



Rep. Jay Hoffman

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10200HB1208ham001

LRB102 03224 SPS 36526 a

1 AMENDMENT TO HOUSE BILL 1208

2 AMENDMENT NO. _____. Amend House Bill 1208 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Workers' Compensation Act is amended by
5 changing Sections 4a-2, 4a-4, 4a-5, 4a-6.1, 4a-7, 13, and 14
6 as follows:

7 (820 ILCS 305/4a-2) (from Ch. 48, par. 138.4a-2)

8 Sec. 4a-2. As used in Sections 4a-1 through 4a-9:

9 (a) "Board" means the Self-Insurers Advisory Board created
10 by Section 4a-1.

11 (b) "Chairman" means the Chairman of the Illinois Workers'
12 Compensation Commission.

13 (c) "Private self-insurer" means a private employer that
14 has been authorized to self-insure its payment of workers'
15 compensation benefits pursuant to subsection (a) of Section 4
16 of this Act or to self-insure its payment of occupational

1 disease benefits pursuant to subsection (a) of Section 4 of
2 the Workers' Occupational Diseases Act but does not include
3 group self-insured employers under Section 4a of this Act or
4 Section 4a of the Workers' Occupational Diseases Act or the
5 State of Illinois, any political subdivision of the State,
6 unit of local government or school district, or any other
7 public authorities or quasi-governmental bodies including any
8 subunits of the foregoing entities.

9 (d) "Insolvent self-insurer" means a private self-insurer
10 financially unable to pay compensation due under this Act,
11 which (i) has filed either prior to or after the effective date
12 of this Section or (ii) is the subject party in any proceeding
13 under the Federal Bankruptcy Reform Act of 1978, or is the
14 subject party in any proceeding in which a receiver,
15 custodian, liquidator, rehabilitator, sequestrator, trustee or
16 similar officer has been appointed by any Court to act in lieu
17 of or on behalf of that self-insurer.

18 (e) "Fund" means the Self-Insurers Security Fund
19 established by Section 4a-5.

20 (f) "Trustee" means a member of the Self-Insurers Advisory
21 Board.

22 (g) (Blank). ~~"Self-Insurers Administration Fund" means the~~
23 ~~Fund established by Section 4a-6.1.~~

24 (h) "Application fee" means the application fee provided
25 for in Section 4a-4.

26 (Source: P.A. 93-721, eff. 1-1-05.)

1 (820 ILCS 305/4a-4) (from Ch. 48, par. 138.4a-4)

2 Sec. 4a-4. The Self-Insurers Advisory Board shall possess
3 all powers necessary and convenient to accomplish the objects
4 prescribed by this Act, including but not limited to the
5 following:

6 (a) The Board shall make such bylaws, rules, regulations
7 and resolutions as are necessary to carry out its
8 responsibilities. The Board may carry out its responsibilities
9 directly or by contract or other instrument, and may purchase
10 such services and collect and borrow such funds as it deems
11 necessary to effectuate its activities and protect the members
12 of the Board and its employees. The Board shall appoint,
13 retain and employ such persons as it deems necessary to
14 achieve the purposes of the Board. The Chairman shall be the
15 chief administrative officer of the Board, and he or she shall
16 have general supervisory authority over all employees of the
17 Board. Designated employees shall be subject to the Illinois
18 Personnel Code. All expenses incurred pursuant to this
19 provision shall be paid from the Self-Insurers Security
20 ~~Administration~~ Fund. Each private self-insurer applying for
21 self-insurance and for renewal of the self-insurance privilege
22 shall pay with its application a non-refundable application
23 fee in the amount of \$500, which shall be deposited upon
24 receipt by the Commission into the Self-Insurers Security
25 ~~Administration~~ Fund and used only for the purposes set forth

1 in Sections 4a-1 through 4a-9 ~~this Section~~. An application fee
2 shall be required of each corporation and each and every
3 corporate subsidiary.

4 (b) The Board shall meet no less than quarterly and shall
5 meet at other times upon the call of the Chairman, issued to
6 the Trustees in writing no less than 48 hours prior to the day
7 and hour of the meeting, or upon a request for a meeting
8 presented in writing to the Chairman no less than 72 hours
9 prior to the proposed day and hour of the meeting and signed by
10 at least a majority of the Trustees, whereupon the Chairman
11 shall provide notice issued in writing to the Trustees no less
12 than 48 hours prior to the meeting and shall convene the
13 meeting at the time and place stated in the request.

