



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

See Index

Amends the Workers' Compensation Act, the Workers' Occupational Diseases Act, and other Acts. Changes the name of the Industrial Commission to the Illinois Workers' Compensation Commission. Changes the name of the Industrial Commission Operations Fund to the Illinois Workers' Compensation Commission Operations Fund.

LRB093 14310 WGH 47256 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning workers' compensation.

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

4 Section 5. The Intergovernmental Cooperation Act is
5 amended by changing Section 6 as follows:

6 (5 ILCS 220/6) (from Ch. 127, par. 746)

7 Sec. 6. Joint self-insurance. An intergovernmental
8 contract may, among other undertakings, authorize public
9 agencies to jointly self-insure and authorize each public
10 agency member of the contract to utilize its funds to pay to a
11 joint insurance pool its costs and reserves to protect, wholly
12 or partially, itself or any public agency member of the
13 contract against liability or loss in the designated insurable
14 area. A joint insurance pool shall have an annual audit
15 performed by an independent certified public accountant and
16 shall file an annual audited financial report with the Director
17 of Insurance no later than 150 days after the end of the pool's
18 immediately preceding fiscal year. The Director of Insurance
19 shall issue rules necessary to implement this audit and report
20 requirement. The rule shall establish the due date for filing
21 the initial annual audited financial report. Within 30 days
22 after January 1, 1991, and within 30 days after each January 1
23 thereafter, public agencies that are jointly self-insured to
24 protect against liability under the Workers' Compensation Act
25 and the Workers' Occupational Diseases Act shall file with the
26 Illinois Workers' Compensation ~~Industrial~~ Commission a report
27 indicating an election to self-insure.

28 For purposes of this Section, "public agency member" means
29 any public agency defined or created under this Act, any local
30 public entity as defined in Section 1-206 of the Local
31 Governmental and Governmental Employees Tort Immunity Act, and
32 any public agency, authority, instrumentality, council, board,

1 service region, district, unit, bureau, or, commission, or any
2 municipal corporation, college, or university, whether
3 corporate or otherwise, and any other local governmental body
4 or similar entity that is presently existing or created after
5 the effective date of this amendatory Act of the 92nd General
6 Assembly, whether or not specified in this Section. Only public
7 agency members with tax receipts, tax revenues, taxing
8 authority, or other resources sufficient to pay costs and to
9 service debt related to intergovernmental activities described
10 in this Section, or public agency members created by or as part
11 of a public agency with these powers, may enter into contracts
12 or otherwise associate among themselves as permitted in this
13 Section.

14 (Source: P.A. 92-530, eff. 2-8-02.)

15 Section 10. The Illinois Governmental Ethics Act is amended
16 by changing Section 2-104 as follows:

17 (5 ILCS 420/2-104) (from Ch. 127, par. 602-104)

18 Sec. 2-104.

19 No legislator may accept or participate in any way in any
20 representation case, as that term is defined in Section 1-113,
21 before (1) the Court of Claims of this State or (2) before the
22 Illinois Workers' Compensation Industrial Commission ~~of this~~
23 ~~State~~, when the State of Illinois is the respondent.

24 This Section does not prohibit participation in such a
25 representation case by a person with whom the legislator
26 maintains a close economic association, unless the fact of that
27 association is used to influence or attempt to influence the
28 State agency in the rendering of its decision.

29 A violation of this Section is a Class A misdemeanor.

30 (Source: P. A. 78-695.)

31 Section 15. The Executive Reorganization Implementation
32 Act is amended by changing Section 3.1 as follows:

1 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

2 Sec. 3.1. "Agency directly responsible to the Governor" or
3 "agency" means any office, officer, division, or part thereof,
4 and any other office, nonelective officer, department,
5 division, bureau, board, or commission in the executive branch
6 of State government, except that it does not apply to any
7 agency whose primary function is service to the General
8 Assembly or the Judicial Branch of State government, or to any
9 agency administered by the Attorney General, Secretary of
10 State, State Comptroller or State Treasurer. In addition the
11 term does not apply to the following agencies created by law
12 with the primary responsibility of exercising regulatory or
13 adjudicatory functions independently of the Governor:

14 (1) the State Board of Elections;

15 (2) the State Board of Education;

16 (3) the Illinois Commerce Commission;

17 (4) the Illinois Workers' Compensation ~~Industrial~~
18 Commission;

19 (5) the Civil Service Commission;

20 (6) the Fair Employment Practices Commission;

21 (7) the Pollution Control Board;

22 (8) the Department of State Police Merit Board.

23 (Source: P.A. 84-25.)

24 Section 20. The Personnel Code is amended by changing
25 Sections 4c, 4d, and 11 as follows:

26 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

27 Sec. 4c. General exemptions. The following positions in
28 State service shall be exempt from jurisdictions A, B, and C,
29 unless the jurisdictions shall be extended as provided in this
30 Act:

31 (1) All officers elected by the people.

32 (2) All positions under the Lieutenant Governor,
33 Secretary of State, State Treasurer, State Comptroller,
34 State Board of Education, Clerk of the Supreme Court, and

1 Attorney General.

2 (3) Judges, and officers and employees of the courts,
3 and notaries public.

4 (4) All officers and employees of the Illinois General
5 Assembly, all employees of legislative commissions, all
6 officers and employees of the Illinois Legislative
7 Reference Bureau, the Legislative Research Unit, and the
8 Legislative Printing Unit.

9 (5) All positions in the Illinois National Guard and
10 Illinois State Guard, paid from federal funds or positions
11 in the State Military Service filled by enlistment and paid
12 from State funds.

13 (6) All employees of the Governor at the executive
14 mansion and on his immediate personal staff.

15 (7) Directors of Departments, the Adjutant General,
16 the Assistant Adjutant General, the Director of the
17 Illinois Emergency Management Agency, members of boards
18 and commissions, and all other positions appointed by the
19 Governor by and with the consent of the Senate.

20 (8) The presidents, other principal administrative
21 officers, and teaching, research and extension faculties
22 of Chicago State University, Eastern Illinois University,
23 Governors State University, Illinois State University,
24 Northeastern Illinois University, Northern Illinois
25 University, Western Illinois University, the Illinois
26 Community College Board, Southern Illinois University,
27 Illinois Board of Higher Education, University of
28 Illinois, State Universities Civil Service System,
29 University Retirement System of Illinois, and the
30 administrative officers and scientific and technical staff
31 of the Illinois State Museum.

32 (9) All other employees except the presidents, other
33 principal administrative officers, and teaching, research
34 and extension faculties of the universities under the
35 jurisdiction of the Board of Regents and the colleges and
36 universities under the jurisdiction of the Board of

1 Governors of State Colleges and Universities, Illinois
2 Community College Board, Southern Illinois University,
3 Illinois Board of Higher Education, Board of Governors of
4 State Colleges and Universities, the Board of Regents,
5 University of Illinois, State Universities Civil Service
6 System, University Retirement System of Illinois, so long
7 as these are subject to the provisions of the State
8 Universities Civil Service Act.

9 (10) The State Police so long as they are subject to
10 the merit provisions of the State Police Act.

11 (11) The scientific staff of the State Scientific
12 Surveys and the Waste Management and Research Center.

13 (12) The technical and engineering staffs of the
14 Department of Transportation, the Department of Nuclear
15 Safety, the Pollution Control Board, and the Illinois
16 Commerce Commission, and the technical and engineering
17 staff providing architectural and engineering services in
18 the Department of Central Management Services.

19 (13) All employees of the Illinois State Toll Highway
20 Authority.

21 (14) The Secretary of the Illinois Workers'
22 Compensation Industrial Commission.

23 (15) All persons who are appointed or employed by the
24 Director of Insurance under authority of Section 202 of the
25 Illinois Insurance Code to assist the Director of Insurance
26 in discharging his responsibilities relating to the
27 rehabilitation, liquidation, conservation, and dissolution
28 of companies that are subject to the jurisdiction of the
29 Illinois Insurance Code.

30 (16) All employees of the St. Louis Metropolitan Area
31 Airport Authority.

32 (17) All investment officers employed by the Illinois
33 State Board of Investment.

34 (18) Employees of the Illinois Young Adult
35 Conservation Corps program, administered by the Illinois
36 Department of Natural Resources, authorized grantee under

1 Title VIII of the Comprehensive Employment and Training Act
2 of 1973, 29 USC 993.

3 (19) Seasonal employees of the Department of
4 Agriculture for the operation of the Illinois State Fair
5 and the DuQuoin State Fair, no one person receiving more
6 than 29 days of such employment in any calendar year.

7 (20) All "temporary" employees hired under the
8 Department of Natural Resources' Illinois Conservation
9 Service, a youth employment program that hires young people
10 to work in State parks for a period of one year or less.

11 (21) All hearing officers of the Human Rights
12 Commission.

13 (22) All employees of the Illinois Mathematics and
14 Science Academy.

15 (23) All employees of the Kankakee River Valley Area
16 Airport Authority.

17 (Source: P.A. 90-490, eff. 8-17-97; 91-214, eff. 1-1-00;
18 91-357, eff. 7-29-99.)

19 (20 ILCS 415/4d) (from Ch. 127, par. 63b104d)

20 Sec. 4d. Partial exemptions. The following positions in
21 State service are exempt from jurisdictions A, B, and C to the
22 extent stated for each, unless those jurisdictions are extended
23 as provided in this Act:

24 (1) In each department, board or commission that now
25 maintains or may hereafter maintain a major administrative
26 division, service or office in both Sangamon County and Cook
27 County, 2 private secretaries for the director or chairman
28 thereof, one located in the Cook County office and the other
29 located in the Sangamon County office, shall be exempt from
30 jurisdiction B; in all other departments, boards and
31 commissions one private secretary for the director or chairman
32 thereof shall be exempt from jurisdiction B. In all
33 departments, boards and commissions one confidential assistant
34 for the director or chairman thereof shall be exempt from
35 jurisdiction B. This paragraph is subject to such modifications

1 or waiver of the exemptions as may be necessary to assure the
2 continuity of federal contributions in those agencies
3 supported in whole or in part by federal funds.

4 (2) The resident administrative head of each State
5 charitable, penal and correctional institution, the chaplains
6 thereof, and all member, patient and inmate employees are
7 exempt from jurisdiction B.

8 (3) The Civil Service Commission, upon written
9 recommendation of the Director of Central Management Services,
10 shall exempt from jurisdiction B other positions which, in the
11 judgment of the Commission, involve either principal
12 administrative responsibility for the determination of policy
13 or principal administrative responsibility for the way in which
14 policies are carried out, except positions in agencies which
15 receive federal funds if such exemption is inconsistent with
16 federal requirements, and except positions in agencies
17 supported in whole by federal funds.

18 (4) All beauticians and teachers of beauty culture and
19 teachers of barbering, and all positions heretofore paid under
20 Section 1.22 of "An Act to standardize position titles and
21 salary rates", approved June 30, 1943, as amended, shall be
22 exempt from jurisdiction B.

23 (5) Licensed attorneys in positions as legal or technical
24 advisors, positions in the Department of Natural Resources
25 requiring incumbents to be either a registered professional
26 engineer or to hold a bachelor's degree in engineering from a
27 recognized college or university, licensed physicians in
28 positions of medical administrator or physician or physician
29 specialist (including psychiatrists), and registered nurses
30 (except those registered nurses employed by the Department of
31 Public Health), except those in positions in agencies which
32 receive federal funds if such exemption is inconsistent with
33 federal requirements and except those in positions in agencies
34 supported in whole by federal funds, are exempt from
35 jurisdiction B only to the extent that the requirements of
36 Section 8b.1, 8b.3 and 8b.5 of this Code need not be met.

