



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3293

Introduced 2/19/2021, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Workers' Compensation Act. Replaces language regarding the qualifications of Commissioners of the Illinois Workers' Compensation Commission with language requiring each Commissioner appointed on or after the effective date of the amendatory Act to be authorized to practice law in this State. Provides that each Commissioner appointed on or after the effective date of the amendatory Act shall receive an annual salary of 70% of a Circuit Court Judge in the Judicial Court constituted by the First Judicial District under the Salaries Act and the Chairman shall receive an annual salary of 5% more than the other Commissioners. Provides that the performance of arbitrators shall be reviewed by the Chairman every other year, or more often at the discretion of the Chairman (rather than on an annual basis). Provides that no arbitrator shall hear cases in any county, other than Cook County, for more than 4 years consecutively (rather than 2 years in each 3-year term). Provides that the Secretary and each arbitrator shall receive a per annum salary of 5% less than the per annum salary of members of the Illinois Workers' Compensation Commission. Provides for the dissolution of the Self-Insurers Administration Fund and for the transfer of the moneys in that fund to the Self-Insurers Security Fund. Authorizes expenditures from the Self-Insurers Security Fund for the purposes that were authorized for the Self-Insurers Administration Fund. Effective immediately.

LRB102 14216 JLS 19568 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Workers' Compensation Act is amended by  
5 changing Sections 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  
17 disease benefits pursuant to subsection (a) of Section 4 of  
18 the Workers' Occupational Diseases Act but does not include  
19 group self-insured employers under Section 4a of this Act or  
20 Section 4a of the Workers' Occupational Diseases Act or the  
21 State of Illinois, any political subdivision of the State,  
22 unit of local government or school district, or any other  
23 public authorities or quasi-governmental bodies including any

1 subunits of the foregoing entities.

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

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

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

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

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

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

20 (820 ILCS 305/4a-4) (from Ch. 48, par. 138.4a-4)

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

25 (a) The Board shall make such bylaws, rules, regulations

1 and resolutions as are necessary to carry out its  
2 responsibilities. The Board may carry out its responsibilities  
3 directly or by contract or other instrument, and may purchase  
4 such services and collect and borrow such funds as it deems  
5 necessary to effectuate its activities and protect the members  
6 of the Board and its employees. The Board shall appoint,  
7 retain and employ such persons as it deems necessary to  
8 achieve the purposes of the Board. The Chairman shall be the  
9 chief administrative officer of the Board, and he or she shall  
10 have general supervisory authority over all employees of the  
11 Board. Designated employees shall be subject to the Illinois  
12 Personnel Code. All expenses incurred pursuant to this  
13 provision shall be paid from the Self-Insurers Security  
14 ~~Administration~~ Fund. Each private self-insurer applying for  
15 self-insurance and for renewal of the self-insurance privilege  
16 shall pay with its application a non-refundable application  
17 fee in the amount of \$500, which shall be deposited upon  
18 receipt by the Commission into the Self-Insurers Security  
19 ~~Administration~~ Fund and used only for the purposes set forth  
20 in Sections 4a-1 through 4a-9 ~~this Section~~. An application fee  
21 shall be required of each corporation and each and every  
22 corporate subsidiary.

23 (b) The Board shall meet no less than quarterly and shall  
24 meet at other times upon the call of the Chairman, issued to  
25 the Trustees in writing no less than 48 hours prior to the day  
26 and hour of the meeting, or upon a request for a meeting

1 presented in writing to the Chairman no less than 72 hours  
2 prior to the proposed day and hour of the meeting and signed by  
3 at least a majority of the Trustees, whereupon the Chairman  
4 shall provide notice issued in writing to the Trustees no less  
5 than 48 hours prior to the meeting and shall convene the  
6 meeting at the time and place stated in the request.

7 (c) Four Trustees shall constitute a quorum to transact  
8 business at any meeting, and the affirmative vote of four  
9 Trustees shall be necessary for any action taken by the Board.  
10 No vacancy shall otherwise impair the rights of the remaining  
11 Trustees to exercise all of the powers of the Board.