14 (c) Four Trustees shall constitute a quorum to transact
15 business at any meeting, and the affirmative vote of four
16 Trustees shall be necessary for any action taken by the Board.
17 No vacancy shall otherwise impair the rights of the remaining
18 Trustees to exercise all of the powers of the Board.

19 (d) The Board shall serve without compensation, but each
20 member shall be entitled to be reimbursed for necessary and
21 actual expenses incurred in the discharge of his official
22 duties.

23 (e) The Board shall have the right to sue and be sued in
24 the name of the Commission.

25 (Source: P.A. 85-1385.)

1 (820 ILCS 305/4a-5) (from Ch. 48, par. 138.4a-5)

2 Sec. 4a-5. There is hereby created a Self-Insurers
3 Security Fund. The State Treasurer shall be the ex officio
4 custodian of the Self-Insurers Security Fund. Moneys in the
5 Fund shall be deposited in a separate account in the same
6 manner as are State Funds and any interest accruing thereon
7 shall be added thereto every 6 months. It shall be subject to
8 audit the same as State funds and accounts and shall be
9 protected by the general bond given by the State Treasurer.
10 The funds in the Self-Insurers Security Fund shall not be
11 subject to appropriation and shall be made available for the
12 purposes of compensating employees who are eligible to receive
13 benefits from their employers pursuant to the provisions of
14 the Workers' Compensation Act or Workers' Occupational
15 Diseases Act, when, pursuant to this Section, the Board has
16 determined that a private self-insurer has become an insolvent
17 self-insurer and is unable to pay compensation benefits due to
18 financial insolvency. Moneys in the Fund may be used to
19 compensate any type of injury or occupational disease which is
20 compensable under either Act, and all claims for related
21 administrative fees, operating costs of the Board, attorney's
22 fees, and other costs reasonably incurred by the Board. Moneys
23 ~~At the discretion of the Chairman, moneys~~ in the Self-Insurers
24 Security Fund may also be used for paying the salaries and
25 benefits of the Self-Insurers Advisory Board employees and the
26 operating costs of the Board. Payment from the Self-Insurers

1 Security Fund shall be made by the Comptroller only upon the
2 authorization of the Chairman as evidenced by properly
3 certified vouchers of the Commission, upon the direction of
4 the Board.

5 (Source: P.A. 101-40, eff. 1-1-20; 102-558, eff. 8-20-21.)

6 (820 ILCS 305/4a-6.1) (from Ch. 48, par. 138.4a-6.1)

7 Sec. 4a-6.1. There is hereby created a Self-Insurers
8 Administration Fund. The State Treasurer shall be the
9 ex-officio custodian of the Self-Insurers Administration Fund.
10 Monies in the Self-Insurers Administration Fund shall be
11 deposited in a separate account in the same manner as are State
12 Funds, and any interest accruing thereon shall be added
13 thereto every 6 months. It shall be subject to audit the same
14 as State funds and accounts and shall be protected by the
15 general bond given by the State Treasurer. The funds in the
16 Self-Insurers Administration Fund shall not be subject to
17 appropriation and shall be made available only for paying the
18 salaries and benefits of the Self-Insurers Advisory Board
19 employees and the operating costs of the Board. Payment from
20 the Self-Insurers Administration Fund shall be made by the
21 Comptroller only upon the authorization of the Chairman as
22 evidenced by properly certified vouchers of the Commission.
23 Within 60 days after the effective date of this amendatory Act
24 of the 102nd General Assembly, the Secretary of the Commission
25 shall transfer all remaining funds to the Self-Insurers

1 Security Fund for use consistent with the provisions of
2 Section 4a-5. Prior to July 1, 2022, the State Treasurer shall
3 dissolve the Self-Insurers Administration Fund and close any
4 related accounts.

5 (Source: P.A. 85-1385.)