1 (6) All positions established outside the geographical
2 limits of the State of Illinois to which appointments of other
3 than Illinois citizens may be made are exempt from jurisdiction
4 B.

5 (7) Staff attorneys reporting directly to individual
6 Commissioners of the Illinois Workers' Compensation ~~Industrial~~
7 Commission are exempt from jurisdiction B.

8 (Source: P.A. 89-77, eff. 6-30-95; 89-439, eff. 6-1-96; 89-626,
9 eff. 8-9-96.)

10 (20 ILCS 415/11) (from Ch. 127, par. 63b111)

11 Sec. 11. Hearing - Disciplinary action. No officer or
12 employee under jurisdiction B, relating to merit and fitness,
13 who has been appointed under the rules and after examination,
14 shall be removed discharged or demoted, or be suspended for a
15 period of more than 30 days, in any 12 month period, except for
16 cause, upon written charges approved by the Director of Central
17 Management Services, and after an opportunity to be heard in
18 his own defense if he makes written request to the Commission
19 within 15 days after the serving of the written charges upon
20 him. Upon the filing of such a request for a hearing, the
21 Commission shall grant a hearing within 30 days. The time and
22 place of the hearing shall be fixed by the Commission, and due
23 notice thereof given the appointing officer and the employee.
24 The hearing shall be public, and the officer or employee is
25 entitled to call witnesses in his own defense and to have the
26 aid of counsel. The finding and decision of the Commission, or
27 the approval by the Commission of the finding and decision of
28 the officer or board appointed by it to conduct such
29 investigation, shall be rendered within 60 days after the
30 receipt of the transcript of the proceedings. If the finding
31 and decision is not rendered within 60 days after receipt of
32 the transcript of the proceedings, the employee shall be
33 considered to be reinstated and shall receive full compensation
34 for the period for which he was suspended. The finding and
35 decision of the Commission or officer or board appointed by it

1 to conduct investigation, when approved by the Commission,
2 shall be certified to the Director, and shall be forthwith
3 enforced by the Director. In making its finding and decision,
4 or in approving the finding and decision of some officer or
5 board appointed by it to conduct such investigation, the Civil
6 Service Commission may, for disciplinary purposes, suspend an
7 employee for a period of time not to exceed 90 days, and in no
8 event to exceed a period of 120 days from the date of any
9 suspension of such employee, pending investigation of such
10 charges. If the Commission certifies a decision that an officer
11 or employee is to be retained in his position and if it does
12 not order a suspension for disciplinary purposes, the officer
13 or employee shall receive full compensation for any period
14 during which he was suspended pending the investigation of the
15 charges.

16 Nothing in this Section shall limit the authority to
17 suspend an employee for a reasonable period not exceeding 30
18 days, in any 12 month period.

19 Notwithstanding the provisions of this Section, an
20 arbitrator of the Illinois Workers' Compensation ~~Industrial~~
21 Commission, appointed pursuant to Section 14 of the Workers'
22 Compensation Act, may be removed by the Governor upon the
23 recommendation of the Commission Review Board pursuant to
24 Section 14.1 of such Act.

25 Notwithstanding the provisions of this Section, a policy
26 making officer of a State agency, as defined in the Employee
27 Rights Violation Act, shall be discharged from State employment
28 as provided in the Employee Rights Violation Act, enacted by
29 the 85th General Assembly.

30 (Source: P.A. 85-1436.)

31 Section 25. The State Finance Act is amended by changing
32 Sections 5.454 and 8.3 as follows:

33 (30 ILCS 105/5.454)

34 Sec. 5.454. The Illinois Workers' Compensation ~~Industrial~~

1 Commission Operations Fund.

2 (Source: P.A. 90-109, eff. 1-1-98; 90-655, eff. 7-30-98.)

3 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

4 Sec. 8.3. Money in the Road Fund shall, if and when the
5 State of Illinois incurs any bonded indebtedness for the
6 construction of permanent highways, be set aside and used for
7 the purpose of paying and discharging annually the principal
8 and interest on that bonded indebtedness then due and payable,
9 and for no other purpose. The surplus, if any, in the Road Fund
10 after the payment of principal and interest on that bonded
11 indebtedness then annually due shall be used as follows:

12 first -- to pay the cost of administration of Chapters
13 2 through 10 of the Illinois Vehicle Code, except the cost
14 of administration of Articles I and II of Chapter 3 of that
15 Code; and

16 secondly -- for expenses of the Department of
17 Transportation for construction, reconstruction,
18 improvement, repair, maintenance, operation, and
19 administration of highways in accordance with the
20 provisions of laws relating thereto, or for any purpose
21 related or incident to and connected therewith, including
22 the separation of grades of those highways with railroads
23 and with highways and including the payment of awards made
24 by the Illinois Workers' Compensation ~~Industrial~~
25 Commission under the terms of the Workers' Compensation Act
26 or Workers' Occupational Diseases Act for injury or death
27 of an employee of the Division of Highways in the
28 Department of Transportation; or for the acquisition of
29 land and the erection of buildings for highway purposes,
30 including the acquisition of highway right-of-way or for
31 investigations to determine the reasonably anticipated
32 future highway needs; or for making of surveys, plans,
33 specifications and estimates for and in the construction
34 and maintenance of flight strips and of highways necessary
35 to provide access to military and naval reservations, to

1 defense industries and defense-industry sites, and to the
2 sources of raw materials and for replacing existing
3 highways and highway connections shut off from general
4 public use at military and naval reservations and
5 defense-industry sites, or for the purchase of
6 right-of-way, except that the State shall be reimbursed in
7 full for any expense incurred in building the flight
8 strips; or for the operating and maintaining of highway
9 garages; or for patrolling and policing the public highways
10 and conserving the peace; or for any of those purposes or
11 any other purpose that may be provided by law.

12 Appropriations for any of those purposes are payable from
13 the Road Fund. Appropriations may also be made from the Road
14 Fund for the administrative expenses of any State agency that
15 are related to motor vehicles or arise from the use of motor
16 vehicles.

17 Beginning with fiscal year 1980 and thereafter, no Road
18 Fund monies shall be appropriated to the following Departments
19 or agencies of State government for administration, grants, or
20 operations; but this limitation is not a restriction upon
21 appropriating for those purposes any Road Fund monies that are
22 eligible for federal reimbursement;

23 1. Department of Public Health;

24 2. Department of Transportation, only with respect to
25 subsidies for one-half fare Student Transportation and
26 Reduced Fare for Elderly;

27 3. Department of Central Management Services, except
28 for expenditures incurred for group insurance premiums of
29 appropriate personnel;

30 4. Judicial Systems and Agencies.

31 Beginning with fiscal year 1981 and thereafter, no Road
32 Fund monies shall be appropriated to the following Departments
33 or agencies of State government for administration, grants, or
34 operations; but this limitation is not a restriction upon
35 appropriating for those purposes any Road Fund monies that are
36 eligible for federal reimbursement:

1 1. Department of State Police, except for expenditures
2 with respect to the Division of Operations;

3 2. Department of Transportation, only with respect to
4 Intercity Rail Subsidies and Rail Freight Services.

5 Beginning with fiscal year 1982 and thereafter, no Road
6 Fund monies shall be appropriated to the following Departments
7 or agencies of State government for administration, grants, or
8 operations; but this limitation is not a restriction upon
9 appropriating for those purposes any Road Fund monies that are
10 eligible for federal reimbursement: Department of Central
11 Management Services, except for awards made by the Illinois
12 Workers' Compensation ~~Industrial~~ Commission under the terms of
13 the Workers' Compensation Act or Workers' Occupational
14 Diseases Act for injury or death of an employee of the Division
15 of Highways in the Department of Transportation.

16 Beginning with fiscal year 1984 and thereafter, no Road
17 Fund monies shall be appropriated to the following Departments
18 or agencies of State government for administration, grants, or
19 operations; but this limitation is not a restriction upon
20 appropriating for those purposes any Road Fund monies that are
21 eligible for federal reimbursement:

22 1. Department of State Police, except not more than 40%
23 of the funds appropriated for the Division of Operations;

24 2. State Officers.

25 Beginning with fiscal year 1984 and thereafter, no Road
26 Fund monies shall be appropriated to any Department or agency
27 of State government for administration, grants, or operations
28 except as provided hereafter; but this limitation is not a
29 restriction upon appropriating for those purposes any Road Fund
30 monies that are eligible for federal reimbursement. It shall
31 not be lawful to circumvent the above appropriation limitations
32 by governmental reorganization or other methods.
33 Appropriations shall be made from the Road Fund only in
34 accordance with the provisions of this Section.

35 Money in the Road Fund shall, if and when the State of
36 Illinois incurs any bonded indebtedness for the construction of

1 permanent highways, be set aside and used for the purpose of
2 paying and discharging during each fiscal year the principal
3 and interest on that bonded indebtedness as it becomes due and
4 payable as provided in the Transportation Bond Act, and for no
5 other purpose. The surplus, if any, in the Road Fund after the
6 payment of principal and interest on that bonded indebtedness
7 then annually due shall be used as follows:

8 first -- to pay the cost of administration of Chapters
9 2 through 10 of the Illinois Vehicle Code; and

10 secondly -- no Road Fund monies derived from fees,
11 excises, or license taxes relating to registration,
12 operation and use of vehicles on public highways or to
13 fuels used for the propulsion of those vehicles, shall be
14 appropriated or expended other than for costs of
15 administering the laws imposing those fees, excises, and
16 license taxes, statutory refunds and adjustments allowed
17 thereunder, administrative costs of the Department of
18 Transportation, payment of debts and liabilities incurred
19 in construction and reconstruction of public highways and
20 bridges, acquisition of rights-of-way for and the cost of
21 construction, reconstruction, maintenance, repair, and
22 operation of public highways and bridges under the
23 direction and supervision of the State, political
24 subdivision, or municipality collecting those monies, and
25 the costs for patrolling and policing the public highways
26 (by State, political subdivision, or municipality
27 collecting that money) for enforcement of traffic laws. The
28 separation of grades of such highways with railroads and
29 costs associated with protection of at-grade highway and
30 railroad crossing shall also be permissible.

31 Appropriations for any of such purposes are payable from
32 the Road Fund or the Grade Crossing Protection Fund as provided
33 in Section 8 of the Motor Fuel Tax Law.

34 Except as provided in this paragraph, beginning with fiscal
35 year 1991 and thereafter, no Road Fund monies shall be
36 appropriated to the Department of State Police for the purposes

1 of this Section in excess of its total fiscal year 1990 Road
 2 Fund appropriations for those purposes unless otherwise
 3 provided in Section 5g of this Act. For fiscal years 2003 and
 4 2004 only, no Road Fund monies shall be appropriated to the
 5 Department of State Police for the purposes of this Section in
 6 excess of \$97,310,000. It shall not be lawful to circumvent
 7 this limitation on appropriations by governmental
 8 reorganization or other methods unless otherwise provided in
 9 Section 5g of this Act.

10 In fiscal year 1994, no Road Fund monies shall be
 11 appropriated to the Secretary of State for the purposes of this
 12 Section in excess of the total fiscal year 1991 Road Fund
 13 appropriations to the Secretary of State for those purposes,
 14 plus \$9,800,000. It shall not be lawful to circumvent this
 15 limitation on appropriations by governmental reorganization or
 16 other method.