12 (d) The Board shall serve without compensation, but each  
13 member shall be entitled to be reimbursed for necessary and  
14 actual expenses incurred in the discharge of his official  
15 duties.

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

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

19 (820 ILCS 305/4a-5) (from Ch. 48, par. 138.4a-5)

20 Sec. 4a-5. There is hereby created a Self-Insurers  
21 Security Fund. The State Treasurer shall be the ex officio  
22 ~~ex-officio~~ custodian of the Self-Insurers Security Fund.  
23 Moneys in the Fund shall be deposited in a separate account in  
24 the same manner as are State Funds and any interest accruing  
25 thereon shall be added thereto every 6 months. It shall be

1 subject to audit the same as State funds and accounts and shall  
2 be protected by the general bond given by the State Treasurer.  
3 The funds in the Self-Insurers Security Fund shall not be  
4 subject to appropriation and shall be made available for the  
5 purposes of compensating employees who are eligible to receive  
6 benefits from their employers pursuant to the provisions of  
7 the Workers' Compensation Act or Workers' Occupational  
8 Diseases Act, when, pursuant to this Section, the Board has  
9 determined that a private self-insurer has become an insolvent  
10 self-insurer and is unable to pay compensation benefits due to  
11 financial insolvency. Moneys in the Fund may be used to  
12 compensate any type of injury or occupational disease which is  
13 compensable under either Act, and all claims for related  
14 administrative fees, operating costs of the Board, attorney's  
15 fees, and other costs reasonably incurred by the Board. Moneys  
16 ~~At the discretion of the Chairman, moneys~~ in the Self-Insurers  
17 Security Fund may also be used for paying the salaries and  
18 benefits of the Self-Insurers Advisory Board employees and the  
19 operating costs of the Board. Payment from the Self-Insurers  
20 Security Fund shall be made by the Comptroller only upon the  
21 authorization of the Chairman as evidenced by properly  
22 certified vouchers of the Commission, upon the direction of  
23 the Board.

24 (Source: P.A. 101-40, eff. 1-1-20; revised 8-6-19.)

25 (820 ILCS 305/4a-6.1) (from Ch. 48, par. 138.4a-6.1)

1           Sec. 4a-6.1. There is hereby created a Self-Insurers  
2 Administration Fund. The State Treasurer shall be the  
3 ex-officio custodian of the Self-Insurers Administration Fund.  
4 Monies in the Self-Insurers Administration Fund shall be  
5 deposited in a separate account in the same manner as are State  
6 Funds, and any interest accruing thereon shall be added  
7 thereto every 6 months. It shall be subject to audit the same  
8 as State funds and accounts and shall be protected by the  
9 general bond given by the State Treasurer. The funds in the  
10 Self-Insurers Administration Fund shall not be subject to  
11 appropriation and shall be made available only for paying the  
12 salaries and benefits of the Self-Insurers Advisory Board  
13 employees and the operating costs of the Board. Payment from  
14 the Self-Insurers Administration Fund shall be made by the  
15 Comptroller only upon the authorization of the Chairman as  
16 evidenced by properly certified vouchers of the Commission.  
17 Within 60 days after the effective date of this amendatory Act  
18 of the 102nd General Assembly, the Secretary of the Commission  
19 shall transfer all remaining funds to the Self-Insurers  
20 Security Fund for use consistent with the provisions of  
21 Section 4a-5. Prior to July 1, 2021, the State Treasurer shall  
22 dissolve the Self-Insurers Administration Fund and close any  
23 related accounts.

24           (Source: P.A. 85-1385.)

25           (820 ILCS 305/4a-7) (from Ch. 48, par. 138.4a-7)

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

25           (b) A private self-insurer which ceases to be a  
26 self-insurer shall be liable for any and all assessments made



1 pursuant to this Section during the period following the date  
2 its certificate of authority to self-insure is withdrawn,  
3 revoked or surrendered until such time as it has discharged  
4 all obligations to pay compensation which arose during the  
5 period of time said former self-insurer was self-insured.  
6 Assessments of such a former private self-insurer shall be  
7 based on the compensation paid by the former private  
8 self-insurer during the preceding calendar year on claims that  
9 arose during the period of time said former private  
10 self-insurer was self-insured.

