 5 existed on July 1, 1975 by audiometric testing the
 6 employer shall not be liable for the previous loss so
 7 established nor shall he be liable for any loss for
 8 which compensation has been paid or awarded.

9 (e) No consideration shall be given to the question
 10 of whether or not the ability of an employee to
 11 understand speech is improved by the use of a hearing
 12 aid.

13 (f) No claim for loss of hearing due to industrial
 14 noise shall be brought against an employer or allowed
 15 unless the employee has been exposed for a period of
 16 time sufficient to cause permanent impairment to noise
 17 levels in excess of the following:

18 Sound Level DBA

19	Slow Response	Hours Per Day
20	90	8
21	92	6
22	95	4
23	97	3
24	100	2
25	102	1-1/2
26	105	1

1 110 1/2

2 115 1/4

3 This subparagraph (f) shall not be applied in cases of
4 hearing loss resulting from trauma or explosion.

5 17. In computing the compensation to be paid to any
6 employee who, before the accident for which he claims
7 compensation, had before that time sustained an injury
8 resulting in the loss by amputation or partial loss by
9 amputation of any member, including hand, arm, thumb or
10 fingers, leg, foot or any toes, such loss or partial loss
11 of any such member shall be deducted from any award made
12 for the subsequent injury. For the permanent loss of use or
13 the permanent partial loss of use of any such member or the
14 partial loss of sight of an eye, for which compensation has
15 been paid, then such loss shall be taken into consideration
16 and deducted from any award for the subsequent injury.

17 18. The specific case of loss of both hands, both arms,
18 or both feet, or both legs, or both eyes, or of any two
19 thereof, or the permanent and complete loss of the use
20 thereof, constitutes total and permanent disability, to be
21 compensated according to the compensation fixed by
22 paragraph (f) of this Section. These specific cases of
23 total and permanent disability do not exclude other cases.

24 Any employee who has previously suffered the loss or
25 permanent and complete loss of the use of any of such
26 members, and in a subsequent independent accident loses

1 another or suffers the permanent and complete loss of the
2 use of any one of such members the employer for whom the
3 injured employee is working at the time of the last
4 independent accident is liable to pay compensation only for
5 the loss or permanent and complete loss of the use of the
6 member occasioned by the last independent accident.

7 19. In a case of specific loss and the subsequent death
8 of such injured employee from other causes than such injury
9 leaving a widow, widower, or dependents surviving before
10 payment or payment in full for such injury, then the amount
11 due for such injury is payable to the widow or widower and,
12 if there be no widow or widower, then to such dependents,
13 in the proportion which such dependency bears to total
14 dependency.

15 Beginning July 1, 1980, and every 6 months thereafter, the
16 Commission shall examine the Second Injury Fund and when, after
17 deducting all advances or loans made to such Fund, the amount
18 therein is \$500,000 then the amount required to be paid by
19 employers pursuant to paragraph (f) of Section 7 shall be
20 reduced by one-half. When the Second Injury Fund reaches the
21 sum of \$600,000 then the payments shall cease entirely.
22 However, when the Second Injury Fund has been reduced to
23 \$400,000, payment of one-half of the amounts required by
24 paragraph (f) of Section 7 shall be resumed, in the manner
25 herein provided, and when the Second Injury Fund has been
26 reduced to \$300,000, payment of the full amounts required by

1 paragraph (f) of Section 7 shall be resumed, in the manner
2 herein provided. The Commission shall make the changes in
3 payment effective by general order, and the changes in payment
4 become immediately effective for all cases coming before the
5 Commission thereafter either by settlement agreement or final
6 order, irrespective of the date of the accidental injury.

7 On August 1, 1996 and on February 1 and August 1 of each
8 subsequent year, the Commission shall examine the special fund
9 designated as the "Rate Adjustment Fund" and when, after
10 deducting all advances or loans made to said fund, the amount
11 therein is \$4,000,000, the amount required to be paid by
12 employers pursuant to paragraph (f) of Section 7 shall be
13 reduced by one-half. When the Rate Adjustment Fund reaches the
14 sum of \$5,000,000 the payment therein shall cease entirely.
15 However, when said Rate Adjustment Fund has been reduced to
16 \$3,000,000 the amounts required by paragraph (f) of Section 7
17 shall be resumed in the manner herein provided.