17 Beginning with fiscal year 1995 and thereafter, no Road
 18 Fund monies shall be appropriated to the Secretary of State for
 19 the purposes of this Section in excess of the total fiscal year
 20 1994 Road Fund appropriations to the Secretary of State for
 21 those purposes. It shall not be lawful to circumvent this
 22 limitation on appropriations by governmental reorganization or
 23 other methods.

24 Beginning with fiscal year 2000, total Road Fund
 25 appropriations to the Secretary of State for the purposes of
 26 this Section shall not exceed the amounts specified for the
 27 following fiscal years:

28	Fiscal Year 2000	\$80,500,000;
29	Fiscal Year 2001	\$80,500,000;
30	Fiscal Year 2002	\$80,500,000;
31	Fiscal Year 2003	\$130,500,000;
32	Fiscal Year 2004	\$130,500,000;
33	Fiscal Year 2005 and	
34	each year thereafter	\$30,500,000.

35 It shall not be lawful to circumvent this limitation on
 36 appropriations by governmental reorganization or other

1 methods.

2 No new program may be initiated in fiscal year 1991 and
3 thereafter that is not consistent with the limitations imposed
4 by this Section for fiscal year 1984 and thereafter, insofar as
5 appropriation of Road Fund monies is concerned.

6 Nothing in this Section prohibits transfers from the Road
7 Fund to the State Construction Account Fund under Section 5e of
8 this Act; nor to the General Revenue Fund, as authorized by
9 this amendatory Act of the 93rd General Assembly.

10 The additional amounts authorized for expenditure in this
11 Section by this amendatory Act of the 92nd General Assembly
12 shall be repaid to the Road Fund from the General Revenue Fund
13 in the next succeeding fiscal year that the General Revenue
14 Fund has a positive budgetary balance, as determined by
15 generally accepted accounting principles applicable to
16 government.

17 The additional amounts authorized for expenditure by the
18 Secretary of State and the Department of State Police in this
19 Section by this amendatory Act of the 93rd General Assembly
20 shall be repaid to the Road Fund from the General Revenue Fund
21 in the next succeeding fiscal year that the General Revenue
22 Fund has a positive budgetary balance, as determined by
23 generally accepted accounting principles applicable to
24 government.

25 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03.)

26 Section 30. The State Employee Industrial Commission
27 Awards Act is amended by changing Sections 0.01, 3, and 4 as
28 follows:

29 (30 ILCS 260/0.01) (from Ch. 127, par. 179.9)

30 Sec. 0.01. Short title. This Act may be cited as the State
31 Employee Illinois Workers' Compensation ~~Industrial~~ Commission
32 Awards Act.

33 (Source: P.A. 86-1324.)

1 (30 ILCS 260/3) (from Ch. 127, par. 180)

2 Sec. 3. Whenever the Illinois Workers' Compensation
3 ~~Industrial~~ Commission or the Court of Claims makes an award
4 under the terms of the Workers' Compensation Act or the
5 Workers' Occupational Diseases Act for personal injuries or
6 death of any State employee, and such award is approved by the
7 Department of Central Management Services, such award shall be
8 certified to the State Comptroller. Upon the approval of such
9 award by the Department of Central Management Services, the
10 Comptroller is directed to draw his warrant payable to the
11 payee named, for the amount so certified, payable from the
12 General Revenue Fund, except in cases of compensation of
13 employees of the Division of Highways, Department of
14 Transportation, which shall be paid from the Road Fund.

15 (Source: P.A. 83-316.)

16 (30 ILCS 260/4) (from Ch. 127, par. 181)

17 Sec. 4. In the event the award provides for payments in
18 installments, the Illinois Workers' Compensation ~~Industrial~~
19 Commission or the clerk of the Court of Claims, as the case may
20 be, shall furnish the State Comptroller and the Department of
21 Central Management Services with a certified copy of such award
22 and upon receipt thereof the Comptroller and the Department of
23 Central Management Services shall pay such award at such
24 intervals and in such amount as awarded.

25 (Source: P.A. 82-789.)

26 Section 35. The Illinois Income Tax Act is amended by
27 changing Section 917 as follows:

28 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

29 Sec. 917. Confidentiality and information sharing.

30 (a) Confidentiality. Except as provided in this Section,
31 all information received by the Department from returns filed
32 under this Act, or from any investigation conducted under the
33 provisions of this Act, shall be confidential, except for

1 official purposes within the Department or pursuant to official
2 procedures for collection of any State tax or pursuant to an
3 investigation or audit by the Illinois State Scholarship
4 Commission of a delinquent student loan or monetary award or
5 enforcement of any civil or criminal penalty or sanction
6 imposed by this Act or by another statute imposing a State tax,
7 and any person who divulges any such information in any manner,
8 except for such purposes and pursuant to order of the Director
9 or in accordance with a proper judicial order, shall be guilty
10 of a Class A misdemeanor. However, the provisions of this
11 paragraph are not applicable to information furnished to a
12 licensed attorney representing the taxpayer where an appeal or
13 a protest has been filed on behalf of the taxpayer.

14 (b) Public information. Nothing contained in this Act shall
15 prevent the Director from publishing or making available to the
16 public the names and addresses of persons filing returns under
17 this Act, or from publishing or making available reasonable
18 statistics concerning the operation of the tax wherein the
19 contents of returns are grouped into aggregates in such a way
20 that the information contained in any individual return shall
21 not be disclosed.

22 (c) Governmental agencies. The Director may make available
23 to the Secretary of the Treasury of the United States or his
24 delegate, or the proper officer or his delegate of any other
25 state imposing a tax upon or measured by income, for
26 exclusively official purposes, information received by the
27 Department in the administration of this Act, but such
28 permission shall be granted only if the United States or such
29 other state, as the case may be, grants the Department
30 substantially similar privileges. The Director may exchange
31 information with the Illinois Department of Public Aid and the
32 Department of Human Services (acting as successor to the
33 Department of Public Aid under the Department of Human Services
34 Act) for the purpose of verifying sources and amounts of income
35 and for other purposes directly connected with the
36 administration of this Act and the Illinois Public Aid Code.

1 The Director may exchange information with the Director of the
2 Department of Employment Security for the purpose of verifying
3 sources and amounts of income and for other purposes directly
4 connected with the administration of this Act and Acts
5 administered by the Department of Employment Security. The
6 Director may make available to the Illinois Workers'
7 Compensation ~~Industrial~~ Commission information regarding
8 employers for the purpose of verifying the insurance coverage
9 required under the Workers' Compensation Act and Workers'
10 Occupational Diseases Act.

11 The Director may make available to any State agency,
12 including the Illinois Supreme Court, which licenses persons to
13 engage in any occupation, information that a person licensed by
14 such agency has failed to file returns under this Act or pay
15 the tax, penalty and interest shown therein, or has failed to
16 pay any final assessment of tax, penalty or interest due under
17 this Act. The Director may make available to any State agency,
18 including the Illinois Supreme Court, information regarding
19 whether a bidder, contractor, or an affiliate of a bidder or
20 contractor has failed to file returns under this Act or pay the
21 tax, penalty, and interest shown therein, or has failed to pay
22 any final assessment of tax, penalty, or interest due under
23 this Act, for the limited purpose of enforcing bidder and
24 contractor certifications. For purposes of this Section, the
25 term "affiliate" means any entity that (1) directly,
26 indirectly, or constructively controls another entity, (2) is
27 directly, indirectly, or constructively controlled by another
28 entity, or (3) is subject to the control of a common entity.
29 For purposes of this subsection (a), an entity controls another
30 entity if it owns, directly or individually, more than 10% of
31 the voting securities of that entity. As used in this
32 subsection (a), the term "voting security" means a security
33 that (1) confers upon the holder the right to vote for the
34 election of members of the board of directors or similar
35 governing body of the business or (2) is convertible into, or
36 entitles the holder to receive upon its exercise, a security

1 that confers such a right to vote. A general partnership
2 interest is a voting security.

3 The Director may make available to any State agency,
4 including the Illinois Supreme Court, units of local
5 government, and school districts, information regarding
6 whether a bidder or contractor is an affiliate of a person who
7 is not collecting and remitting Illinois Use taxes, for the
8 limited purpose of enforcing bidder and contractor
9 certifications.

10 The Director may also make available to the Secretary of
11 State information that a corporation which has been issued a
12 certificate of incorporation by the Secretary of State has
13 failed to file returns under this Act or pay the tax, penalty
14 and interest shown therein, or has failed to pay any final
15 assessment of tax, penalty or interest due under this Act. An
16 assessment is final when all proceedings in court for review of
17 such assessment have terminated or the time for the taking
18 thereof has expired without such proceedings being instituted.
19 For taxable years ending on or after December 31, 1987, the
20 Director may make available to the Director or principal
21 officer of any Department of the State of Illinois, information
22 that a person employed by such Department has failed to file
23 returns under this Act or pay the tax, penalty and interest
24 shown therein. For purposes of this paragraph, the word
25 "Department" shall have the same meaning as provided in Section
26 3 of the State Employees Group Insurance Act of 1971.

27 (d) The Director shall make available for public inspection
28 in the Department's principal office and for publication, at
29 cost, administrative decisions issued on or after January 1,
30 1995. These decisions are to be made available in a manner so
31 that the following taxpayer information is not disclosed:

32 (1) The names, addresses, and identification numbers
33 of the taxpayer, related entities, and employees.

34 (2) At the sole discretion of the Director, trade
35 secrets or other confidential information identified as
36 such by the taxpayer, no later than 30 days after receipt

1 of an administrative decision, by such means as the
2 Department shall provide by rule.

3 The Director shall determine the appropriate extent of the
4 deletions allowed in paragraph (2). In the event the taxpayer
5 does not submit deletions, the Director shall make only the
6 deletions specified in paragraph (1).

7 The Director shall make available for public inspection and
8 publication an administrative decision within 180 days after
9 the issuance of the administrative decision. The term
10 "administrative decision" has the same meaning as defined in
11 Section 3-101 of Article III of the Code of Civil Procedure.
12 Costs collected under this Section shall be paid into the Tax
13 Compliance and Administration Fund.

14 (e) Nothing contained in this Act shall prevent the
15 Director from divulging information to any person pursuant to a
16 request or authorization made by the taxpayer, by an authorized
17 representative of the taxpayer, or, in the case of information
18 related to a joint return, by the spouse filing the joint
19 return with the taxpayer.

20 (Source: P.A. 93-25, eff. 6-20-03.)

21 Section 40. The Illinois Pension Code is amended by
22 changing Sections 9-159, 12-141, 13-309, 14-123, 14-123.1,
23 14-128, 14-129, 16-149.1, and 17-117.1 as follows:

24 (40 ILCS 5/9-159) (from Ch. 108 1/2, par. 9-159)

25 Sec. 9-159. When disability benefit not payable. (a) If an
26 employee receiving duty disability or ordinary disability
27 benefit refuses to submit to examination by a physician
28 appointed by the board, he shall have no further right to
29 receive the benefit.

30 (b) Disability benefit shall not be paid for any time for
31 which the employee receives any part of his salary, or while
32 employed by any public body supported in whole or in part by
33 taxation.