11 (c) The Board on behalf of the Commission shall annually  
12 contract for an independent certified audit of the financial  
13 activities of the Fund, and an annual report as of June 30  
14 shall be submitted promptly by the Board to the Chairman of the  
15 Illinois Workers' Compensation Commission and to each Trustee.  
16 Written reports of all activities shall be submitted to the  
17 Commission by the Board on a monthly basis.

18 (d) If there are monies remaining in the Fund after all  
19 outstanding obligations of all insolvent self-insurers have  
20 been satisfied and the costs of administration and defense  
21 have been paid, such amounts shall be returned by the  
22 Commission from the Fund as directed by the Board to the then  
23 private self-insurers in that proportion which each said  
24 private self-insurer has contributed to the Fund one year  
25 thereafter, provided no outstanding liabilities remain against  
26 the Fund.

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

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

6 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

7 Sec. 13. There is created an Illinois Workers'  
8 Compensation Commission consisting of 10 members to be  
9 appointed by the Governor, by and with the consent of the  
10 Senate, 3 of whom shall be representative citizens of the  
11 employing class operating under this Act and 3 of whom shall be  
12 from a labor organization recognized under the National Labor  
13 Relations Act or an attorney who has represented labor  
14 organizations or has represented employees in workers'  
15 compensation cases, and 4 of whom shall be representative  
16 citizens not identified with either the employing or employee  
17 classes. Not more than 6 members of the Commission shall be of  
18 the same political party. Each Commissioner appointed on or  
19 after the effective date of this amendatory Act of the 102nd  
20 General Assembly must be authorized to practice law in this  
21 State by the Illinois Supreme Court and must maintain this  
22 authorization throughout his or her term of employment.

23 One of the members not identified with either the  
24 employing or employee classes shall be designated by the  
25 Governor as Chairman. The Chairman shall be the chief

1 administrative and executive officer of the Commission; and he  
2 or she shall have general supervisory authority over all  
3 personnel of the Commission, including arbitrators and  
4 Commissioners, and the final authority in all administrative  
5 matters relating to the Commissioners, including but not  
6 limited to the assignment and distribution of cases and  
7 assignment of Commissioners to the panels, except in the  
8 promulgation of procedural rules and orders under Section 16  
9 and in the determination of cases under this Act.

10 Notwithstanding the general supervisory authority of the  
11 Chairman, each Commissioner, except those assigned to the  
12 temporary panel, shall have the authority to hire and  
13 supervise 2 staff attorneys each. Such staff attorneys shall  
14 report directly to the individual Commissioner.

15 A formal training program for newly-appointed  
16 Commissioners shall be implemented. The training program shall  
17 include the following:

18 (a) substantive and procedural aspects of the office  
19 of Commissioner;

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

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

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

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

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

8 (g) writing skills;

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

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

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

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

23 A formal and ongoing professional development program  
24 including, but not limited to, the above-noted areas shall be  
25 implemented to keep Commissioners informed of recent  
26 developments and issues and to assist them in maintaining and

1 enhancing their professional competence. Each Commissioner  
2 shall complete 20 hours of training in the above-noted areas  
3 during every 2 years such Commissioner shall remain in office.

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

12 Each Commissioner shall devote full time to his duties and  
13 any Commissioner who is an attorney-at-law shall not engage in  
14 the practice of law, nor shall any Commissioner hold any other  
15 office or position of profit under the United States or this  
16 State or any municipal corporation or political subdivision of  
17 this State, nor engage in any other business, employment, or  
18 vocation.

19 The term of office of each member of the Commission  
20 holding office on the effective date of this amendatory Act of  
21 1989 is abolished, but the incumbents shall continue to  
22 exercise all of the powers and be subject to all of the duties  
23 of Commissioners until their respective successors are  
24 appointed and qualified.