18 (f) In case of complete disability, which renders the
19 employee wholly and permanently incapable of work, or in the
20 specific case of total and permanent disability as provided in
21 subparagraph 18 of paragraph (e) of this Section, compensation
22 shall be payable at the rate provided in subparagraph 2 of
23 paragraph (b) of this Section for life.

24 An employee entitled to benefits under paragraph (f) of
25 this Section shall also be entitled to receive from the Rate
26 Adjustment Fund provided in paragraph (f) of Section 7 of the

1 supplementary benefits provided in paragraph (g) of this
2 Section 8.

3 If any employee who receives an award under this paragraph
4 afterwards returns to work or is able to do so, and earns or is
5 able to earn as much as before the accident, payments under
6 such award shall cease. If such employee returns to work, or is
7 able to do so, and earns or is able to earn part but not as much
8 as before the accident, such award shall be modified so as to
9 conform to an award under paragraph (d) of this Section. If
10 such award is terminated or reduced under the provisions of
11 this paragraph, such employees have the right at any time
12 within 30 months after the date of such termination or
13 reduction to file petition with the Commission for the purpose
14 of determining whether any disability exists as a result of the
15 original accidental injury and the extent thereof.

16 Disability as enumerated in subdivision 18, paragraph (e)
17 of this Section is considered complete disability.

18 If an employee who had previously incurred loss or the
19 permanent and complete loss of use of one member, through the
20 loss or the permanent and complete loss of the use of one hand,
21 one arm, one foot, one leg, or one eye, incurs permanent and
22 complete disability through the loss or the permanent and
23 complete loss of the use of another member, he shall receive,
24 in addition to the compensation payable by the employer and
25 after such payments have ceased, an amount from the Second
26 Injury Fund provided for in paragraph (f) of Section 7, which,

1 together with the compensation payable from the employer in
2 whose employ he was when the last accidental injury was
3 incurred, will equal the amount payable for permanent and
4 complete disability as provided in this paragraph of this
5 Section.

6 The custodian of the Second Injury Fund provided for in
7 paragraph (f) of Section 7 shall be joined with the employer as
8 a party respondent in the application for adjustment of claim.
9 The application for adjustment of claim shall state briefly and
10 in general terms the approximate time and place and manner of
11 the loss of the first member.

12 In its award the Commission or the Arbitrator shall
13 specifically find the amount the injured employee shall be
14 weekly paid, the number of weeks compensation which shall be
15 paid by the employer, the date upon which payments begin out of
16 the Second Injury Fund provided for in paragraph (f) of Section
17 7 of this Act, the length of time the weekly payments continue,
18 the date upon which the pension payments commence and the
19 monthly amount of the payments. The Commission shall 30 days
20 after the date upon which payments out of the Second Injury
21 Fund have begun as provided in the award, and every month
22 thereafter, prepare and submit to the State Comptroller a
23 voucher for payment for all compensation accrued to that date
24 at the rate fixed by the Commission. The State Comptroller
25 shall draw a warrant to the injured employee along with a
26 receipt to be executed by the injured employee and returned to

1 the Commission. The endorsed warrant and receipt is a full and
2 complete acquittance to the Commission for the payment out of
3 the Second Injury Fund. No other appropriation or warrant is
4 necessary for payment out of the Second Injury Fund. The Second
5 Injury Fund is appropriated for the purpose of making payments
6 according to the terms of the awards.

7 As of July 1, 1980 to July 1, 1982, all claims against and
8 obligations of the Second Injury Fund shall become claims
9 against and obligations of the Rate Adjustment Fund to the
10 extent there is insufficient money in the Second Injury Fund to
11 pay such claims and obligations. In that case, all references
12 to "Second Injury Fund" in this Section shall also include the
13 Rate Adjustment Fund.

