



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3764

by Rep. Keith R. Wheeler

#### SYNOPSIS AS INTRODUCED:

820 ILCS 305/8

from Ch. 48, par. 138.8

Amends the Workers' Compensation Act. Provides that the increased percentage rate for each spouse and child for temporary total incapacity benefits, serious and permanent disfigurement benefits, and all cases other than temporary total disability benefits shall not exceed 100% of the total minimum wage calculation, nor 83 1/3% of the employee's average weekly wage, whichever is less (rather than shall not exceed 100% of the total minimum wage calculation, nor the employee's average weekly wage, whichever is less). Establishes a maximum weekly compensation rate in death cases, permanent total disability cases, temporary total disability cases, and for cases involving amputation of a member or enucleation of an eye beginning July 1, 2017 and thereafter. Establishes a minimum weekly compensation rate in permanent total disability cases beginning July 1, 2017 and thereafter. Changes the total compensation amount payable to an employee for an accidental injury not resulting in death. Makes changes to the benefit periods for accidental injuries resulting in the loss of or the permanent and complete loss of use of the thumb, fingers, or toes; the amputation of an arm, foot, or leg; the enucleation of an eye; and other injuries.

LRB100 03922 KTG 13927 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 Section 8 as follows:

6 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

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

10 (a) The employer shall provide and pay the negotiated rate,  
11 if applicable, or the lesser of the health care provider's  
12 actual charges or according to a fee schedule, subject to  
13 Section 8.2, in effect at the time the service was rendered for  
14 all the necessary first aid, medical and surgical services, and  
15 all necessary medical, surgical and hospital services  
16 thereafter incurred, limited, however, to that which is  
17 reasonably required to cure or relieve from the effects of the  
18 accidental injury, even if a health care provider sells,  
19 transfers, or otherwise assigns an account receivable for  
20 procedures, treatments, or services covered under this Act. If  
21 the employer does not dispute payment of first aid, medical,  
22 surgical, and hospital services, the employer shall make such  
23 payment to the provider on behalf of the employee. The employer

1 shall also pay for treatment, instruction and training  
2 necessary for the physical, mental and vocational  
3 rehabilitation of the employee, including all maintenance  
4 costs and expenses incidental thereto. If as a result of the  
5 injury the employee is unable to be self-sufficient the  
6 employer shall further pay for such maintenance or  
7 institutional care as shall be required.

8 The employee may at any time elect to secure his own  
9 physician, surgeon and hospital services at the employer's  
10 expense, or,

11 Upon agreement between the employer and the employees, or  
12 the employees' exclusive representative, and subject to the  
13 approval of the Illinois Workers' Compensation Commission, the  
14 employer shall maintain a list of physicians, to be known as a  
15 Panel of Physicians, who are accessible to the employees. The  
16 employer shall post this list in a place or places easily  
17 accessible to his employees. The employee shall have the right  
18 to make an alternative choice of physician from such Panel if  
19 he is not satisfied with the physician first selected. If, due  
20 to the nature of the injury or its occurrence away from the  
21 employer's place of business, the employee is unable to make a  
22 selection from the Panel, the selection process from the Panel  
23 shall not apply. The physician selected from the Panel may  
24 arrange for any consultation, referral or other specialized  
25 medical services outside the Panel at the employer's expense.  
26 Provided that, in the event the Commission shall find that a

1 doctor selected by the employee is rendering improper or  
2 inadequate care, the Commission may order the employee to  
3 select another doctor certified or qualified in the medical  
4 field for which treatment is required. If the employee refuses  
5 to make such change the Commission may relieve the employer of  
6 his obligation to pay the doctor's charges from the date of  
7 refusal to the date of compliance.

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

20 The maintenance benefit shall not be less than the  
21 temporary total disability rate determined for the employee. In  
22 addition, maintenance shall include costs and expenses  
23 incidental to the vocational rehabilitation program.

24 When the employee is working light duty on a part-time  
25 basis or full-time basis and earns less than he or she would be  
26 earning if employed in the full capacity of the job or jobs,

1 then the employee shall be entitled to temporary partial  
2 disability benefits. Temporary partial disability benefits  
3 shall be equal to two-thirds of the difference between the  
4 average amount that the employee would be able to earn in the  
5 full performance of his or her duties in the occupation in  
6 which he or she was engaged at the time of accident and the  
7 gross amount which he or she is earning in the modified job  
8 provided to the employee by the employer or in any other job  
9 that the employee is working.

10 Every hospital, physician, surgeon or other person  
11 rendering treatment or services in accordance with the  
12 provisions of this Section shall upon written request furnish  
13 full and complete reports thereof to, and permit their records  
14 to be copied by, the employer, the employee or his dependents,  
15 as the case may be, or any other party to any proceeding for  
16 compensation before the Commission, or their attorneys.