34 (c) If an employee who shall be disabled, or his widow or

1 children receive any compensation or payment from the county
2 for specific loss, disability or death under the Workers'
3 Compensation Act or Workers' Occupational Diseases Act, the
4 disability benefit or any annuity for him or his widow or
5 children payable as the result of such specific loss,
6 disability or death shall be reduced by any amount so received
7 or recoverable. If the amount received as such compensation or
8 payment exceeds such disability benefit or other annuity
9 payable as the result of such specific loss, disability or
10 death, no payment of disability benefit or other annuity shall
11 be made until the accumulative amounts thereof equals the
12 amount of such compensation or payment. In such calculation no
13 interest shall be considered. In adjusting the amount of any
14 annuity in relation to compensation received or recoverable
15 during any period of time, the annuity to the widow shall be
16 first reduced.

17 If any employee, or widow shall be denied compensation by
18 such county under the aforesaid Acts, or if such county shall
19 fail to act, such denial or failure to act shall not be
20 considered final until the claim has been adjudicated by the
21 Illinois Workers' Compensation Industrial Commission ~~of the~~
22 ~~State of Illinois.~~

23 (Source: P.A. 81-992.)

24 (40 ILCS 5/12-141) (from Ch. 108 1/2, par. 12-141)

25 Sec. 12-141. Workers' compensation offset. If an employee
26 or surviving spouse and minor children receive any compensation
27 or payment for specific loss, disability or death under or by
28 virtue of the Workers' Compensation Act or the Workers'
29 Occupational Diseases Act on account of disability or death
30 resulting from the performance of an act of duty, the benefit
31 payable to them under this Article shall be reduced by the
32 amount of such compensation. If the amount received as
33 compensation exceeds such benefits, no payment shall be made to
34 the employee or surviving spouse until the expiration of the
35 period during which the benefit payments, accumulated at the

1 rates herein stated, becomes equal to the sum received as
2 compensation; provided, that the commutation of compensation
3 to a lump sum basis as provided by the aforesaid Acts shall not
4 increase the benefits payable by the fund but such benefits
5 shall be adjusted to the amount of the compensation awarded
6 under the aforesaid Acts prior to any commutation of such
7 compensation. No interest shall be considered in these
8 calculations.

9 If any employee or surviving spouse and children are denied
10 compensation by the park or city under those Acts, or if the
11 park or city fails to act, the denial or failure to act shall
12 not be considered final until the claim has been adjudicated by
13 the Illinois Workers' Compensation Industrial Commission ~~of~~
14 ~~the State of Illinois.~~

15 (Source: P.A. 87-1265.)

16 (40 ILCS 5/13-309) (from Ch. 108 1/2, par. 13-309)

17 Sec. 13-309. Duty disability benefit.

18 (a) Any employee who becomes disabled, which disability is
19 the result of an injury or illness compensable under the
20 Illinois Workers' Compensation Act or the Illinois Workers'
21 Occupational Diseases Act, is entitled to a duty disability
22 benefit during the period of disability for which the employee
23 does not receive any part of salary, or any part of a
24 retirement annuity under this Article; except that in the case
25 of an employee who first enters service on or after the
26 effective date of this amendatory Act of 1997, a duty
27 disability benefit is not payable for the first 3 days of
28 disability that would otherwise be payable under this Section
29 if the disability does not continue for at least 11 additional
30 days. This benefit shall be 75% of salary at the date
31 disability begins. However, if the disability in any measure
32 resulted from any physical defect or disease which existed at
33 the time such injury was sustained or such illness commenced,
34 the duty disability benefit shall be 50% of salary.

35 Unless the employer acknowledges that the disability is a

1 result of injury or illness compensable under the Workers'
2 Compensation Act or the Workers' Occupational Diseases Act, the
3 duty disability benefit shall not be payable until the issue of
4 compensability under those Acts is finally adjudicated. The
5 period of disability shall be as determined by the Illinois
6 Workers' Compensation ~~Industrial~~ Commission or acknowledged by
7 the employer.

8 The first payment shall be made not later than one month
9 after the benefit is granted, and subsequent payments shall be
10 made at least monthly. The Board shall by rule prescribe for
11 the payment of such benefits on the basis of the amount of
12 salary lost during the period of disability.

13 (b) The benefit shall be allowed only if the following
14 requirements are met by the employee:

15 (1) Application is made to the Board within 90 days
16 from the date disability begins;

17 (2) A medical report is submitted by at least one
18 licensed and practicing physician as part of the employee's
19 application; and

20 (3) The employee is examined by at least one licensed
21 and practicing physician appointed by the Board and found
22 to be in a disabled physical condition, and shall be
23 re-examined at least annually thereafter during the
24 continuance of disability. The employee need not be
25 re-examined by a licensed and practicing physician if the
26 attorney for the district certifies in writing that the
27 employee is entitled to receive compensation under the
28 Workers' Compensation Act or the Workers' Occupational
29 Diseases Act.

30 (c) The benefit shall terminate when:

31 (1) The employee returns to work or receives a
32 retirement annuity paid wholly or in part under this
33 Article;

34 (2) The disability ceases;

35 (3) The employee attains age 65, but if the employee
36 becomes disabled at age 60 or later, benefits may be

1 extended for a period of no more than 5 years after
2 disablement;

3 (4) The employee (i) refuses to submit to reasonable
4 examinations by physicians or other health professionals
5 appointed by the Board, (ii) fails or refuses to consent to
6 and sign an authorization allowing the Board to receive
7 copies of or to examine the employee's medical and hospital
8 records, or (iii) fails or refuses to provide complete
9 information regarding any other employment for
10 compensation he or she has received since becoming
11 disabled; or

12 (5) The employee willfully and continuously refuses to
13 follow medical advice and treatment to enable the employee
14 to return to work. However this provision does not apply to
15 an employee who relies in good faith on treatment by prayer
16 through spiritual means alone in accordance with the tenets
17 and practice of a recognized church or religious
18 denomination, by a duly accredited practitioner thereof.

19 In the case of a duty disability recipient who returns to
20 work, the employee must make application to the Retirement
21 Board within 2 years from the date the employee last received
22 duty disability benefits in order to become again entitled to
23 duty disability benefits based on the injury for which a duty
24 disability benefit was theretofore paid.

25 (Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

26 (40 ILCS 5/14-123) (from Ch. 108 1/2, par. 14-123)

27 Sec. 14-123. Occupational disability benefits. A member
28 who becomes incapacitated to perform the duties of his position
29 as the proximate result of bodily injuries sustained or a
30 hazard undergone while in the performance and within the scope
31 of the member's duties, shall receive an occupational
32 disability benefit; provided:

33 (a) application is made within 12 months after the date
34 that such disability results in the loss of pay, or 12 months
35 after the date that the Illinois Workers' Compensation

1 ~~Industrial~~ Commission ~~of Illinois~~ rules on the application for
2 an occupational disability, or 12 months after the occurrence
3 of disablement if an occupational disease; and

4 (b) proper proof is received from one or more physicians
5 designated by the Board certifying that the member is mentally
6 or physically incapacitated.

7 The benefit shall be 75% of the member's final average
8 compensation at date of disability and shall be payable until
9 the first of the following dates occurs:

10 (1) the date on which disability ceases;

11 (2) the date on which the member engages in gainful
12 employment;

13 (3) the end of the month in which the member attains age
14 65, in the case of benefits commencing prior to attainment of
15 age 60;

16 (4) the end of the month following the fifth anniversary of
17 the effective date of the benefit, or of the temporary
18 disability benefit if one was received, in the case of benefits
19 commencing on or after attainment of age 60; or

20 (5) the end of the month in which the death of the member
21 occurs.

22 At the end of the month in which the benefits cease as
23 prescribed in paragraphs (3) or (4) above, if the member is
24 still disabled, he shall become entitled to a retirement
25 annuity and the minimum period of service prescribed for the
26 receipt of such annuity shall be waived.

27 In the event that a temporary disability benefit has been
28 received, the benefit paid under this Section shall be subject
29 to adjustment by the Board under Section 14-123.1.

30 The Board shall prescribe rules and regulations governing
31 the filing of claims for occupational disability benefits, and
32 the investigation, control and supervision of such claims.

33 (Source: P.A. 86-272.)

34 (40 ILCS 5/14-123.1) (from Ch. 108 1/2, par. 14-123.1)

35 Sec. 14-123.1. Temporary disability benefit.

1 (a) A member who has at least 18 months of creditable
2 service and who becomes physically or mentally incapacitated to
3 perform the duties of his position shall receive a temporary
4 disability benefit, provided that:

5 (1) the agency responsible for determining the
6 liability of the State (i) has formally denied all
7 employer-paid temporary total disability benefits under
8 the Workers' Compensation Act or the Workers' Occupational
9 Diseases Act and an appeal of that denial is pending before
10 the Illinois Workers' Compensation ~~Industrial~~ Commission
11 ~~of Illinois~~, or (ii) has granted and then terminated for
12 any reason an employer-paid temporary total disability
13 benefit and the member has filed a petition for emergency
14 hearing under Section 19(b-1) of the Workers' Compensation
15 Act or Section 19(b-1) of the Workers' Occupational
16 Diseases Act; and

17 (2) application is made not later than (i) 12 months
18 after the date that the disability results in loss of pay,
19 (ii) 12 months after the date the agency responsible for
20 determining the liability of the State under the Workers'
21 Compensation Act or Workers' Occupational Diseases Act has
22 formally denied or terminated the employer-paid temporary
23 total disability benefit, or (iii) in the case of
24 termination of an employer-paid temporary total disability
25 benefit, 12 months after the effective date of this
26 amendatory Act of 1995, whichever occurs last; and

27 (3) proper proof is received from one or more
28 physicians designated by the Board certifying that the
29 member is mentally or physically incapacitated.

30 (b) In the case of a denial of benefits, the temporary
31 disability benefit shall begin to accrue on the 31st day of
32 absence from work on account of disability, but the benefit
33 shall not become actually payable to the member until the
34 expiration of 31 days from the day upon which the member last
35 received or had a right to receive any compensation.

36 In the case of termination of an employer-paid temporary

1 total disability benefit, the temporary disability benefit
2 under this Section shall be calculated from the day following
3 the date of termination of the employer-paid benefit or the
4 31st day of absence from work on account of disability,
5 whichever is later, but shall not become payable to the member
6 until (i) the member's right to an employer-paid temporary
7 total disability benefit is denied as a result of the emergency
8 hearing held under Section 19(b-1) of the Workers' Compensation
9 Act or Section 19(b-1) of the Workers' Occupational Diseases
10 Act or (ii) the expiration of 150 days from the date of
11 termination of the employer-paid benefit, whichever occurs
12 first. If a terminated employer-paid temporary total
13 disability benefit is resumed or replaced with another
14 employer-paid disability benefit and the resumed or
15 replacement benefit is later terminated and the member again
16 files a petition for emergency hearing under Section 19(b-1) of
17 the Workers' Compensation Act or Section 19(b-1) of the
18 Workers' Occupational Diseases Act, the member may again become
19 eligible to receive a temporary disability benefit under this
20 Section. The waiting period before the temporary disability
21 benefit under this Section becomes payable applies each time
22 that the benefit is reinstated.