14 (g) Every award for permanent total disability entered by
15 the Commission on and after July 1, 1965 under which
16 compensation payments shall become due and payable after the
17 effective date of this amendatory Act, and every award for
18 death benefits or permanent total disability entered by the
19 Commission on and after the effective date of this amendatory
20 Act shall be subject to annual adjustments as to the amount of
21 the compensation rate therein provided. Such adjustments shall
22 first be made on July 15, 1977, and all awards made and entered
23 prior to July 1, 1975 and on July 15 of each year thereafter.
24 In all other cases such adjustment shall be made on July 15 of
25 the second year next following the date of the entry of the
26 award and shall further be made on July 15 annually thereafter.

1 If during the intervening period from the date of the entry of
2 the award, or the last periodic adjustment, there shall have
3 been an increase in the State's average weekly wage in covered
4 industries under the Unemployment Insurance Act, the weekly
5 compensation rate shall be proportionately increased by the
6 same percentage as the percentage of increase in the State's
7 average weekly wage in covered industries under the
8 Unemployment Insurance Act. The increase in the compensation
9 rate under this paragraph shall in no event bring the total
10 compensation rate to an amount greater than the prevailing
11 maximum rate ~~at the time that the annual adjustment is made.~~
12 Such increase shall be paid in the same manner as herein
13 provided for payments under the Second Injury Fund to the
14 injured employee, or his dependents, as the case may be, out of
15 the Rate Adjustment Fund provided in paragraph (f) of Section 7
16 of this Act. Payments shall be made at the same intervals as
17 provided in the award or, at the option of the Commission, may
18 be made in quarterly payment on the 15th day of January, April,
19 July and October of each year. In the event of a decrease in
20 such average weekly wage there shall be no change in the then
21 existing compensation rate. The within paragraph shall not
22 apply to cases where there is disputed liability and in which a
23 compromise lump sum settlement between the employer and the
24 injured employee, or his dependents, as the case may be, has
25 been duly approved by the Illinois Workers' Compensation
26 Commission.

1 Provided, that in cases of awards entered by the Commission
2 for injuries occurring before July 1, 1975, the increases in
3 the compensation rate adjusted under the foregoing provision of
4 this paragraph (g) shall be limited to increases in the State's
5 average weekly wage in covered industries under the
6 Unemployment Insurance Act occurring after July 1, 1975.

7 ~~For every accident occurring on or after July 20, 2005 but~~
8 ~~before the effective date of this amendatory Act of the 94th~~
9 ~~General Assembly (Senate Bill 1283 of the 94th General~~
10 ~~Assembly), the annual adjustments to the compensation rate in~~
11 ~~awards for death benefits or permanent total disability, as~~
12 ~~provided in this Act, shall be paid by the employer. The~~
13 ~~adjustment shall be made by the employer on July 15 of the~~
14 ~~second year next following the date of the entry of the award~~
15 ~~and shall further be made on July 15 annually thereafter. If~~
16 ~~during the intervening period from the date of the entry of the~~
17 ~~award, or the last periodic adjustment, there shall have been~~
18 ~~an increase in the State's average weekly wage in covered~~
19 ~~industries under the Unemployment Insurance Act, the employer~~
20 ~~shall increase the weekly compensation rate proportionately by~~
21 ~~the same percentage as the percentage of increase in the~~
22 ~~State's average weekly wage in covered industries under the~~
23 ~~Unemployment Insurance Act. The increase in the compensation~~
24 ~~rate under this paragraph shall in no event bring the total~~
25 ~~compensation rate to an amount greater than the prevailing~~
26 ~~maximum rate at the time that the annual adjustment is made. In~~

1 ~~the event of a decrease in such average weekly wage there shall~~
2 ~~be no change in the then existing compensation rate. Such~~
3 ~~increase shall be paid by the employer in the same manner and~~
4 ~~at the same intervals as the payment of compensation in the~~
5 ~~award. This paragraph shall not apply to cases where there is~~
6 ~~disputed liability and in which a compromise lump sum~~
7 ~~settlement between the employer and the injured employee, or~~
8 ~~his or her dependents, as the case may be, has been duly~~
9 ~~approved by the Illinois Workers' Compensation Commission.~~

10 The annual adjustments for every award of death benefits or
11 permanent total disability involving ~~accidents occurring~~
12 ~~before July 20, 2005 and~~ accidents occurring on or after the
13 effective date of this amendatory Act of the 94th General
14 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
15 continue to be paid from the Rate Adjustment Fund pursuant to
16 this paragraph and Section 7(f) of this Act.