17 Notwithstanding the foregoing, the employer's liability to  
18 pay for such medical services selected by the employee shall be  
19 limited to:

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

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

1 referrals from said initial service provider; plus  
2 (3) all medical, surgical and hospital services  
3 provided by any second physician, surgeon or hospital  
4 subsequently chosen by the employee or by any other  
5 physician, consultant, expert, institution or other  
6 provider of services recommended by said second service  
7 provider or any subsequent provider of medical services in  
8 the chain of referrals from said second service provider.  
9 Thereafter the employer shall select and pay for all  
10 necessary medical, surgical and hospital treatment and the  
11 employee may not select a provider of medical services at  
12 the employer's expense unless the employer agrees to such  
13 selection. At any time the employee may obtain any medical  
14 treatment he desires at his own expense. This paragraph  
15 shall not affect the duty to pay for rehabilitation  
16 referred to above.

17 (4) The following shall apply for injuries occurring on  
18 or after June 28, 2011 (the effective date of Public Act  
19 97-18) and only when an employer has an approved preferred  
20 provider program pursuant to Section 8.1a on the date the  
21 employee sustained his or her accidental injuries:

22 (A) The employer shall, in writing, on a form  
23 promulgated by the Commission, inform the employee of  
24 the preferred provider program;

25 (B) Subsequent to the report of an injury by an  
26 employee, the employee may choose in writing at any

1 time to decline the preferred provider program, in  
2 which case that would constitute one of the two choices  
3 of medical providers to which the employee is entitled  
4 under subsection (a) (2) or (a) (3); and

5 (C) Prior to the report of an injury by an  
6 employee, when an employee chooses non-emergency  
7 treatment from a provider not within the preferred  
8 provider program, that would constitute the employee's  
9 one choice of medical providers to which the employee  
10 is entitled under subsection (a) (2) or (a) (3).

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

23 Where the accidental injury results in the amputation of an  
24 arm, hand, leg or foot, or the enucleation of an eye, or the  
25 loss of any of the natural teeth, the employer shall furnish an  
26 artificial of any such members lost or damaged in accidental

1 injury arising out of and in the course of employment, and  
2 shall also furnish the necessary braces in all proper and  
3 necessary cases. In cases of the loss of a member or members by  
4 amputation, the employer shall, whenever necessary, maintain  
5 in good repair, refit or replace the artificial limbs during  
6 the lifetime of the employee. Where the accidental injury  
7 accompanied by physical injury results in damage to a denture,  
8 eye glasses or contact eye lenses, or where the accidental  
9 injury results in damage to an artificial member, the employer  
10 shall replace or repair such denture, glasses, lenses, or  
11 artificial member.

12 The furnishing by the employer of any such services or  
13 appliances is not an admission of liability on the part of the  
14 employer to pay compensation.

15 The furnishing of any such services or appliances or the  
16 servicing thereof by the employer is not the payment of  
17 compensation.

18 (b) If the period of temporary total incapacity for work  
19 lasts more than 3 working days, weekly compensation as  
20 hereinafter provided shall be paid beginning on the 4th day of  
21 such temporary total incapacity and continuing as long as the  
22 total temporary incapacity lasts. In cases where the temporary  
23 total incapacity for work continues for a period of 14 days or  
24 more from the day of the accident compensation shall commence  
25 on the day after the accident.

26 1. The compensation rate for temporary total



1           incapacity under this paragraph (b) of this Section shall  
2           be equal to 66 2/3% of the employee's average weekly wage  
3           computed in accordance with Section 10, provided that it  
4           shall be not less than 66 2/3% of the sum of the Federal  
5           minimum wage under the Fair Labor Standards Act, or the  
6           Illinois minimum wage under the Minimum Wage Law, whichever  
7           is more, multiplied by 40 hours. This percentage rate shall  
8           be increased by 10% for each spouse and child, not to  
9           exceed 100% of the total minimum wage calculation, nor to  
10          exceed 83 1/3% of the employee's average weekly wage  
11          computed in accordance with the provisions of Section 10,  
12          whichever is less.

13           2. The compensation rate in all cases other than for  
14          temporary total disability under this paragraph (b), and  
15          other than for serious and permanent disfigurement under  
16          paragraph (c) and other than for permanent partial  
17          disability under subparagraph (2) of paragraph (d) or under  
18          paragraph (e), of this Section shall be equal to 66 2/3% of  
19          the employee's average weekly wage computed in accordance  
20          with the provisions of Section 10, provided that it shall  
21          be not less than 66 2/3% of the sum of the Federal minimum  
22          wage under the Fair Labor Standards Act, or the Illinois  
23          minimum wage under the Minimum Wage Law, whichever is more,  
24          multiplied by 40 hours. This percentage rate shall be  
25          increased by 10% for each spouse and child, not to exceed  
26          100% of the total minimum wage calculation, nor to exceed

1       83 1/3% of the employee's average weekly wage computed in  
2       accordance with the provisions of Section 10, whichever is  
3       less.