6 (820 ILCS 305/4a-7) (from Ch. 48, par. 138.4a-7)

7 Sec. 4a-7. (a) The Commission may upon direction of the
8 Board from time to time assess each of the private
9 self-insurers a pro rata share of the funding reasonably
10 necessary to carry out its activities under Sections 4a-1
11 through 4a-9 ~~this Section~~. The prorations shall be made on the
12 basis of each self-insured's most recent payment into the rate
13 adjustment fund under Section 7(f) of this Act. In no event
14 shall a private self-insurer be assessed at one time in excess
15 of .6% of the compensation paid by that private self-insurer
16 during the previous calendar year for claims incurred as a
17 self-insurer. Total assessments against it in any calendar
18 year shall not exceed 1.2% of the compensation it has paid
19 during the previous calendar year as a self-insurer for claims
20 incurred. Funds obtained by such assessments shall be used
21 only for the purposes set forth in Sections 4a-1 through 4a-9
22 ~~this Section~~, and shall be deposited upon receipt by the
23 Commission into the Self-Insurers Security Fund. If payment of
24 any assessment made under this subsection is not made within
25 30 days of the sending of the notice to the private

1 self-insurer, the Commission at the direction of the Board
2 shall proceed in circuit court for judgment against that
3 private self-insurer which judgment shall include the amount
4 of the assessment, the costs of suit, interest and reasonable
5 attorneys' fees.

6 (b) A private self-insurer which ceases to be a
7 self-insurer shall be liable for any and all assessments made
8 pursuant to this Section during the period following the date
9 its certificate of authority to self-insure is withdrawn,
10 revoked or surrendered until such time as it has discharged
11 all obligations to pay compensation which arose during the
12 period of time said former self-insurer was self-insured.
13 Assessments of such a former private self-insurer shall be
14 based on the compensation paid by the former private
15 self-insurer during the preceding calendar year on claims that
16 arose during the period of time said former private
17 self-insurer was self-insured.

18 (c) The Board on behalf of the Commission shall annually
19 contract for an independent certified audit of the financial
20 activities of the Fund, and an annual report as of June 30
21 shall be submitted promptly by the Board to the Chairman of the
22 Illinois Workers' Compensation Commission and to each Trustee.
23 Written reports of all activities shall be submitted to the
24 Commission by the Board on a monthly basis.

25 (d) If there are monies remaining in the Fund after all
26 outstanding obligations of all insolvent self-insurers have

1 been satisfied and the costs of administration and defense
2 have been paid, such amounts shall be returned by the
3 Commission from the Fund as directed by the Board to the then
4 private self-insurers in that proportion which each said
5 private self-insurer has contributed to the Fund one year
6 thereafter, provided no outstanding liabilities remain against
7 the Fund.

8 (e) Each private self-insurer shall be subject to the
9 direction of the Commission as provided in Sections 4a-1
10 through 4a-9 ~~this Section~~ as a condition of obtaining and
11 maintaining its certificate of authority to self-insure.

12 (Source: P.A. 93-721, eff. 1-1-05.)

13 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

14 Sec. 13. There is created an Illinois Workers'
15 Compensation Commission consisting of 10 members to be
16 appointed by the Governor, by and with the consent of the
17 Senate, 3 of whom shall be representative citizens of the
18 employing class operating under this Act and 3 of whom shall be
19 from a labor organization recognized under the National Labor
20 Relations Act or an attorney who has represented labor
21 organizations or has represented employees in workers'
22 compensation cases, and 4 of whom shall be representative
23 citizens not identified with either the employing or employee
24 classes. Not more than 6 members of the Commission shall be of
25 the same political party. Each Commissioner appointed on or

1 after the effective date of this amendatory Act of the 102nd
2 General Assembly must be authorized to practice law in this
3 State by the Illinois Supreme Court and must maintain this
4 authorization throughout his or her term of employment.

5 One of the members not identified with either the
6 employing or employee classes shall be designated by the
7 Governor as Chairman. The Chairman shall be the chief
8 administrative and executive officer of the Commission; and he
9 or she shall have general supervisory authority over all
10 personnel of the Commission, including arbitrators and
11 Commissioners, and the final authority in all administrative
12 matters relating to the Commissioners, including but not
13 limited to the assignment and distribution of cases and
14 assignment of Commissioners to the panels, except in the
15 promulgation of procedural rules and orders under Section 16
16 and in the determination of cases under this Act.

17 Notwithstanding the general supervisory authority of the
18 Chairman, each Commissioner, except those assigned to the
19 temporary panel, shall have the authority to hire and
20 supervise 2 staff attorneys each. Such staff attorneys shall
21 report directly to the individual Commissioner.