23 The benefit shall continue to accrue until the first of the
24 following events occurs:

- 25 (1) the disability ceases;
- 26 (2) the member engages in gainful employment;
- 27 (3) the end of the month in which the member attains
28 age 65, in the case of benefits commencing prior to
29 attainment of age 60;
- 30 (4) the end of the month following the fifth
31 anniversary of the effective date of the benefit in the
32 case of benefits commencing on or after attainment of age
33 60;
- 34 (5) the end of the month in which the death of the
35 member occurs;
- 36 (6) the end of the month in which the aggregate period

1 for which temporary disability payments have been made
2 becomes equal to 1/2 of the member's total period of
3 creditable service, not including the time for which he has
4 received a temporary disability benefit or nonoccupational
5 disability benefit; for purposes of this item (6) only, in
6 the case of a member to whom Section 14-108.2a or 14-108.2b
7 applies and who, at the time disability commences, is
8 performing services for the Illinois Department of Public
9 Health or the Department of State Police relating to the
10 transferred functions referred to in that Section and has
11 less than 10 years of creditable service under this
12 Article, the member's "total period of creditable service"
13 shall be augmented by an amount equal to (i) one half of
14 the member's period of creditable service in the Fund
15 established under Article 8 (excluding any creditable
16 service over 20 years), minus (ii) the amount of the
17 member's creditable service under this Article;

18 (7) a payment is made on the member's claim pursuant to
19 a determination made by the agency responsible for
20 determining the liability of the State under the Workers'
21 Compensation Act or the Workers' Occupational Diseases
22 Act;

23 (8) a final determination is made on the member's claim
24 by the Illinois Workers' Compensation Industrial
25 Commission of Illinois.

26 (c) The temporary disability benefit shall be 50% of the
27 member's final average compensation at the date of disability.

28 If a covered employee is eligible under the Social Security
29 Act for a disability benefit before attaining age 65, or a
30 retirement benefit on or after attaining age 65, then the
31 amount of the member's temporary disability benefit shall be
32 reduced by the amount of primary benefit the member is eligible
33 to receive under the Social Security Act, whether or not such
34 eligibility came about as the result of service as a covered
35 employee under this Article. The Board may make such reduction
36 pending a determination of eligibility if it appears that the

1 employee may be so eligible, and shall make an appropriate
2 adjustment if necessary after such determination has been made.
3 The amount of temporary disability benefit payable under this
4 Article shall not be reduced by reason of any increase in
5 benefits payable under the Social Security Act which occurs
6 after the reduction required by this paragraph has been
7 applied.

8 (d) The temporary disability benefit provided under this
9 Section is intended as a temporary payment of occupational or
10 nonoccupational disability benefit, whichever is appropriate,
11 in cases in which the occupational or nonoccupational character
12 of the disability has not been finally determined.

13 When an employer-paid disability benefit is paid or
14 resumed, the Board shall calculate the benefit that is payable
15 under Section 14-123 and shall deduct from the benefit payable
16 under Section 14-123 the amounts already paid under this
17 Section; those amounts shall then be treated as if they had
18 been paid under Section 14-123.

19 When a final determination of the character of the
20 disability has been made by the Illinois Workers' Compensation
21 ~~Industrial~~ Commission ~~of Illinois~~, or by settlement between the
22 parties to the disputed claim, the Board shall calculate the
23 benefit that is payable under Section 14-123 or 14-124,
24 whichever is applicable, and shall deduct from such benefit the
25 amounts already paid under this Section; such amounts shall
26 then be treated as if they had been paid under such Section
27 14-123 or 14-124.

28 (e) Any excess benefits paid under this Section shall be
29 subject to recovery by the System from benefits payable under
30 the Workers' Compensation Act or the Workers' Occupational
31 Diseases Act or from third parties as provided in Section
32 14-129, or from any other benefits payable either to the member
33 or on his behalf under this Article. A member who accepts
34 benefits under this Section acknowledges and authorizes these
35 recovery rights of the System.

36 (f) Service credits under the State Universities

1 Retirement System and the Teachers' Retirement System of the
2 State of Illinois shall be considered for the purposes of
3 determining temporary disability benefit eligibility under
4 this Section, and for determining the total period of time for
5 which such benefits are payable.

6 (g) The Board shall prescribe rules and regulations
7 governing the filing of claims for temporary disability
8 benefits, and the investigation, control and supervision of
9 such claims.

10 (h) References in this Section to employer-paid benefits
11 include benefits paid for by the State, either directly or
12 through a program of insurance or self-insurance, whether paid
13 through the member's own department or through some other
14 department or entity; but the term does not include benefits
15 paid by the System under this Article.

16 (Source: P.A. 88-535; 89-136, eff. 7-14-95; 89-246, eff.
17 8-4-95; 89-626, eff. 8-9-96.)

18 (40 ILCS 5/14-128) (from Ch. 108 1/2, par. 14-128)

19 Sec. 14-128. Occupational death benefit. An occupational
20 death benefit is provided for a member of the System whose
21 death, prior to retirement, is the proximate result of bodily
22 injuries sustained or a hazard undergone while in the
23 performance and within the scope of the member's duties.

24 (a) Conditions for payment.

25 Exclusive of the lump sum payment provided for herein, all
26 annuities under this Section shall accrue and be payable for
27 complete calendar months, beginning on the first day of the
28 month next following the month in which the initiating event
29 occurs and ending on the last day of the month in which the
30 terminating event occurs.

31 The following named survivors of the member may be eligible
32 for an annuity under this Section:

33 (i) The member's spouse.

34 (ii) An unmarried child of the member under age 18
35 (under age 22 if a full-time student); an unmarried

1 stepchild under age 18 (under age 22 if a full-time
2 student) who has been such for at least one year at the
3 date of the member's death; an unmarried adopted child
4 under age 18 (under age 22 if a full-time student) if the
5 adoption proceedings were initiated at least one year prior
6 to the death of the member; and an unmarried child over age
7 18 who is dependent by reason of a physical or mental
8 disability, for so long as such physical or mental
9 disability continues. For the purposes of this Section
10 disability means inability to engage in any substantial
11 gainful activity by reason of any medically determinable
12 physical or mental impairment which can be expected to
13 result in death or which has lasted or can be expected to
14 last for a continuous period of not less than 12 months.

15 (iii) If no spouse or eligible children survive: a
16 dependent parent of the member; a dependent step-parent by
17 a marriage contracted before the member attained age 18; or
18 a dependent adopting parent by whom the member was adopted
19 before he or she attained age 18.

20 The term "dependent" relating to an occupational death
21 benefit means a survivor of the member who was receiving from
22 the member at the date of the member's death at least 1/2 of
23 the support for maintenance including board, lodging, medical
24 care and like living costs.

25 Payment of the annuity shall continue until the occurrence
26 of the following:

27 (1) remarriage before age 55 that occurs before the
28 effective date of this amendatory Act of the 91st General
29 Assembly or death, in the case of a surviving spouse;

30 (2) attainment of age 18 or termination of disability,
31 death, or marriage, in the case of an eligible child;

32 (3) remarriage before age 55 or death, in the case of a
33 dependent parent.

34 If none of the aforementioned beneficiaries is living at
35 the date of death of the member, no occupational death benefit
36 shall be payable, but the nonoccupational death benefit shall

1 be payable as provided in this Article.

2 The change made to this subsection by this amendatory Act
3 of the 91st General Assembly (pertaining to remarriage prior to
4 age 55) applies without regard to whether the deceased member
5 was in service on or after the effective date of this
6 amendatory Act.

7 (b) Amount of benefit.

8 The member's accumulated contributions plus credited
9 interest shall be payable in a lump sum to such person as the
10 member has nominated by written direction, duly acknowledged
11 and filed with the Board, or if no such nomination to the
12 estate of the member. When an annuitant is re-employed by a
13 Department, the accumulated contributions plus credited
14 interest payable on the member's account shall, if the member
15 has not previously elected a reversionary annuity, consist of
16 the excess, if any, of the member's total accumulated
17 contributions plus credited interest for all creditable
18 service over the total amount of all retirement annuity
19 payments received by the member prior to death.

20 In addition to the foregoing payment, an annuity is
21 provided for eligible survivors as follows:

22 (1) If the survivor is a spouse only, the annuity shall
23 be 50% of the member's final average compensation.

24 (2) If the spouse has in his or her care an eligible
25 child or children, the annuity shall be increased by an
26 amount equal to 15% of the final average compensation on
27 account of each such child, subject to a limitation on the
28 combined annuities to a surviving spouse and children of
29 75% of final average compensation.

30 (3) If there is no surviving spouse, or if the
31 surviving spouse dies or remarries while a child remains
32 eligible, then each such child shall be entitled to an
33 annuity of 15% of the deceased member's final average
34 compensation, subject to a limitation of 50% of final
35 average compensation to all such children.

36 (4) If there is no surviving spouse or eligible

1 children, then an annuity shall be payable to the member's
2 dependent parents, equal to 25% of final average
3 compensation to each such beneficiary.

4 If any annuity payable under this Section is less than the
5 corresponding survivors annuity, the beneficiary or
6 beneficiaries of the annuity under this Section may elect to
7 receive the survivors annuity and the nonoccupational death
8 benefit provided for in this Article in lieu of the annuity
9 provided under this Section.

10 (c) Occupational death claims pending adjudication by the
11 Illinois Workers' Compensation ~~Industrial~~ Commission or a
12 ruling by the agency responsible for determining the liability
13 of the State under the "Workers' Compensation Act" or "Workers'
14 Occupational Diseases Act" shall be payable under Sections
15 14-120 and 14-121 until a ruling or adjudication occurs, if the
16 beneficiary or beneficiaries: (1) meet all conditions for
17 payment as prescribed in this Article; and (2) execute an
18 assignment of benefits payable as a result of adjudication by
19 the Illinois Workers' Compensation ~~Industrial~~ Commission or a
20 ruling by the agency responsible for determining the liability
21 of the State under such Acts. The assignment shall be made to
22 the System and shall be for an amount equal to the excess of
23 benefits paid under Sections 14-120 and 14-121 over benefits
24 payable as a result of adjudication of the workers'
25 compensation claim computed from the date of death of the
26 member.

27 (d) Every occupational death annuity payable under this
28 Section shall be increased on each January 1 occurring on or
29 after (i) January 1, 1990, or (ii) the first anniversary of the
30 commencement of the annuity, whichever occurs later, by an
31 amount equal to 3% of the current amount of the annuity,
32 including any previous increases under this Article, without
33 regard to whether the deceased member was in service on the
34 effective date of this amendatory Act of 1991.

35 (Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

1 (40 ILCS 5/14-129) (from Ch. 108 1/2, par. 14-129)

2 Sec. 14-129. Determination of compensability - Offset -
3 Subrogation. Except as provided in Section 14-128 of this Act
4 with respect to occupational death claims, and except as
5 provided in Section 14-123.1 for temporary disability
6 benefits, before the board takes any action on an application
7 for an occupational disability or occupational death benefit,
8 adjudication by the Illinois Workers' Compensation Industrial
9 Commission of Illinois or a ruling by the agency responsible
10 for determining the liability of the State under the Workers'
11 Compensation Act or the Workers' Occupational Diseases Act
12 shall be had on a claim to establish that the disability or
13 death was incurred while in the performance and within the
14 scope of the member's duties, under the terms of the Illinois
15 Workers' Compensation Act or the Workers' Occupational
16 Diseases Act, whichever applies. The system shall make payment
17 of an occupational disability or occupational death benefit
18 only if the claim is found to be compensable under one or both
19 of those Acts.

20 Any amounts provided for a member or his dependents under
21 those Acts shall be applied for the period of time prescribed
22 by such Acts for payments thereunder as an offset to any
23 occupational disability or occupational death benefit or to a
24 survivors annuity or annuities provided in this Article in such
25 manner as may be prescribed by the rules of the board.