4             2.1. The compensation rate in all cases of serious and  
5       permanent disfigurement under paragraph (c) and of  
6       permanent partial disability under subparagraph (2) of  
7       paragraph (d) or under paragraph (e) of this Section shall  
8       be equal to 60% of the employee's average weekly wage  
9       computed in accordance with the provisions of Section 10,  
10       provided that it shall be not less than 66 2/3% of the sum  
11       of the Federal minimum wage under the Fair Labor Standards  
12       Act, or the Illinois minimum wage under the Minimum Wage  
13       Law, whichever is more, multiplied by 40 hours. This  
14       percentage rate shall be increased by 10% for each spouse  
15       and child, not to exceed 100% of the total minimum wage  
16       calculation, nor to exceed 83 1/3% of the employee's  
17       average weekly wage computed in accordance with the  
18       provisions of Section 10, whichever is less.

19             3. As used in this Section the term "child" means a  
20       child of the employee including any child legally adopted  
21       before the accident or whom at the time of the accident the  
22       employee was under legal obligation to support or to whom  
23       the employee stood in loco parentis, and who at the time of  
24       the accident was under 18 years of age and not emancipated.  
25       The term "children" means the plural of "child".

26             4. All weekly compensation rates provided under

1           subparagraphs 1, 2 and 2.1 of this paragraph (b) of this  
2           Section shall be subject to the following limitations:

3           The maximum weekly compensation rate from July 1, 1975,  
4           except as hereinafter provided, shall be 100% of the  
5           State's average weekly wage in covered industries under the  
6           Unemployment Insurance Act, that being the wage that most  
7           closely approximates the State's average weekly wage.

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

21          The maximum weekly compensation rate, for the period  
22          January 1, 1981 through December 31, 1983, except as  
23          hereinafter provided, shall be 100% of the State's average  
24          weekly wage in covered industries under the Unemployment  
25          Insurance Act in effect on January 1, 1981. Effective  
26          January 1, 1984 and on January 1, of each year thereafter

1 the maximum weekly compensation rate, except as  
2 hereinafter provided, shall be determined as follows: if  
3 during the preceding 12 month period there shall have been  
4 an increase in the State's average weekly wage in covered  
5 industries under the Unemployment Insurance Act, the  
6 weekly compensation rate shall be proportionately  
7 increased by the same percentage as the percentage of  
8 increase in the State's average weekly wage in covered  
9 industries under the Unemployment Insurance Act during  
10 such period.

11 From July 1, 1977 through June 30, 2017, and thereafter  
12 such maximum weekly compensation rate in death cases under  
13 Section 7, and permanent total disability cases under  
14 paragraph (f) or subparagraph 18 of paragraph (3) of this  
15 Section and for temporary total disability under paragraph  
16 (b) of this Section and for amputation of a member or  
17 enucleation of an eye under paragraph (e) of this Section  
18 shall be increased to 133-1/3% of the State's average  
19 weekly wage in covered industries under the Unemployment  
20 Insurance Act.

21 From July 1, 2017 and thereafter, such maximum weekly  
22 compensation rate in death cases under Section 7, and  
23 permanent total disability cases under paragraph (f) or  
24 subparagraph 18 of paragraph (3) of this Section and for  
25 temporary total disability under paragraph (b) of this  
26 Section and for amputation of a member or enucleation of an

1 eye under paragraph (e) of this Section shall be 100% of  
2 the State's average weekly wage in covered industries under  
3 the Unemployment Insurance Act.

4 From July 1, 2017 and thereafter, the minimum weekly  
5 compensation rate in permanent total disability cases  
6 under paragraph (f) or subparagraph 18 of paragraph (3) of  
7 this Section shall be the State's average weekly wage in  
8 covered industries under the Unemployment Insurance Act or  
9 the employee's average weekly wage computed in accordance  
10 with the provisions of Section 10, whichever is less.

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

15 4.1. Any provision herein to the contrary  
16 notwithstanding, the weekly compensation rate for  
17 compensation payments under subparagraph 18 of paragraph  
18 (e) of this Section and under paragraph (f) of this Section  
19 and under paragraph (a) of Section 7 and for amputation of  
20 a member or enucleation of an eye under paragraph (e) of  
21 this Section, shall in no event be less than 50% of the  
22 State's average weekly wage in covered industries under the  
23 Unemployment Insurance Act.

24 4.2. Any provision to the contrary notwithstanding,  
25 the total compensation payable under Section 7 shall not  
26 exceed the greater of \$400,000 ~~\$500,000~~ or 20 ~~25~~ years.

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

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

23           7. The payment of compensation by an employer or his  
24 insurance carrier to an injured employee shall not  
25 constitute an admission of the employer's liability to pay  
26 compensation.