22 A formal training program for newly-appointed
23 Commissioners shall be implemented. The training program shall
24 include the following:

- 25 (a) substantive and procedural aspects of the office
26 of Commissioner;

1 (b) current issues in workers' compensation law and
2 practice;

3 (c) medical lectures by specialists in areas such as
4 orthopedics, ophthalmology, psychiatry, rehabilitation
5 counseling;

6 (d) orientation to each operational unit of the
7 Illinois Workers' Compensation Commission;

8 (e) observation of experienced arbitrators and
9 Commissioners conducting hearings of cases, combined with
10 the opportunity to discuss evidence presented and rulings
11 made;

12 (f) the use of hypothetical cases requiring the
13 newly-appointed Commissioner to issue judgments as a means
14 to evaluating knowledge and writing ability;

15 (g) writing skills;

16 (h) professional and ethical standards pursuant to
17 Section 1.1 of this Act;

18 (i) detection of workers' compensation fraud and
19 reporting obligations of Commission employees and
20 appointees;

21 (j) standards of evidence-based medical treatment and
22 best practices for measuring and improving quality and
23 health care outcomes in the workers' compensation system,
24 including but not limited to the use of the American
25 Medical Association's "Guides to the Evaluation of
26 Permanent Impairment" and the practice of utilization

1 review; and

2 (k) substantive and procedural aspects of coal
3 workers' pneumoconiosis (black lung) cases.

4 A formal and ongoing professional development program
5 including, but not limited to, the above-noted areas shall be
6 implemented to keep Commissioners informed of recent
7 developments and issues and to assist them in maintaining and
8 enhancing their professional competence. Each Commissioner
9 shall complete 20 hours of training in the above-noted areas
10 during every 2 years such Commissioner shall remain in office.

11 ~~The Commissioner candidates, other than the Chairman, must~~
12 ~~meet one of the following qualifications: (a) licensed to~~
13 ~~practice law in the State of Illinois; or (b) served as an~~
14 ~~arbitrator at the Illinois Workers' Compensation Commission~~
15 ~~for at least 3 years; or (c) has at least 4 years of~~
16 ~~professional labor relations experience.~~ The Chairman
17 candidate must have public or private sector management and
18 budget experience, as determined by the Governor.

19 Each Commissioner shall devote full time to his duties and
20 any Commissioner who is an attorney-at-law shall not engage in
21 the practice of law, nor shall any Commissioner hold any other
22 office or position of profit under the United States or this
23 State or any municipal corporation or political subdivision of
24 this State, nor engage in any other business, employment, or
25 vocation.

26 The term of office of each member of the Commission

1 holding office on the effective date of this amendatory Act of
2 1989 is abolished, but the incumbents shall continue to
3 exercise all of the powers and be subject to all of the duties
4 of Commissioners until their respective successors are
5 appointed and qualified.

6 The Illinois Workers' Compensation Commission shall
7 administer this Act.

8 In the promulgation of procedural rules, the determination
9 of cases heard en banc, and other matters determined by the
10 full Commission, the Chairman's vote shall break a tie in the
11 event of a tie vote.

12 The members shall be appointed by the Governor, with the
13 advice and consent of the Senate, as follows:

14 (a) After the effective date of this amendatory Act of
15 1989, 3 members, at least one of each political party, and
16 one of whom shall be a representative citizen of the
17 employing class operating under this Act, one of whom
18 shall be a representative citizen of the class of
19 employees covered under this Act, and one of whom shall be
20 a representative citizen not identified with either the
21 employing or employee classes, shall be appointed to hold
22 office until the third Monday in January of 1993, and
23 until their successors are appointed and qualified, and 4
24 members, one of whom shall be a representative citizen of
25 the employing class operating under this Act, one of whom
26 shall be a representative citizen of the class of

1 employees covered in this Act, and two of whom shall be
2 representative citizens not identified with either the
3 employing or employee classes, one of whom shall be
4 designated by the Governor as Chairman (at least one of
5 each of the two major political parties) shall be
6 appointed to hold office until the third Monday of January
7 in 1991, and until their successors are appointed and
8 qualified.