25 The Illinois Workers' Compensation Commission shall  
26 administer this Act.

1           In the promulgation of procedural rules, the determination  
2 of cases heard en banc, and other matters determined by the  
3 full Commission, the Chairman's vote shall break a tie in the  
4 event of a tie vote.

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

7           (a) After the effective date of this amendatory Act of  
8 1989, 3 members, at least one of each political party, and  
9 one of whom shall be a representative citizen of the  
10 employing class operating under this Act, one of whom  
11 shall be a representative citizen of the class of  
12 employees covered under this Act, and one of whom shall be  
13 a representative citizen not identified with either the  
14 employing or employee classes, shall be appointed to hold  
15 office until the third Monday in January of 1993, and  
16 until their successors are appointed and qualified, and 4  
17 members, one of whom shall be a representative citizen of  
18 the employing class operating under this Act, one of whom  
19 shall be a representative citizen of the class of  
20 employees covered in this Act, and two of whom shall be  
21 representative citizens not identified with either the  
22 employing or employee classes, one of whom shall be  
23 designated by the Governor as Chairman (at least one of  
24 each of the two major political parties) shall be  
25 appointed to hold office until the third Monday of January  
26 in 1991, and until their successors are appointed and

1 qualified.

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

16 (a-10) After the effective date of this amendatory Act  
17 of the 94th General Assembly, the Commission shall be  
18 increased to 10 members. As soon as possible after the  
19 effective date of this amendatory Act of the 94th General  
20 Assembly, the Governor shall appoint, by and with the  
21 consent of the Senate, the 3 members added to the  
22 Commission under this amendatory Act of the 94th General  
23 Assembly, one of whom shall be a representative citizen of  
24 the employing class operating under this Act, one of whom  
25 shall be a representative of the class of employees  
26 covered under this Act, and one of whom shall be a

1 representative citizen not identified with either the  
2 employing or employee classes. Of the members appointed  
3 under this amendatory Act of the 94th General Assembly,  
4 one shall be appointed for a term ending on the third  
5 Monday in January, 2007, and 2 shall be appointed for  
6 terms ending on the third Monday in January, 2009, and  
7 until their successors are appointed and qualified.

8 (b) Members shall thereafter be appointed to hold  
9 office for terms of 4 years from the third Monday in  
10 January of the year of their appointment, and until their  
11 successors are appointed and qualified. All such  
12 appointments shall be made so that the composition of the  
13 Commission is in accordance with the provisions of the  
14 first paragraph of this Section.

15 Each Commissioner shall receive an annual salary of 70% of  
16 a Circuit Court Judge in the Judicial Court constituted by the  
17 First Judicial District under the Salaries Act and the  
18 Chairman shall receive an annual salary of 5% more than the  
19 other Commissioners.

20 ~~The Chairman shall receive an annual salary of \$42,500, or~~  
21 ~~a salary set by the Compensation Review Board, whichever is~~  
22 ~~greater, and each other member shall receive an annual salary~~  
23 ~~of \$38,000, or a salary set by the Compensation Review Board,~~  
24 ~~whichever is greater.~~

25 In case of a vacancy in the office of a Commissioner during  
26 the recess of the Senate, the Governor shall make a temporary



1 appointment until the next meeting of the Senate, when he  
2 shall nominate some person to fill such office. Any person so  
3 nominated who is confirmed by the Senate shall hold office  
4 during the remainder of the term and until his successor is  
5 appointed and qualified.

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

16 Notwithstanding any other provision of this Act, in the  
17 event the Chairman shall make a finding that a member is or  
18 will be unavailable to fulfill the responsibilities of his or  
19 her office, the Chairman shall advise the Governor and the  
20 member in writing and shall designate a certified arbitrator  
21 to serve as acting Commissioner. The certified arbitrator  
22 shall act as a Commissioner until the member resumes the  
23 duties of his or her office or until a new member is appointed  
24 by the Governor, by and with the consent of the Senate, if a  
25 vacancy occurs in the office of the Commissioner, but in no  
26 event shall a certified arbitrator serve in the capacity of