1 (c) For any serious and permanent disfigurement to the  
2 hand, head, face, neck, arm, leg below the knee or the chest  
3 above the axillary line, the employee is entitled to  
4 compensation for such disfigurement, the amount determined by  
5 agreement at any time or by arbitration under this Act, at a  
6 hearing not less than 6 months after the date of the accidental  
7 injury, which amount shall not exceed 150 weeks (if the  
8 accidental injury occurs on or after the effective date of this  
9 amendatory Act of the 94th General Assembly but before February  
10 1, 2006) or 162 weeks (if the accidental injury occurs on or  
11 after February 1, 2006 but before the effective date of this  
12 amendatory Act of the 100th General Assembly) or 150 weeks (if  
13 the accidental injury occurs on or after the effective date of  
14 this amendatory Act of the 100th General Assembly) at the  
15 applicable rate provided in subparagraph 2.1 of paragraph (b)  
16 of this Section.

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

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

25 (d) 1. If, after the accidental injury has been sustained,  
26 the employee as a result thereof becomes partially

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

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



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

1 provided in this paragraph shall not affect the employee's  
2 right to compensation payable under paragraphs (b), (c) and (e)  
3 of this Section for the disabilities therein covered.

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

14 1. Thumb-

15 70 weeks if the accidental injury occurs on or  
16 after the effective date of this amendatory Act of the  
17 94th General Assembly but before February 1, 2006.

18 76 weeks if the accidental injury occurs on or  
19 after February 1, 2006 but before the effective date of  
20 this amendatory Act of the 100th General Assembly.

21 70 weeks if the accidental injury occurs on or  
22 after the effective date of this amendatory Act of the  
23 100th General Assembly.

24 2. First, or index finger-

25 40 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 43 weeks if the accidental injury occurs on or  
3 after February 1, 2006 but before the effective date of  
4 this amendatory Act of the 100th General Assembly.

5 40 weeks if the accidental injury occurs on or  
6 after the effective date of this amendatory Act of the  
7 100th General Assembly.

8 3. Second, or middle finger-

9 35 weeks if the accidental injury occurs on or  
10 after the effective date of this amendatory Act of the  
11 94th General Assembly but before February 1, 2006.

12 38 weeks if the accidental injury occurs on or  
13 after February 1, 2006 but before the effective date of  
14 this amendatory Act of the 100th General Assembly.

15 35 weeks if the accidental injury occurs on or  
16 after the effective date of this amendatory Act of the  
17 100th General Assembly.

18 4. Third, or ring finger-

19 25 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 27 weeks if the accidental injury occurs on or  
23 after February 1, 2006 but before the effective date of  
24 this amendatory Act of the 100th General Assembly.

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

1           100th General Assembly.

2           5. Fourth, or little finger-

3                 20 weeks if the accidental injury occurs on or  
4 after the effective date of this amendatory Act of the  
5 94th General Assembly but before February 1, 2006.

6                 22 weeks if the accidental injury occurs on or  
7 after February 1, 2006 but before the effective date of  
8 this amendatory Act of the 100th General Assembly.

9                 20 weeks if the accidental injury occurs on or  
10 after the effective date of this amendatory Act of the  
11 100th General Assembly.

12           6. Great toe-

13                 35 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                 38 weeks if the accidental injury occurs on or  
17 after February 1, 2006 but before the effective date of  
18 this amendatory Act of the 100th General Assembly.

19                 35 weeks if the accidental injury occurs on or  
20 after the effective date of this amendatory Act of the  
21 100th General Assembly.

22           7. Each toe other than great toe-

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 but before the effective date of  
2 this amendatory Act of the 100th General Assembly.

3 13 weeks if the accidental injury occurs on or  
4 after the effective date of this amendatory Act of the  
5 100th General Assembly.

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

15 9. Hand-

16 190 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.

19 205 weeks if the accidental injury occurs on or  
20 after February 1, 2006 but before the effective date of  
21 this amendatory Act of the 100th General Assembly.

22 190 weeks if the accidental injury occurs on or  
23 after the effective date of this amendatory Act of the  
24 100th General Assembly.

25 190 weeks if the accidental injury occurs on or  
26 after June 28, 2011 (the effective date of Public Act

1 97-18) and if the accidental injury involves carpal  
2 tunnel syndrome due to repetitive or cumulative  
3 trauma, in which case the permanent partial disability  
4 shall not exceed 15% loss of use of the hand, except  
5 for cause shown by clear and convincing evidence and in  
6 which case the award shall not exceed 30% loss of use  
7 of the hand.

8 The loss of 2 or more digits, or one or more phalanges  
9 of 2 or more digits, of a hand may be compensated on the  
10 basis of partial loss of use of a hand, provided, further,  
11 that the loss of 4 digits, or the loss of use of 4 digits,  
12 in the same hand shall constitute the complete loss of a  
13 hand.

14 10. Arm-

15 235 weeks if the accidental injury occurs on or  
16 after the effective date of this amendatory Act of the  
17 94th General Assembly but before February 1, 2006.

18 253 weeks if the accidental injury occurs on or  
19 after February 1, 2006 but before the effective date of  
20 this amendatory Act of the 100th General Assembly.

21 235 weeks if the accidental injury occurs on or  
22 after the effective date of this amendatory Act of the  
23 100th General Assembly.