9 (a-5) Notwithstanding any other provision of this
10 Section, the term of each member of the Commission who was
11 appointed by the Governor and is in office on June 30, 2003
12 shall terminate at the close of business on that date or
13 when all of the successor members to be appointed pursuant
14 to this amendatory Act of the 93rd General Assembly have
15 been appointed by the Governor, whichever occurs later. As
16 soon as possible, the Governor shall appoint persons to
17 fill the vacancies created by this amendatory Act. Of the
18 initial commissioners appointed pursuant to this
19 amendatory Act of the 93rd General Assembly, 3 shall be
20 appointed for terms ending on the third Monday in January,
21 2005, and 4 shall be appointed for terms ending on the
22 third Monday in January, 2007.

23 (a-10) After the effective date of this amendatory Act
24 of the 94th General Assembly, the Commission shall be
25 increased to 10 members. As soon as possible after the
26 effective date of this amendatory Act of the 94th General

1 Assembly, the Governor shall appoint, by and with the
2 consent of the Senate, the 3 members added to the
3 Commission under this amendatory Act of the 94th General
4 Assembly, one of whom shall be a representative citizen of
5 the employing class operating under this Act, one of whom
6 shall be a representative of the class of employees
7 covered under this Act, and one of whom shall be a
8 representative citizen not identified with either the
9 employing or employee classes. Of the members appointed
10 under this amendatory Act of the 94th General Assembly,
11 one shall be appointed for a term ending on the third
12 Monday in January, 2007, and 2 shall be appointed for
13 terms ending on the third Monday in January, 2009, and
14 until their successors are appointed and qualified.

15 (b) Members shall thereafter be appointed to hold
16 office for terms of 4 years from the third Monday in
17 January of the year of their appointment, and until their
18 successors are appointed and qualified. All such
19 appointments shall be made so that the composition of the
20 Commission is in accordance with the provisions of the
21 first paragraph of this Section.

22 Each Commissioner shall receive an annual salary equal to
23 70% of that of a Circuit Court Judge in the Judicial Circuit
24 constituted by the First Judicial District under the Salaries
25 Act; the Chairman shall receive an annual salary of 5% more
26 than the other Commissioners.

1 In case of a vacancy in the office of a Commissioner during
2 the recess of the Senate, the Governor shall make a temporary
3 appointment until the next meeting of the Senate, when he
4 shall nominate some person to fill such office. Any person so
5 nominated who is confirmed by the Senate shall hold office
6 during the remainder of the term and until his successor is
7 appointed and qualified.

8 The Illinois Workers' Compensation Commission created by
9 this amendatory Act of 1989 shall succeed to all the rights,
10 powers, duties, obligations, records and other property and
11 employees of the Industrial Commission which it replaces as
12 modified by this amendatory Act of 1989 and all applications
13 and reports to actions and proceedings of such prior
14 Industrial Commission shall be considered as applications and
15 reports to actions and proceedings of the Illinois Workers'
16 Compensation Commission created by this amendatory Act of
17 1989.

18 Notwithstanding any other provision of this Act, in the
19 event the Chairman shall make a finding that a member is or
20 will be unavailable to fulfill the responsibilities of his or
21 her office, the Chairman shall advise the Governor and the
22 member in writing and shall designate a certified arbitrator
23 to serve as acting Commissioner. The certified arbitrator
24 shall act as a Commissioner until the member resumes the
25 duties of his or her office or until a new member is appointed
26 by the Governor, by and with the consent of the Senate, if a

1 vacancy occurs in the office of the Commissioner, but in no
2 event shall a certified arbitrator serve in the capacity of
3 Commissioner for more than 6 months from the date of
4 appointment by the Chairman. A finding by the Chairman that a
5 member is or will be unavailable to fulfill the
6 responsibilities of his or her office shall be based upon
7 notice to the Chairman by a member that he or she will be
8 unavailable or facts and circumstances made known to the
9 Chairman which lead him to reasonably find that a member is
10 unavailable to fulfill the responsibilities of his or her
11 office. The designation of a certified arbitrator to act as a
12 Commissioner shall be considered representative of citizens
13 not identified with either the employing or employee classes
14 and the arbitrator shall serve regardless of his or her
15 political affiliation. A certified arbitrator who serves as an
16 acting Commissioner shall have all the rights and powers of a
17 Commissioner, including salary.