26 In those cases where the injury or death for which an
27 occupational disability or death benefit is payable under this
28 Article was caused under circumstances creating a legal
29 liability for damages on the part of some person other than the
30 employer, all of the rights and privileges, including the right
31 to notice of suit brought against such other person and the
32 right to commence or join in such suit, as given the employer,
33 together with the conditions or obligations imposed under
34 paragraph (b) of Section 5 of the "Workers' Compensation Act",
35 are also given and granted to the System, to the end that the
36 System created by this Article may be paid or reimbursed for

1 the amount of temporary disability, occupational disability or
2 death benefit paid or to be paid by the System to the injured
3 employee, or his personal representative in the event of death,
4 including any contribution amounts credited to the account of
5 the member under Section 14-127, out of any judgment,
6 settlement, or payment for such injury or death obtained by
7 such injured employee or his personal representative from such
8 other person, or be paid or reimbursed for such amount paid or
9 to be paid by the System to the surviving spouse or children of
10 such employee by virtue of the injury or the death of such
11 employee from such injury.

12 (Source: P.A. 84-1028.)

13 (40 ILCS 5/16-149.1) (from Ch. 108 1/2, par. 16-149.1)

14 Sec. 16-149.1. Occupational disability benefit.

15 (a) A member who becomes totally and immediately
16 incapacitated for duty as the proximate result of bodily
17 injuries sustained or a hazard undergone while in the
18 performance and within the scope of his or her duties, if such
19 injuries or hazard were not the consequence of the member's
20 willful negligence, shall receive an occupational disability
21 benefit upon making proper application. If application is made
22 more than 90 days subsequent to the later of the commencement
23 of disability or the date eligibility for salary ceases,
24 benefits shall begin to accrue from the date of application,
25 but service credit and credit for contributions will be earned
26 from the date of disability. The benefit is not payable to, and
27 credit for service and contributions may not be earned under
28 this Section by, a member who is receiving a benefit under
29 Section 16-133, 16-149, or 16-149.2, or who is receiving salary
30 as a teacher, or is employed in any capacity as a teacher by
31 the employers included under this System or in an equivalent
32 capacity in any other public or private school, college or
33 university.

34 Proper proof of disability shall consist of: (1) a written
35 certificate by at least 2 licensed and practicing physicians

1 designated by the System, certifying that member is disabled
2 and unable to perform assigned duties; (2) a written statement
3 from the employer certifying that the member is disabled and
4 not receiving a salary, and related information as to the cause
5 and commencement of disability; and (3) a written statement
6 from the member certifying that the member is not and has not
7 been engaged in gainful employment.

8 Occupational disability benefits under this Section shall
9 be payable only if (1) on the basis of a claim filed by the
10 applicant with the Illinois Workers' Compensation ~~Industrial~~
11 ~~Commission of Illinois~~, it is determined by the Commission that
12 the disability was incurred while in the performance and within
13 the scope of assigned duties, under the terms of the Illinois
14 Workers' Compensation or Occupational Diseases Act, whichever
15 applies, and the claim is adjudicated as compensable by the
16 Commission under either of the aforesaid Acts; or (2) on the
17 basis of a claim filed by the applicant with an insurance
18 carrier with which the employer of the applicant has a workers'
19 compensation insurance policy, it is determined under the terms
20 of the aforesaid policy that the disability was incurred while
21 in the performance and within the scope of the member's
22 assigned duties and the claim is approved as compensable.

23 (b) The occupational disability benefit shall be the
24 greater of 60% of the member's contract salary rate at the time
25 the disability benefit becomes payable or the member's annual
26 contract rate on the date the disability commenced, and shall
27 be payable monthly in equal installments. For part-time and
28 substitute teachers after June 30, 1990, the benefit shall be
29 the greater of the member's most recent annualized salary rate
30 at the time the disability benefit becomes payable or the
31 annualized salary rate or annual contract rate at the time the
32 disability commenced.

33 Any amounts provided for a member or a member's dependents
34 under the Illinois Workers' Compensation Act, the Illinois
35 Occupational Diseases Act or a workers' compensation insurance
36 policy provided by the employer shall be applied as an offset

1 to any occupational benefit provided under this Section in such
2 manner as may be prescribed by the board.

3 In addition to the above benefit, the member shall receive
4 creditable service and credit for contributions that the member
5 would have made in active employment during the period of
6 disability. Creditable service and credit for contributions
7 shall be calculated on the basis of the annual salary rate used
8 in computing the benefit; however, such credit shall not be
9 used in the determination of the period for which disability
10 benefits are payable. A member who remains disabled after the
11 termination of benefits due to age or the expiration of the
12 maximum period for which benefits are payable shall be entitled
13 to the retirement annuity provided under Section 16-133,
14 notwithstanding that the member may not have the required
15 minimum period of creditable service prescribed for such
16 annuity.

17 (c) Effective January 1, 1988, the occupational disability
18 benefit shall continue until the time one of the following
19 first occurs: (1) disability ceases; (2) the member requests
20 termination of the benefit; or (3) the member is engaged or
21 found to be able to engage in gainful employment. If the
22 disability benefit is discontinued under item (3) but the
23 member is subsequently found to be unable to be gainfully
24 employed due to the disability which was the cause for his or
25 her most recent incapacity to perform the duties of a teacher,
26 the disability benefit will be resumed, upon notification of
27 the System, as soon as the member is not eligible to receive
28 salary.

29 (d) The board shall prescribe rules governing the filing,
30 investigation, control, and supervision of disability claims.
31 Costs incurred by a claimant in connection with completing a
32 claim for disability benefits shall be paid by the claimant.

33 (Source: P.A. 86-272; 86-273; 86-1488; 87-794; 87-1265.)

34 (40 ILCS 5/17-117.1) (from Ch. 108 1/2, par. 17-117.1)

35 Sec. 17-117.1. Duty disability. A teacher who becomes

1 wholly and presumably permanently incapacitated for duty while
2 under age 65 as the proximate result of injuries sustained or a
3 hazardous condition encountered in the performance and within
4 the scope of his duties, if such injury or hazard was not the
5 result of his own negligence, shall be entitled to a duty
6 disability benefit, provided:

7 (1) application for the benefit is made to the Board
8 not more than 6 months after a final settlement or an award
9 from the Illinois Workers' Compensation ~~Industrial~~
10 Commission or within 6 months of the manifestation of an
11 injury or illness that can be traced directly to an injury
12 or illness for which a claim was filed with the Illinois
13 Workers' Compensation ~~Industrial~~ Commission;

14 (2) certification is received from 2 or more physicians
15 designated by the Board that the teacher is physically
16 incapacitated for teaching service; and

17 (3) the teacher provides the Board with a copy of the
18 notice of the occurrence that was filed with the Employer
19 within the time provided by law.

20 The benefit shall be payable during disability and shall be
21 75% of the salary in effect at date of disability, payable
22 until the teacher's attainment of age 65. At such time if
23 disability still exists, the teacher shall become entitled to a
24 service retirement pension. Creditable service shall accrue
25 during the period the disability benefit is payable.

26 Before any action is taken by the Board on an application
27 for a duty disability benefit, the teacher shall file a claim
28 with the Illinois Workers' Compensation ~~Industrial~~ Commission
29 to establish that the disability was incurred while the teacher
30 was acting within the scope of and in the course of his duties
31 under the terms of the Workers' Compensation or Occupational
32 Diseases Acts, whichever may be applicable. The benefit shall
33 be payable after a finding by the Commission that the claim was
34 compensable under either of the aforesaid Acts; but if such
35 finding is appealed the benefit shall be payable only upon
36 affirmance of the Commission's finding. After the teacher has

1 made timely application for a duty disability benefit supported
2 by the certificate of two or more physicians, he shall be
3 entitled to a disability retirement pension provided in Section
4 17-117 of this Act until such time as the Illinois Workers'
5 Compensation ~~Industrial~~ Commission award finding that his
6 disability is duty-connected as provided in this Section
7 becomes final.

8 Any amounts provided for the teacher under such Acts shall
9 be applied as an offset to the duty disability benefit payable
10 hereunder in such manner as may be prescribed by the rules of
11 the Board.

12 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

13 Section 45. The Nursing Education Scholarship Law is
14 amended by changing Section 3 as follows:

15 (110 ILCS 975/3) (from Ch. 144, par. 2753)

16 Sec. 3. Definitions.

17 The following terms, whenever used or referred to, have the
18 following meanings except where the context clearly indicates
19 otherwise:

20 (1) "Board" means the Board of Higher Education created by
21 the Board of Higher Education Act.

22 (2) "Department" means the Illinois Department of Public
23 Health.

24 (3) "Approved institution" means a public community
25 college, private junior college, hospital-based diploma in
26 nursing program, or public or private college or university
27 located in this State that has approval by the Department of
28 Professional Regulation for an associate degree in nursing
29 program, associate degree in applied sciences in nursing
30 program, hospital-based diploma in nursing program,
31 baccalaureate degree in nursing program, or certificate in
32 practical nursing program.

33 (4) "Baccalaureate degree in nursing program" means a
34 program offered by an approved institution and leading to a

1 bachelor of science degree in nursing.

2 (5) "Enrollment" means the establishment and maintenance
3 of an individual's status as a student in an approved
4 institution, regardless of the terms used at the institution to
5 describe such status.

6 (6) "Academic year" means the period of time from September
7 1 of one year through August 31 of the next year or as
8 otherwise defined by the academic institution.

9 (7) "Associate degree in nursing program or hospital-based
10 diploma in nursing program" means a program offered by an
11 approved institution and leading to an associate degree in
12 nursing, associate degree in applied sciences in nursing, or
13 hospital-based diploma in nursing.

14 (8) "Director" means the Director of the Illinois
15 Department of Public Health.

16 (9) "Accepted for admission" means a student has completed
17 the requirements for entry into an associate degree in nursing
18 program, associate degree in applied sciences in nursing
19 program, hospital-based diploma in nursing program,
20 baccalaureate degree in nursing program, or certificate in
21 practical nursing program at an approved institution, as
22 documented by the institution.

23 (10) "Fees" means those mandatory charges, in addition to
24 tuition, that all enrolled students must pay, including
25 required course or lab fees.

26 (11) "Full-time student" means a student enrolled for at
27 least 12 hours per term or as otherwise determined by the
28 academic institution.

29 (12) "Law" means the Nursing Education Scholarship Law.

30 (13) "Nursing employment obligation" means employment in
31 this State as a registered professional nurse or licensed
32 practical nurse in direct patient care for at least one year
33 for each year of scholarship assistance received through the
34 Nursing Education Scholarship Program.

35 (14) "Part-time student" means a person who is enrolled for
36 at least one-third of the number of hours required per term by

1 a school for its full-time students.

2 (15) "Practical nursing program" means a program offered by
3 an approved institution leading to a certificate in practical
4 nursing.

5 (16) "Registered professional nurse" means a person who is
6 currently licensed as a registered professional nurse by the
7 Department of Professional Regulation under the Nursing and
8 Advanced Practice Nursing Act.

9 (17) "Licensed practical nurse" means a person who is
10 currently licensed as a licensed practical nurse by the
11 Department of Professional Regulation under the Nursing and
12 Advanced Practice Nursing Act.

13 (18) "School term" means an academic term, such as a
14 semester, quarter, trimester, or number of clock hours, as
15 defined by an approved institution.