24 Where an accidental injury results in the amputation of  
25 an arm below the elbow, such injury shall be compensated as  
26 a loss of an arm. Where an accidental injury results in the

1 amputation of an arm above the elbow, compensation for an  
2 additional 15 weeks (if the accidental injury occurs on or  
3 after the effective date of this amendatory Act of the 94th  
4 General Assembly but before February 1, 2006) or an  
5 additional 17 weeks (if the accidental injury occurs on or  
6 after February 1, 2006 but before the effective date of  
7 this amendatory Act of the 100th General Assembly) or an  
8 additional 15 weeks (if the accidental injury occurs on or  
9 after the effective date of this amendatory Act of the  
10 100th General Assembly) shall be paid, except where the  
11 accidental injury results in the amputation of an arm at  
12 the shoulder joint, or so close to shoulder joint that an  
13 artificial arm cannot be used, or results in the  
14 disarticulation of an arm at the shoulder joint, in which  
15 case compensation for an additional 65 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 70 weeks (if the  
19 accidental injury occurs on or after February 1, 2006 but  
20 before the effective date of this amendatory Act of the  
21 100th General Assembly) or an additional 65 weeks (if the  
22 accidental injury occurs on or after the effective date of  
23 this amendatory Act of the 100th General Assembly) shall be  
24 paid.

25 11. Foot-

26 155 weeks if the accidental injury occurs on or

1 after the effective date of this amendatory Act of the  
2 94th General Assembly but before February 1, 2006.

3 167 weeks if the accidental injury occurs on or  
4 after February 1, 2006 but before the effective date of  
5 this amendatory Act of the 100th General Assembly.

6 155 weeks if the accidental injury occurs on or  
7 after the effective date of this amendatory Act of the  
8 100th General Assembly.

9 12. Leg-

10 200 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.

13 215 weeks if the accidental injury occurs on or  
14 after February 1, 2006 but before the effective date of  
15 this amendatory Act of the 100th General Assembly.

16 200 weeks if the accidental injury occurs on or  
17 after the effective date of this amendatory Act of the  
18 100th General Assembly.

19 Where an accidental injury results in the amputation of  
20 a leg below the knee, such injury shall be compensated as  
21 loss of a leg. Where an accidental injury results in the  
22 amputation of a leg above the knee, compensation for an  
23 additional 25 weeks (if the accidental injury occurs on or  
24 after the effective date of this amendatory Act of the 94th  
25 General Assembly but before February 1, 2006) or an  
26 additional 27 weeks (if the accidental injury occurs on or



1 after February 1, 2006 but before the effective date of  
2 this amendatory Act of the 100th General Assembly) or an  
3 additional 25 weeks (if the accidental injury occurs on or  
4 after the effective date of this amendatory Act of the  
5 100th General Assembly) shall be paid, except where the  
6 accidental injury results in the amputation of a leg at the  
7 hip joint, or so close to the hip joint that an artificial  
8 leg cannot be used, or results in the disarticulation of a  
9 leg at the hip joint, in which case compensation for an  
10 additional 75 weeks (if the accidental injury occurs on or  
11 after the effective date of this amendatory Act of the 94th  
12 General Assembly but before February 1, 2006) or an  
13 additional 81 weeks (if the accidental injury occurs on or  
14 after February 1, 2006 but before the effective date of  
15 this amendatory Act of the 100th General Assembly) or an  
16 additional 75 weeks (if the accidental injury occurs on or  
17 after the effective date of this amendatory Act of the  
18 100th General Assembly) shall be paid.

19 13. Eye-

20 150 weeks if the accidental injury occurs on or  
21 after the effective date of this amendatory Act of the  
22 94th General Assembly but before February 1, 2006.

23 162 weeks if the accidental injury occurs on or  
24 after February 1, 2006 but before the effective date of  
25 this amendatory Act of the 100th General Assembly.

26 150 weeks if the accidental injury occurs on or

1           after the effective date of this amendatory Act of the  
2           100th General Assembly.

3           Where an accidental injury results in the enucleation  
4           of an eye, compensation for an additional 10 weeks (if the  
5           accidental injury occurs on or after the effective date of  
6           this amendatory Act of the 94th General Assembly but before  
7           February 1, 2006) or an additional 11 weeks (if the  
8           accidental injury occurs on or after February 1, 2006 but  
9           before the effective date of this amendatory Act of the  
10          100th General Assembly) or an additional 10 weeks (if the  
11          accidental injury occurs on or after the effective date of  
12          this amendatory Act of the 100th General Assembly) shall be  
13          paid.

14           14. Loss of hearing of one ear-

15                   50 weeks if the accidental injury occurs on or  
16                   after the effective date of this amendatory Act of the  
17                   94th General Assembly but before February 1, 2006.

18                   54 weeks if the accidental injury occurs on or  
19                   after February 1, 2006 but before the effective date of  
20                   this amendatory Act of the 100th General Assembly.