1 Commissioner for more than 6 months from the date of  
2 appointment by the Chairman. A finding by the Chairman that a  
3 member is or will be unavailable to fulfill the  
4 responsibilities of his or her office shall be based upon  
5 notice to the Chairman by a member that he or she will be  
6 unavailable or facts and circumstances made known to the  
7 Chairman which lead him to reasonably find that a member is  
8 unavailable to fulfill the responsibilities of his or her  
9 office. The designation of a certified arbitrator to act as a  
10 Commissioner shall be considered representative of citizens  
11 not identified with either the employing or employee classes  
12 and the arbitrator shall serve regardless of his or her  
13 political affiliation. A certified arbitrator who serves as an  
14 acting Commissioner shall have all the rights and powers of a  
15 Commissioner, including salary.

16 Notwithstanding any other provision of this Act, the  
17 Governor shall appoint a special panel of Commissioners  
18 comprised of 3 members who shall be chosen by the Governor, by  
19 and with the consent of the Senate, from among the current  
20 ranks of certified arbitrators. Three members shall hold  
21 office until the Commission in consultation with the Governor  
22 determines that the caseload on review has been reduced  
23 sufficiently to allow cases to proceed in a timely manner or  
24 for a term of 18 months from the effective date of their  
25 appointment by the Governor, whichever shall be earlier. The 3  
26 members shall be considered representative of citizens not

1 identified with either the employing or employee classes and  
2 shall serve regardless of political affiliation. Each of the 3  
3 members shall have only such rights and powers of a  
4 Commissioner necessary to dispose of those cases assigned to  
5 the special panel. Each of the 3 members appointed to the  
6 special panel shall receive the same salary as other  
7 Commissioners for the duration of the panel.

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

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

1 to be references to the Illinois Workers' Compensation  
2 Commission Operations Fund Surcharge for all purposes.

3 (Source: P.A. 101-384, eff. 1-1-20.)

4 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

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

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

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

17 (a) substantive and procedural aspects of the  
18 arbitrator position;

19 (b) current issues in workers' compensation law and  
20 practice;

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

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

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

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

7 (g) writing skills;

8 (h) professional and ethical standards pursuant to  
9 Section 1.1 of this Act;

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

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

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

22 A formal and ongoing professional development program  
23 including, but not limited to, the above-noted areas shall be  
24 implemented to keep arbitrators informed of recent  
25 developments and issues and to assist them in maintaining and  
26 enhancing their professional competence. Each arbitrator shall

1 complete 20 hours of training in the above-noted areas during  
2 every 2 years such arbitrator shall remain in office.

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

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

24 On and after June 28, 2011 (the effective date of Public  
25 Act 97-18), arbitrators shall be appointed to 3-year terms as  
26 follows:

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

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

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

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

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

24           The Commission shall assign no fewer than 3 arbitrators to  
25 each hearing site. The Commission shall establish a procedure  
26 to ensure that the arbitrators assigned to each hearing site

1 are assigned cases on a random basis. No arbitrator shall hear  
2 cases in any county, other than Cook County, for more than 4 ~~2~~  
3 years consecutively ~~in each 3-year term~~.

4 The Secretary and each arbitrator shall receive a per  
5 annum salary of 5% ~~\$4,000~~ less than the per annum salary of  
6 members of The Illinois Workers' Compensation Commission as  
7 provided in Section 13 of this Act, payable in equal monthly  
8 installments.

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

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

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



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

8 (Source: P.A. 98-40, eff. 6-28-13; 99-642, eff. 7-28-16.)

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

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Statutes amended in order of appearance

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820 ILCS 305/4a-2

from Ch. 48, par. 138.4a-2

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820 ILCS 305/4a-4

from Ch. 48, par. 138.4a-4

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820 ILCS 305/4a-5

from Ch. 48, par. 138.4a-5

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820 ILCS 305/4a-6.1

from Ch. 48, par. 138.4a-6.1

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820 ILCS 305/4a-7

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820 ILCS 305/13

from Ch. 48, par. 138.13

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820 ILCS 305/14

from Ch. 48, par. 138.14