16 (19) "Student in good standing" means a student maintaining
17 a cumulative grade point average equivalent to at least the
18 academic grade of a "C".

19 (20) "Total and permanent disability" means a physical or
20 mental impairment, disease, or loss of a permanent nature that
21 prevents nursing employment with or without reasonable
22 accommodation. Proof of disability shall be a declaration from
23 the social security administration, Illinois Workers'
24 Compensation ~~Industrial~~ Commission, Department of Defense, or
25 an insurer authorized to transact business in Illinois who is
26 providing disability insurance coverage to a contractor.

27 (21) "Tuition" means the established charges of an
28 institution of higher learning for instruction at that
29 institution.

30 (Source: P.A. 92-43, eff. 1-1-02.)

31 Section 50. The Illinois Insurance Code is amended by
32 changing Section 416 as follows:

33 (215 ILCS 5/416)

34 Sec. 416. Illinois Workers' Compensation ~~Industrial~~

1 Commission Operations Fund Surcharge.

2 (a) As of the effective date of this amendatory Act of the
3 93rd General Assembly, every company licensed or authorized by
4 the Illinois Department of Insurance and insuring employers'
5 liabilities arising under the Workers' Compensation Act or the
6 Workers' Occupational Diseases Act shall remit to the Director
7 a surcharge based upon the annual direct written premium, as
8 reported under Section 136 of this Act, of the company in the
9 manner provided in this Section. Such proceeds shall be
10 deposited into the Illinois Workers' Compensation ~~Industrial~~
11 Commission Operations Fund as established in the Workers'
12 Compensation Act. If a company survives or was formed by a
13 merger, consolidation, reorganization, or reincorporation, the
14 direct written premiums of all companies party to the merger,
15 consolidation, reorganization, or reincorporation shall, for
16 purposes of determining the amount of the fee imposed by this
17 Section, be regarded as those of the surviving or new company.

18 (b)(1) Except as provided in subsection (b)(2) of this
19 Section, beginning on July 1, 2004 and each year thereafter,
20 the Director shall charge an annual Illinois Workers'
21 Compensation ~~Industrial~~ Commission Operations Fund Surcharge
22 from every company subject to subsection (a) of this Section
23 equal to 1.5% of its direct written premium for insuring
24 employers' liabilities arising under the Workers' Compensation
25 Act or Workers' Occupational Diseases Act as reported in each
26 company's annual statement filed for the previous year as
27 required by Section 136. The Illinois Workers' Compensation
28 ~~Industrial~~ Commission Operations Fund Surcharge shall be
29 collected by companies subject to subsection (a) of this
30 Section as a separately stated surcharge on insured employers
31 at the rate of 1.5% of direct written premium. All sums
32 collected by the Department of Insurance under the provisions
33 of this Section shall be paid promptly after the receipt of the
34 same, accompanied by a detailed statement thereof, into the
35 Illinois Workers' Compensation ~~Industrial~~ Commission
36 Operations Fund in the State treasury.

1 (b) (2) Prior to July 1, 2004, the Director shall charge and
2 collect the surcharge set forth in subparagraph (b) (1) of this
3 Section on or before September 1, 2003, December 1, 2003, March
4 1, 2004 and June 1, 2004. For purposes of this subsection
5 (b) (2), the company shall remit the amounts to the Director
6 based on estimated direct premium for each quarter beginning on
7 July 1, 2003, together with a sworn statement attesting to the
8 reasonableness of the estimate, and the estimated amount of
9 direct premium written forming the bases of the remittance.

10 (c) In addition to the authority specifically granted under
11 Article XXV of this Code, the Director shall have such
12 authority to adopt rules or establish forms as may be
13 reasonably necessary for purposes of enforcing this Section.
14 The Director shall also have authority to defer, waive, or
15 abate the surcharge or any penalties imposed by this Section if
16 in the Director's opinion the company's solvency and ability to
17 meet its insured obligations would be immediately threatened by
18 payment of the surcharge due.

19 (d) When a company fails to pay the full amount of any
20 annual Illinois Workers' Compensation ~~Industrial~~ Commission
21 Operations Fund Surcharge of \$100 or more due under this
22 Section, there shall be added to the amount due as a penalty
23 the greater of \$1,000 or an amount equal to 5% of the
24 deficiency for each month or part of a month that the
25 deficiency remains unpaid.

26 (e) The Department of Insurance may enforce the collection
27 of any delinquent payment, penalty, or portion thereof by legal
28 action or in any other manner by which the collection of debts
29 due the State of Illinois may be enforced under the laws of
30 this State.

31 (f) Whenever it appears to the satisfaction of the Director
32 that a company has paid pursuant to this Act an Illinois
33 Workers' Compensation ~~Industrial~~ Commission Operations Fund
34 Surcharge in an amount in excess of the amount legally
35 collectable from the company, the Director shall issue a credit
36 memorandum for an amount equal to the amount of such

1 overpayment. A credit memorandum may be applied for the 2-year
2 period from the date of issuance, against the payment of any
3 amount due during that period under the surcharge imposed by
4 this Section or, subject to reasonable rule of the Department
5 of Insurance including requirement of notification, may be
6 assigned to any other company subject to regulation under this
7 Act. Any application of credit memoranda after the period
8 provided for in this Section is void.

9 (g) Annually, the Governor may direct a transfer of up to
10 2% of all moneys collected under this Section to the Insurance
11 Financial Regulation Fund.

12 (Source: P.A. 93-32, eff. 6-20-03.)

13 Section 55. The Local Governmental and Governmental
14 Employees Tort Immunity Act is amended by changing Section
15 9-103 as follows:

16 (745 ILCS 10/9-103) (from Ch. 85, par. 9-103)

17 Sec. 9-103. (a) A local public entity may protect itself
18 against any property damage or against any liability or loss
19 which may be imposed upon it or one of its employees for a
20 tortious act under Federal or State common or statutory law, or
21 imposed upon it under the Workers' Compensation Act, the
22 Workers' Occupational Diseases Act, or the Unemployment
23 Insurance Act by means including, but not limited to,
24 insurance, individual or joint self-insurance, including all
25 operating and administrative costs and expenses directly
26 associated therewith, claims services and risk management
27 directly attributable to loss prevention and loss reduction,
28 legal services directly attributable to the insurance,
29 self-insurance, or joint self-insurance program, educational,
30 inspectional, and supervisory services directly relating to
31 loss prevention and loss reduction, or participation in a
32 reciprocal insurer as provided in Sections 72, 76 and 81 of the
33 Illinois Insurance Code. Insurance shall be carried with a
34 company authorized by the Department of Insurance to write such

1 insurance coverage in Illinois.

2 (a-5) A local public entity may individually or jointly
3 self-insure provided it complies with any other statutory
4 requirements specifically related to individual or joint
5 self-insurance by local public entities. Whenever the terms
6 "self-insure" or "self-insurance" are utilized within this
7 Act, such term shall apply to both individual and joint
8 self-insurance. The expenditure of funds of a local public
9 entity to protect itself or its employees against liability is
10 proper for any local public entity. A local public entity that
11 has individually self-insured may establish reserves for
12 expected losses for any liability or loss for which the local
13 public entity is authorized to purchase insurance under this
14 Act. The decision of the local public entity to establish a
15 reserve and the amount of the reserve shall be based on
16 reasonable actuarial or insurance underwriting evidence.
17 Property taxes shall not be levied or extended if the effect is
18 to increase the reserve beyond 125% of the actuary's or
19 insurance underwriter's estimated ultimate losses at the 95%
20 confidence level. Certification of the amount of the reserve
21 shall be made by the independent auditor, actuary, or insurance
22 underwriter and included in an annual report. The annual report
23 shall also list all expenditures from the reserve or from
24 property taxes levied or extended for tort immunity purposes.
25 Total claims payments and total reserves must be listed in
26 aggregate amounts. All other expenditures must be identified
27 individually. A local public entity that maintains a
28 self-insurance reserve or that levies and extends a property
29 tax for tort immunity purposes must include in its audit or
30 annual report any expenditures made from the property tax levy
31 or self-insurance reserve within the scope of the audit or
32 annual report.

33 (b) A local public entity may contract for or purchase any
34 of the guaranteed fund certificates or shares of guaranteed
35 capital as provided for in Section 56 of the Illinois Insurance
36 Code. The expenditure of funds of the local public entity for

1 said contract or purchase is proper for any local public
2 entity.

3 (c) Any insurance company that provides insurance coverage
4 to a local public entity shall utilize any immunities or may
5 assert any defenses to which the insured local public entity or
6 its employees are entitled. Public entities which are
7 individually or jointly self-insured shall be entitled to
8 assert all of the immunities provided by this Act or by common
9 law or statute on behalf of themselves or their employees
10 unless the local public entities shall elect by action of their
11 corporate authorities or specifically contract to waive in
12 whole or in part such immunities.

13 (d) Within 30 days after January 1, 1991, and within 30
14 days after each January 1 thereafter, local public entities
15 that are individually or jointly self-insured to protect
16 against liability under the Workers' Compensation Act and the
17 Workers' Occupational Diseases Act shall file with the Illinois
18 Workers' Compensation ~~Industrial~~ Commission a report
19 indicating an election to self-insure.

20 (Source: P.A. 91-628, eff. 1-1-00.)

21 Section 60. The Child Labor Law is amended by changing
22 Section 17.6 as follows:

23 (820 ILCS 205/17.6)

24 Sec. 17.6. Reports of work related death, injury, or
25 illness. If an employer is required to file a report with the
26 Illinois Workers' Compensation ~~Industrial~~ Commission under
27 Section 6 of the Workers' Compensation Act or Section 6 of the
28 Workers' Occupational Diseases Act, and the report relates to
29 the work related death, injury, or illness of a minor, the
30 employer shall file a copy of the report with the Department of
31 Labor. The Department may, by rule, require other employers to
32 submit reports of work related deaths, injuries and illnesses
33 of minors to the Department.

34 (Source: P.A. 88-365.)

1 Section 70. The Workers' Compensation Act is amended by
2 changing Sections 1, 4, 4a-2, 4a-3, 4a-7, 4d, 6, 7, 8, 13, 14,
3 14.1, 16a, 17, 19, 23, and 26 as follows:

4 (820 ILCS 305/1) (from Ch. 48, par. 138.1)

5 Sec. 1. This Act may be cited as the Workers' Compensation
6 Act.

7 (a) The term "employer" as used in this Act means:

8 1. The State and each county, city, town, township,
9 incorporated village, school district, body politic, or
10 municipal corporation therein.

11 2. Every person, firm, public or private corporation,
12 including hospitals, public service, eleemosynary, religious
13 or charitable corporations or associations who has any person
14 in service or under any contract for hire, express or implied,
15 oral or written, and who is engaged in any of the enterprises
16 or businesses enumerated in Section 3 of this Act, or who at or
17 prior to the time of the accident to the employee for which
18 compensation under this Act may be claimed, has in the manner
19 provided in this Act elected to become subject to the
20 provisions of this Act, and who has not, prior to such
21 accident, effected a withdrawal of such election in the manner
22 provided in this Act.