21                   50 weeks if the accidental injury occurs on or  
22                   after the effective date of this amendatory Act of the  
23                   100th General Assembly.

24           Total and permanent loss of hearing of both ears-

25                   200 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.

2 215 weeks if the accidental injury occurs on or  
3 after February 1, 2006 but before the effective date of  
4 this amendatory Act of the 100th General Assembly.

5 200 weeks if the accidental injury occurs on or  
6 after the effective date of this amendatory Act of the  
7 100th General Assembly.

8 15. Testicle-

9 50 weeks if the accidental injury occurs on or  
10 after the effective date of this amendatory Act of the  
11 94th General Assembly but before February 1, 2006.

12 54 weeks if the accidental injury occurs on or  
13 after February 1, 2006 but before the effective date of  
14 this amendatory Act of the 100th General Assembly.

15 50 weeks if the accidental injury occurs on or  
16 after the effective date of this amendatory Act of the  
17 100th General Assembly.

18 Both testicles-

19 150 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.

22 162 weeks if the accidental injury occurs on or  
23 after February 1, 2006 but before the effective date of  
24 this amendatory Act of the 100th General Assembly.

25 150 weeks if the accidental injury occurs on or  
26 after the effective date of this amendatory Act of the

1           100th General Assembly.

2           16. For the permanent partial loss of use of a member  
3           or sight of an eye, or hearing of an ear, compensation  
4           during that proportion of the number of weeks in the  
5           foregoing schedule provided for the loss of such member or  
6           sight of an eye, or hearing of an ear, which the partial  
7           loss of use thereof bears to the total loss of use of such  
8           member, or sight of eye, or hearing of an ear.

9           (a) Loss of hearing for compensation purposes  
10          shall be confined to the frequencies of 1,000, 2,000  
11          and 3,000 cycles per second. Loss of hearing ability  
12          for frequency tones above 3,000 cycles per second are  
13          not to be considered as constituting disability for  
14          hearing.

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

1           decibels or more in the 3 frequencies, then the same  
2           shall constitute and be total or 100% compensable  
3           hearing loss.

4           (c) In measuring hearing impairment, the lowest  
5           measured losses in each of the 3 frequencies shall be  
6           added together and divided by 3 to determine the  
7           average decibel loss. For every decibel of loss  
8           exceeding 30 decibels an allowance of 1.82% shall be  
9           made up to the maximum of 100% which is reached at 85  
10          decibels.

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

16          (e) No consideration shall be given to the question  
17          of whether or not the ability of an employee to  
18          understand speech is improved by the use of a hearing  
19          aid.

20          (f) No claim for loss of hearing due to industrial  
21          noise shall be brought against an employer or allowed  
22          unless the employee has been exposed for a period of  
23          time sufficient to cause permanent impairment to noise  
24          levels in excess of the following:

25          Sound Level DBA

26                 Slow Response

  Hours Per Day

1	90	8
2	92	6
3	95	4
4	97	3
5	100	2
6	102	1-1/2
7	105	1
8	110	1/2
9	115	1/4

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

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

24           18. The specific case of loss of both hands, both arms,  
25 or both feet, or both legs, or both eyes, or of any two  
26 thereof, or the permanent and complete loss of the use

1           thereof, constitutes total and permanent disability, to be  
2           compensated according to the compensation fixed by  
3           paragraph (f) of this Section. These specific cases of  
4           total and permanent disability do not exclude other cases.

5           Any employee who has previously suffered the loss or  
6           permanent and complete loss of the use of any of such  
7           members, and in a subsequent independent accident loses  
8           another or suffers the permanent and complete loss of the  
9           use of any one of such members the employer for whom the  
10          injured employee is working at the time of the last  
11          independent accident is liable to pay compensation only for  
12          the loss or permanent and complete loss of the use of the  
13          member occasioned by the last independent accident.

14          19. In a case of specific loss and the subsequent death  
15          of such injured employee from other causes than such injury  
16          leaving a widow, widower, or dependents surviving before  
17          payment or payment in full for such injury, then the amount  
18          due for such injury is payable to the widow or widower and,  
19          if there be no widow or widower, then to such dependents,  
20          in the proportion which such dependency bears to total  
21          dependency.

22          Beginning July 1, 1980, and every 6 months thereafter, the  
23          Commission shall examine the Second Injury Fund and when, after  
24          deducting all advances or loans made to such Fund, the amount  
25          therein is \$500,000 then the amount required to be paid by  
26          employers pursuant to paragraph (f) of Section 7 shall be

1 reduced by one-half. When the Second Injury Fund reaches the  
2 sum of \$600,000 then the payments shall cease entirely.  
3 However, when the Second Injury Fund has been reduced to  
4 \$400,000, payment of one-half of the amounts required by  
5 paragraph (f) of Section 7 shall be resumed, in the manner  
6 herein provided, and when the Second Injury Fund has been  
7 reduced to \$300,000, payment of the full amounts required by  
8 paragraph (f) of Section 7 shall be resumed, in the manner  
9 herein provided. The Commission shall make the changes in  
10 payment effective by general order, and the changes in payment  
11 become immediately effective for all cases coming before the  
12 Commission thereafter either by settlement agreement or final  
13 order, irrespective of the date of the accidental injury.