17 (h) In case death occurs from any cause before the total
18 compensation to which the employee would have been entitled has
19 been paid, then in case the employee leaves any widow, widower,
20 child, parent (or any grandchild, grandparent or other lineal
21 heir or any collateral heir dependent at the time of the
22 accident upon the earnings of the employee to the extent of 50%
23 or more of total dependency) such compensation shall be paid to
24 the beneficiaries of the deceased employee and distributed as
25 provided in paragraph (g) of Section 7.

26 (h-1) In case an injured employee is under legal disability

1 at the time when any right or privilege accrues to him or her
2 under this Act, a guardian may be appointed pursuant to law,
3 and may, on behalf of such person under legal disability, claim
4 and exercise any such right or privilege with the same effect
5 as if the employee himself or herself had claimed or exercised
6 the right or privilege. No limitations of time provided by this
7 Act run so long as the employee who is under legal disability
8 is without a conservator or guardian.

9 (i) In case the injured employee is under 16 years of age
10 at the time of the accident and is illegally employed, the
11 amount of compensation payable under paragraphs (b), (c), (d),
12 (e) and (f) of this Section is increased 50%.

13 However, where an employer has on file an employment
14 certificate issued pursuant to the Child Labor Law or work
15 permit issued pursuant to the Federal Fair Labor Standards Act,
16 as amended, or a birth certificate properly and duly issued,
17 such certificate, permit or birth certificate is conclusive
18 evidence as to the age of the injured minor employee for the
19 purposes of this Section.

20 Nothing herein contained repeals or amends the provisions
21 of the Child Labor Law relating to the employment of minors
22 under the age of 16 years.

23 (j) 1. In the event the injured employee receives benefits,
24 including medical, surgical or hospital benefits under any
25 group plan covering non-occupational disabilities contributed
26 to wholly or partially by the employer, which benefits should

1 not have been payable if any rights of recovery existed under
2 this Act, then such amounts so paid to the employee from any
3 such group plan as shall be consistent with, and limited to,
4 the provisions of paragraph 2 hereof, shall be credited to or
5 against any compensation payment for temporary total
6 incapacity for work or any medical, surgical or hospital
7 benefits made or to be made under this Act. In such event, the
8 period of time for giving notice of accidental injury and
9 filing application for adjustment of claim does not commence to
10 run until the termination of such payments. This paragraph does
11 not apply to payments made under any group plan which would
12 have been payable irrespective of an accidental injury under
13 this Act. Any employer receiving such credit shall keep such
14 employee safe and harmless from any and all claims or
15 liabilities that may be made against him by reason of having
16 received such payments only to the extent of such credit.

17 Any excess benefits paid to or on behalf of a State
18 employee by the State Employees' Retirement System under
19 Article 14 of the Illinois Pension Code on a death claim or
20 disputed disability claim shall be credited against any
21 payments made or to be made by the State of Illinois to or on
22 behalf of such employee under this Act, except for payments for
23 medical expenses which have already been incurred at the time
24 of the award. The State of Illinois shall directly reimburse
25 the State Employees' Retirement System to the extent of such
26 credit.

1 2. Nothing contained in this Act shall be construed to give
2 the employer or the insurance carrier the right to credit for
3 any benefits or payments received by the employee other than
4 compensation payments provided by this Act, and where the
5 employee receives payments other than compensation payments,
6 whether as full or partial salary, group insurance benefits,
7 bonuses, annuities or any other payments, the employer or
8 insurance carrier shall receive credit for each such payment
9 only to the extent of the compensation that would have been
10 payable during the period covered by such payment.

11 3. The extension of time for the filing of an Application
12 for Adjustment of Claim as provided in paragraph 1 above shall
13 not apply to those cases where the time for such filing had
14 expired prior to the date on which payments or benefits
15 enumerated herein have been initiated or resumed. Provided
16 however that this paragraph 3 shall apply only to cases wherein
17 the payments or benefits hereinabove enumerated shall be
18 received after July 1, 1969.

19 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; 97-813,
20 eff. 7-13-12.)