18 Notwithstanding any other provision of this Act, the
19 Governor shall appoint a special panel of Commissioners
20 comprised of 3 members who shall be chosen by the Governor, by
21 and with the consent of the Senate, from among the current
22 ranks of certified arbitrators. Three members shall hold
23 office until the Commission in consultation with the Governor
24 determines that the caseload on review has been reduced
25 sufficiently to allow cases to proceed in a timely manner or
26 for a term of 18 months from the effective date of their

1 appointment by the Governor, whichever shall be earlier. The 3
2 members shall be considered representative of citizens not
3 identified with either the employing or employee classes and
4 shall serve regardless of political affiliation. Each of the 3
5 members shall have only such rights and powers of a
6 Commissioner necessary to dispose of those cases assigned to
7 the special panel. Each of the 3 members appointed to the
8 special panel shall receive the same salary as other
9 Commissioners for the duration of the panel.

10 The Commission may have an Executive Director; if so, the
11 Executive Director shall be appointed by the Governor with the
12 advice and consent of the Senate. The salary and duties of the
13 Executive Director shall be fixed by the Commission.

14 On the effective date of this amendatory Act of the 93rd
15 General Assembly, the name of the Industrial Commission is
16 changed to the Illinois Workers' Compensation Commission.
17 References in any law, appropriation, rule, form, or other
18 document: (i) to the Industrial Commission are deemed, in
19 appropriate contexts, to be references to the Illinois
20 Workers' Compensation Commission for all purposes; (ii) to the
21 Industrial Commission Operations Fund are deemed, in
22 appropriate contexts, to be references to the Illinois
23 Workers' Compensation Commission Operations Fund for all
24 purposes; (iii) to the Industrial Commission Operations Fund
25 Fee are deemed, in appropriate contexts, to be references to
26 the Illinois Workers' Compensation Commission Operations Fund

1 Fee for all purposes; and (iv) to the Industrial Commission
2 Operations Fund Surcharge are deemed, in appropriate contexts,
3 to be references to the Illinois Workers' Compensation
4 Commission Operations Fund Surcharge for all purposes.

5 (Source: P.A. 101-384, eff. 1-1-20; 102-16, eff. 6-17-21.)

6 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

7 Sec. 14. The Commission shall appoint a secretary and an
8 assistant secretary, ~~and arbitrators~~ and shall employ such
9 assistants and clerical help as may be necessary. Arbitrators
10 shall be appointed pursuant to this Section, notwithstanding
11 any provision of the Personnel Code.

12 Each arbitrator appointed after June 28, 2011 shall be
13 required to demonstrate in writing his or her knowledge of and
14 expertise in the law of and judicial processes of the Workers'
15 Compensation Act and the Workers' Occupational Diseases Act.

16 A formal training program for newly-hired arbitrators
17 shall be implemented. The training program shall include the
18 following:

19 (a) substantive and procedural aspects of the
20 arbitrator position;

21 (b) current issues in workers' compensation law and
22 practice;

23 (c) medical lectures by specialists in areas such as
24 orthopedics, ophthalmology, psychiatry, rehabilitation
25 counseling;

1 (d) orientation to each operational unit of the
2 Illinois Workers' Compensation Commission;

3 (e) observation of experienced arbitrators conducting
4 hearings of cases, combined with the opportunity to
5 discuss evidence presented and rulings made;

6 (f) the use of hypothetical cases requiring the
7 trainee to issue judgments as a means to evaluating
8 knowledge and writing ability;

9 (g) writing skills;

10 (h) professional and ethical standards pursuant to
11 Section 1.1 of this Act;

12 (i) detection of workers' compensation fraud and
13 reporting obligations of Commission employees and
14 appointees;

15 (j) standards of evidence-based medical treatment and
16 best practices for measuring and improving quality and
17 health care outcomes in the workers' compensation system,
18 including but not limited to the use of the American
19 Medical Association's "Guides to the Evaluation of
20 Permanent Impairment" and the practice of utilization
21 review; and

22 (k) substantive and procedural aspects of coal
23 workers' pneumoconiosis (black lung) cases.

24 A formal and ongoing professional development program
25 including, but not limited to, the above-noted areas shall be
26 implemented to keep arbitrators informed of recent

1 developments and issues and to assist them in maintaining and
2 enhancing their professional competence. Each arbitrator shall
3 complete 20 hours of training in the above-noted areas during
4 every 2 years such arbitrator shall remain in office.