14 On August 1, 1996 and on February 1 and August 1 of each  
15 subsequent year, the Commission shall examine the special fund  
16 designated as the "Rate Adjustment Fund" and when, after  
17 deducting all advances or loans made to said fund, the amount  
18 therein is \$4,000,000, 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 Rate Adjustment Fund reaches the  
21 sum of \$5,000,000 the payment therein shall cease entirely.  
22 However, when said Rate Adjustment Fund has been reduced to  
23 \$3,000,000 the amounts required by paragraph (f) of Section 7  
24 shall be resumed in the manner herein provided.

25 (f) In case of complete disability, which renders the  
26 employee wholly and permanently incapable of work, or in the



1 specific case of total and permanent disability as provided in  
2 subparagraph 18 of paragraph (e) of this Section, compensation  
3 shall be payable at the rate provided in subparagraph 2 of  
4 paragraph (b) of this Section for life.

5 An employee entitled to benefits under paragraph (f) of  
6 this Section shall also be entitled to receive from the Rate  
7 Adjustment Fund provided in paragraph (f) of Section 7 of the  
8 supplementary benefits provided in paragraph (g) of this  
9 Section 8.

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

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

25 If an employee who had previously incurred loss or the  
26 permanent and complete loss of use of one member, through the

1 loss or the permanent and complete loss of the use of one hand,  
2 one arm, one foot, one leg, or one eye, incurs permanent and  
3 complete disability through the loss or the permanent and  
4 complete loss of the use of another member, he shall receive,  
5 in addition to the compensation payable by the employer and  
6 after such payments have ceased, an amount from the Second  
7 Injury Fund provided for in paragraph (f) of Section 7, which,  
8 together with the compensation payable from the employer in  
9 whose employ he was when the last accidental injury was  
10 incurred, will equal the amount payable for permanent and  
11 complete disability as provided in this paragraph of this  
12 Section.

13 The custodian of the Second Injury Fund provided for in  
14 paragraph (f) of Section 7 shall be joined with the employer as  
15 a party respondent in the application for adjustment of claim.  
16 The application for adjustment of claim shall state briefly and  
17 in general terms the approximate time and place and manner of  
18 the loss of the first member.

19 In its award the Commission or the Arbitrator shall  
20 specifically find the amount the injured employee shall be  
21 weekly paid, the number of weeks compensation which shall be  
22 paid by the employer, the date upon which payments begin out of  
23 the Second Injury Fund provided for in paragraph (f) of Section  
24 7 of this Act, the length of time the weekly payments continue,  
25 the date upon which the pension payments commence and the  
26 monthly amount of the payments. The Commission shall 30 days

1 after the date upon which payments out of the Second Injury  
2 Fund have begun as provided in the award, and every month  
3 thereafter, prepare and submit to the State Comptroller a  
4 voucher for payment for all compensation accrued to that date  
5 at the rate fixed by the Commission. The State Comptroller  
6 shall draw a warrant to the injured employee along with a  
7 receipt to be executed by the injured employee and returned to  
8 the Commission. The endorsed warrant and receipt is a full and  
9 complete acquittance to the Commission for the payment out of  
10 the Second Injury Fund. No other appropriation or warrant is  
11 necessary for payment out of the Second Injury Fund. The Second  
12 Injury Fund is appropriated for the purpose of making payments  
13 according to the terms of the awards.

14 As of July 1, 1980 to July 1, 1982, all claims against and  
15 obligations of the Second Injury Fund shall become claims  
16 against and obligations of the Rate Adjustment Fund to the  
17 extent there is insufficient money in the Second Injury Fund to  
18 pay such claims and obligations. In that case, all references  
19 to "Second Injury Fund" in this Section shall also include the  
20 Rate Adjustment Fund.

21 (g) Every award for permanent total disability entered by  
22 the Commission on and after July 1, 1965 under which  
23 compensation payments shall become due and payable after the  
24 effective date of this amendatory Act, and every award for  
25 death benefits or permanent total disability entered by the  
26 Commission on and after the effective date of this amendatory

1 Act shall be subject to annual adjustments as to the amount of  
2 the compensation rate therein provided. Such adjustments shall  
3 first be made on July 15, 1977, and all awards made and entered  
4 prior to July 1, 1975 and on July 15 of each year thereafter.  
5 In all other cases such adjustment shall be made on July 15 of  
6 the second year next following the date of the entry of the  
7 award and shall further be made on July 15 annually thereafter.  
8 If during the intervening period from the date of the entry of  
9 the award, or the last periodic adjustment, there shall have  
10 been an increase in the State's average weekly wage in covered  
11 industries under the Unemployment Insurance Act, the weekly  
12 compensation rate shall be proportionately increased by the  
13 same percentage as the percentage of increase in the State's  
14 average weekly wage in covered industries under the  
15 Unemployment Insurance Act. The increase in the compensation  
16 rate under this paragraph shall in no event bring the total  
17 compensation rate to an amount greater than the prevailing  
18 maximum rate at the time that the annual adjustment is made.  
19 Such increase shall be paid in the same manner as herein  
20 provided for payments under the Second Injury Fund to the  
21 injured employee, or his dependents, as the case may be, out of  
22 the Rate Adjustment Fund provided in paragraph (f) of Section 7  
23 of this Act. Payments shall be made at the same intervals as  
24 provided in the award or, at the option of the Commission, may  
25 be made in quarterly payment on the 15th day of January, April,  
26 July and October of each year. In the event of a decrease in

1 such average weekly wage there shall be no change in the then  
2 existing compensation rate. The within paragraph shall not  
3 apply to cases where there is disputed liability and in which a  
4 compromise lump sum settlement between the employer and the  
5 injured employee, or his dependents, as the case may be, has  
6 been duly approved by the Illinois Workers' Compensation  
7 Commission.

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

14       For every accident occurring on or after July 20, 2005 but  
15 before the effective date of this amendatory Act of the 94th  
16 General Assembly (Senate Bill 1283 of the 94th General  
17 Assembly), the annual adjustments to the compensation rate in  
18 awards for death benefits or permanent total disability, as  
19 provided in this Act, shall be paid by the employer. The  
20 adjustment shall be made by the employer on July 15 of the  
21 second year next following the date of the entry of the award  
22 and shall further be made on July 15 annually thereafter. If  
23 during the intervening period from the date of the entry of the  
24 award, or the last periodic adjustment, there shall have been  
25 an increase in the State's average weekly wage in covered  
26 industries under the Unemployment Insurance Act, the employer

1 shall increase the weekly compensation rate proportionately by  
2 the same percentage as the percentage of increase in the  
3 State's average weekly wage in covered industries under the  
4 Unemployment Insurance Act. The increase in the compensation  
5 rate under this paragraph shall in no event bring the total  
6 compensation rate to an amount greater than the prevailing  
7 maximum rate at the time that the annual adjustment is made. In  
8 the event of a decrease in such average weekly wage there shall  
9 be no change in the then existing compensation rate. Such  
10 increase shall be paid by the employer in the same manner and  
11 at the same intervals as the payment of compensation in the  
12 award. This paragraph shall not apply to cases where there is  
13 disputed liability and in which a compromise lump sum  
14 settlement between the employer and the injured employee, or  
15 his or her dependents, as the case may be, has been duly  
16 approved by the Illinois Workers' Compensation Commission.

17 The annual adjustments for every award of death benefits or  
18 permanent total disability involving accidents occurring  
19 before July 20, 2005 and accidents occurring on or after the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly (Senate Bill 1283 of the 94th General Assembly) shall  
22 continue to be paid from the Rate Adjustment Fund pursuant to  
23 this paragraph and Section 7(f) of this Act.

24 (h) In case death occurs from any cause before the total  
25 compensation to which the employee would have been entitled has  
26 been paid, then in case the employee leaves any widow, widower,

1 child, parent (or any grandchild, grandparent or other lineal  
2 heir or any collateral heir dependent at the time of the  
3 accident upon the earnings of the employee to the extent of 50%  
4 or more of total dependency) such compensation shall be paid to  
5 the beneficiaries of the deceased employee and distributed as  
6 provided in paragraph (g) of Section 7.

7 (h-1) In case an injured employee is under legal disability  
8 at the time when any right or privilege accrues to him or her  
9 under this Act, a guardian may be appointed pursuant to law,  
10 and may, on behalf of such person under legal disability, claim  
11 and exercise any such right or privilege with the same effect  
12 as if the employee himself or herself had claimed or exercised  
13 the right or privilege. No limitations of time provided by this  
14 Act run so long as the employee who is under legal disability  
15 is without a conservator or guardian.

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

20 However, where an employer has on file an employment  
21 certificate issued pursuant to the Child Labor Law or work  
22 permit issued pursuant to the Federal Fair Labor Standards Act,  
23 as amended, or a birth certificate properly and duly issued,  
24 such certificate, permit or birth certificate is conclusive  
25 evidence as to the age of the injured minor employee for the  
26 purposes of this Section.

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

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

24           Any excess benefits paid to or on behalf of a State  
25 employee by the State Employees' Retirement System under  
26 Article 14 of the Illinois Pension Code on a death claim or



1     disputed disability claim shall be credited against any  
2     payments made or to be made by the State of Illinois to or on  
3     behalf of such employee under this Act, except for payments for  
4     medical expenses which have already been incurred at the time  
5     of the award. The State of Illinois shall directly reimburse  
6     the State Employees' Retirement System to the extent of such  
7     credit.

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

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

26    (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; 97-813,

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1 eff. 7-13-12.)