5 Each arbitrator shall devote full time to his or her
6 duties and shall serve when assigned as an acting Commissioner
7 when a Commissioner is unavailable in accordance with the
8 provisions of Section 13 of this Act. Any arbitrator who is an
9 attorney-at-law shall not engage in the practice of law, nor
10 shall any arbitrator hold any other office or position of
11 profit under the United States or this State or any municipal
12 corporation or political subdivision of this State.
13 Notwithstanding any other provision of this Act to the
14 contrary, an arbitrator who serves as an acting Commissioner
15 in accordance with the provisions of Section 13 of this Act
16 shall continue to serve in the capacity of Commissioner until
17 a decision is reached in every case heard by that arbitrator
18 while serving as an acting Commissioner.

19 Notwithstanding any other provision of this Section, the
20 term of all arbitrators serving on June 28, 2011 (the
21 effective date of Public Act 97-18), including any arbitrators
22 on administrative leave, shall terminate at the close of
23 business on July 1, 2011, but the incumbents shall continue to
24 exercise all of their duties until they are reappointed or
25 their successors are appointed.

26 On and after June 28, 2011 (the effective date of Public

1 Act 97-18), arbitrators shall be appointed to 3-year terms as
2 follows:

3 (1) All appointments shall be made by the Governor
4 with the advice and consent of the Senate.

5 (2) For their initial appointments, 12 arbitrators
6 shall be appointed to terms expiring July 1, 2012; 12
7 arbitrators shall be appointed to terms expiring July 1,
8 2013; and all additional arbitrators shall be appointed to
9 terms expiring July 1, 2014. Thereafter, all arbitrators
10 shall be appointed to 3-year terms.

11 Upon the expiration of a term, the Chairman shall evaluate
12 the performance of the arbitrator and may recommend to the
13 Governor that he or she be reappointed to a second or
14 subsequent term by the Governor with the advice and consent of
15 the Senate.

16 Each arbitrator appointed on or after June 28, 2011 (the
17 effective date of Public Act 97-18) and who has not previously
18 served as an arbitrator for the Commission shall be required
19 to be authorized to practice law in this State by the Supreme
20 Court, and to maintain this authorization throughout his or
21 her term of employment.

22 The performance of all arbitrators shall be reviewed by
23 the Chairman every other year, or more often at the discretion
24 of the Chairman ~~on an annual basis~~. The Chairman shall allow
25 input from the Commissioners in all such reviews.

26 The Commission shall assign no fewer than 3 arbitrators to

1 each hearing site. The Commission shall establish a procedure
2 to ensure that the arbitrators assigned to each hearing site
3 are assigned cases on a random basis. No arbitrator shall hear
4 cases in any county, other than Cook County, for more than 4 2
5 years consecutively ~~in each 3 year term~~.

6 The Secretary and each arbitrator shall receive a per
7 annum salary of 5% less than the per annum salary of members of
8 The Illinois Workers' Compensation Commission as provided in
9 Section 13 of this Act, payable in equal monthly installments.

10 The members of the Commission, Arbitrators and other
11 employees whose duties require them to travel, shall have
12 reimbursed to them their actual traveling expenses and
13 disbursements made or incurred by them in the discharge of
14 their official duties while away from their place of residence
15 in the performance of their duties.

16 The Commission shall provide itself with a seal for the
17 authentication of its orders, awards and proceedings upon
18 which shall be inscribed the name of the Commission and the
19 words "Illinois--Seal".

20 The Secretary or Assistant Secretary, under the direction
21 of the Commission, shall have charge and custody of the seal of
22 the Commission and also have charge and custody of all
23 records, files, orders, proceedings, decisions, awards and
24 other documents on file with the Commission. He shall furnish
25 certified copies, under the seal of the Commission, of any
26 such records, files, orders, proceedings, decisions, awards

1 and other documents on file with the Commission as may be
2 required. Certified copies so furnished by the Secretary or
3 Assistant Secretary shall be received in evidence before the
4 Commission or any Arbitrator thereof, and in all courts,
5 provided that the original of such certified copy is otherwise
6 competent and admissible in evidence. The Secretary or
7 Assistant Secretary shall perform such other duties as may be
8 prescribed from time to time by the Commission.

9 (Source: P.A. 102-16, eff. 6-17-21.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."