23 3. Any one engaging in any business or enterprise referred
24 to in subsections 1 and 2 of Section 3 of this Act who
25 undertakes to do any work enumerated therein, is liable to pay
26 compensation to his own immediate employees in accordance with
27 the provisions of this Act, and in addition thereto if he
28 directly or indirectly engages any contractor whether
29 principal or sub-contractor to do any such work, he is liable
30 to pay compensation to the employees of any such contractor or
31 sub-contractor unless such contractor or sub-contractor has
32 insured, in any company or association authorized under the
33 laws of this State to insure the liability to pay compensation
34 under this Act, or guaranteed his liability to pay such

1 compensation. With respect to any time limitation on the filing
2 of claims provided by this Act, the timely filing of a claim
3 against a contractor or subcontractor, as the case may be,
4 shall be deemed to be a timely filing with respect to all
5 persons upon whom liability is imposed by this paragraph.

6 In the event any such person pays compensation under this
7 subsection he may recover the amount thereof from the
8 contractor or sub-contractor, if any, and in the event the
9 contractor pays compensation under this subsection he may
10 recover the amount thereof from the sub-contractor, if any.

11 This subsection does not apply in any case where the
12 accident occurs elsewhere than on, in or about the immediate
13 premises on which the principal has contracted that the work be
14 done.

15 4. Where an employer operating under and subject to the
16 provisions of this Act loans an employee to another such
17 employer and such loaned employee sustains a compensable
18 accidental injury in the employment of such borrowing employer
19 and where such borrowing employer does not provide or pay the
20 benefits or payments due such injured employee, such loaning
21 employer is liable to provide or pay all benefits or payments
22 due such employee under this Act and as to such employee the
23 liability of such loaning and borrowing employers is joint and
24 several, provided that such loaning employer is in the absence
25 of agreement to the contrary entitled to receive from such
26 borrowing employer full reimbursement for all sums paid or
27 incurred pursuant to this paragraph together with reasonable
28 attorneys' fees and expenses in any hearings before the
29 Illinois Workers' Compensation ~~Industrial~~ Commission or in any
30 action to secure such reimbursement. Where any benefit is
31 provided or paid by such loaning employer the employee has the
32 duty of rendering reasonable cooperation in any hearings,
33 trials or proceedings in the case, including such proceedings
34 for reimbursement.

35 Where an employee files an Application for Adjustment of
36 Claim with the Illinois Workers' Compensation ~~Industrial~~

1 Commission alleging that his claim is covered by the provisions
2 of the preceding paragraph, and joining both the alleged
3 loaning and borrowing employers, they and each of them, upon
4 written demand by the employee and within 7 days after receipt
5 of such demand, shall have the duty of filing with the Illinois
6 Workers' Compensation ~~Industrial~~ Commission a written
7 admission or denial of the allegation that the claim is covered
8 by the provisions of the preceding paragraph and in default of
9 such filing or if any such denial be ultimately determined not
10 to have been bona fide then the provisions of Paragraph K of
11 Section 19 of this Act shall apply.

12 An employer whose business or enterprise or a substantial
13 part thereof consists of hiring, procuring or furnishing
14 employees to or for other employers operating under and subject
15 to the provisions of this Act for the performance of the work
16 of such other employers and who pays such employees their
17 salary or wages notwithstanding that they are doing the work of
18 such other employers shall be deemed a loaning employer within
19 the meaning and provisions of this Section.

20 (b) The term "employee" as used in this Act means:

21 1. Every person in the service of the State, including
22 members of the General Assembly, members of the Commerce
23 Commission, members of the Illinois Workers' Compensation
24 ~~Industrial~~ Commission, and all persons in the service of the
25 University of Illinois, county, including deputy sheriffs and
26 assistant state's attorneys, city, town, township,
27 incorporated village or school district, body politic, or
28 municipal corporation therein, whether by election, under
29 appointment or contract of hire, express or implied, oral or
30 written, including all members of the Illinois National Guard
31 while on active duty in the service of the State, and all
32 probation personnel of the Juvenile Court appointed pursuant to
33 Article VI of the Juvenile Court Act of 1987, and including any
34 official of the State, any county, city, town, township,
35 incorporated village, school district, body politic or
36 municipal corporation therein except any duly appointed member

1 of a police department in any city whose population exceeds
2 200,000 according to the last Federal or State census, and
3 except any member of a fire insurance patrol maintained by a
4 board of underwriters in this State. A duly appointed member of
5 a fire department in any city, the population of which exceeds
6 200,000 according to the last federal or State census, is an
7 employee under this Act only with respect to claims brought
8 under paragraph (c) of Section 8.

9 One employed by a contractor who has contracted with the
10 State, or a county, city, town, township, incorporated village,
11 school district, body politic or municipal corporation
12 therein, through its representatives, is not considered as an
13 employee of the State, county, city, town, township,
14 incorporated village, school district, body politic or
15 municipal corporation which made the contract.

16 2. Every person in the service of another under any
17 contract of hire, express or implied, oral or written,
18 including persons whose employment is outside of the State of
19 Illinois where the contract of hire is made within the State of
20 Illinois, persons whose employment results in fatal or
21 non-fatal injuries within the State of Illinois where the
22 contract of hire is made outside of the State of Illinois, and
23 persons whose employment is principally localized within the
24 State of Illinois, regardless of the place of the accident or
25 the place where the contract of hire was made, and including
26 aliens, and minors who, for the purpose of this Act are
27 considered the same and have the same power to contract,
28 receive payments and give quittances therefor, as adult
29 employees.

30 3. Every sole proprietor and every partner of a business
31 may elect to be covered by this Act.

32 An employee or his dependents under this Act who shall have
33 a cause of action by reason of any injury, disablement or death
34 arising out of and in the course of his employment may elect to
35 pursue his remedy in the State where injured or disabled, or in
36 the State where the contract of hire is made, or in the State

1 where the employment is principally localized.

2 However, any employer may elect to provide and pay
3 compensation to any employee other than those engaged in the
4 usual course of the trade, business, profession or occupation
5 of the employer by complying with Sections 2 and 4 of this Act.
6 Employees are not included within the provisions of this Act
7 when excluded by the laws of the United States relating to
8 liability of employers to their employees for personal injuries
9 where such laws are held to be exclusive.

10 The term "employee" does not include persons performing
11 services as real estate broker, broker-salesman, or salesman
12 when such persons are paid by commission only.

13 (c) "Commission" means the Industrial Commission created
14 by Section 5 of "The Civil Administrative Code of Illinois",
15 approved March 7, 1917, as amended, or the Illinois Workers'
16 Compensation Industrial Commission created by Section 13 of
17 this Act.

18 (Source: P.A. 85-1209.)

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

20 Sec. 4. (a) Any employer, including but not limited to
21 general contractors and their subcontractors, who shall come
22 within the provisions of Section 3 of this Act, and any other
23 employer who shall elect to provide and pay the compensation
24 provided for in this Act shall:

25 (1) File with the Commission annually an application
26 for approval as a self-insurer which shall include a
27 current financial statement, and annually, thereafter, an
28 application for renewal of self-insurance, which shall
29 include a current financial statement. Said application
30 and financial statement shall be signed and sworn to by the
31 president or vice president and secretary or assistant
32 secretary of the employer if it be a corporation, or by all
33 of the partners, if it be a copartnership, or by the owner
34 if it be neither a copartnership nor a corporation. All
35 initial applications and all applications for renewal of

1 self-insurance must be submitted at least 60 days prior to
2 the requested effective date of self-insurance. An
3 employer may elect to provide and pay compensation as
4 provided for in this Act as a member of a group workers'
5 compensation pool under Article V 3/4 of the Illinois
6 Insurance Code. If an employer becomes a member of a group
7 workers' compensation pool, the employer shall not be
8 relieved of any obligations imposed by this Act.

9 If the sworn application and financial statement of any
10 such employer does not satisfy the Commission of the
11 financial ability of the employer who has filed it, the
12 Commission shall require such employer to,

13 (2) Furnish security, indemnity or a bond guaranteeing
14 the payment by the employer of the compensation provided
15 for in this Act, provided that any such employer whose
16 application and financial statement shall not have
17 satisfied the commission of his or her financial ability
18 and who shall have secured his liability in part by excess
19 liability insurance shall be required to furnish to the
20 Commission security, indemnity or bond guaranteeing his or
21 her payment up to the effective limits of the excess
22 coverage, or

23 (3) Insure his entire liability to pay such
24 compensation in some insurance carrier authorized,
25 licensed, or permitted to do such insurance business in
26 this State. Every policy of an insurance carrier, insuring
27 the payment of compensation under this Act shall cover all
28 the employees and the entire compensation liability of the
29 insured: Provided, however, that any employer may insure
30 his or her compensation liability with 2 or more insurance
31 carriers or may insure a part and qualify under subsection
32 1, 2, or 4 for the remainder of his or her liability to pay
33 such compensation, subject to the following two
34 provisions:

35 Firstly, the entire compensation liability of the
36 employer to employees working at or from one location

1 shall be insured in one such insurance carrier or shall
2 be self-insured, and

3 Secondly, the employer shall submit evidence
4 satisfactorily to the Commission that his or her entire
5 liability for the compensation provided for in this Act
6 will be secured. Any provisions in any policy, or in
7 any endorsement attached thereto, attempting to limit
8 or modify in any way, the liability of the insurance
9 carriers issuing the same except as otherwise provided
10 herein shall be wholly void.

11 Nothing herein contained shall apply to policies of
12 excess liability carriage secured by employers who have
13 been approved by the Commission as self-insurers, or

14 (4) Make some other provision, satisfactory to the
15 Commission, for the securing of the payment of compensation
16 provided for in this Act, and

17 (5) Upon becoming subject to this Act and thereafter as
18 often as the Commission may in writing demand, file with
19 the Commission in form prescribed by it evidence of his or
20 her compliance with the provision of this Section.

21 (a-1) Regardless of its state of domicile or its principal
22 place of business, an employer shall make payments to its
23 insurance carrier or group self-insurance fund, where
24 applicable, based upon the premium rates of the situs where the
25 work or project is located in Illinois if:

26 (A) the employer is engaged primarily in the building
27 and construction industry; and

28 (B) subdivision (a)(3) of this Section applies to the
29 employer or the employer is a member of a group
30 self-insurance plan as defined in subsection (1) of Section
31 4a.

32 The Illinois Workers' Compensation ~~Industrial~~ Commission
33 shall impose a penalty upon an employer for violation of this
34 subsection (a-1) if:

35 (i) the employer is given an opportunity at a hearing
36 to present evidence of its compliance with this subsection

1 (a-1); and

2 (ii) after the hearing, the Commission finds that the
3 employer failed to make payments upon the premium rates of
4 the situs where the work or project is located in Illinois.

5 The penalty shall not exceed \$1,000 for each day of work
6 for which the employer failed to make payments upon the premium
7 rates of the situs where the work or project is located in
8 Illinois, but the total penalty shall not exceed \$50,000 for
9 each project or each contract under which the work was
10 performed.

11 Any penalty under this subsection (a-1) must be imposed not
12 later than one year after the expiration of the applicable
13 limitation period specified in subsection (d) of Section 6 of
14 this Act. Penalties imposed under this subsection (a-1) shall
15 be deposited into the Illinois Workers' Compensation
16 ~~Industrial~~ Commission Operations Fund, a special fund that is
17 created in the State treasury. Subject to appropriation, moneys
18 in the Fund shall be used solely for the operations of the
19 Illinois Workers' Compensation ~~Industrial~~ Commission.

20 (b) The sworn application and financial statement, or
21 security, indemnity or bond, or amount of insurance, or other
22 provisions, filed, furnished, carried, or made by the employer,
23 as the case may be, shall be subject to the approval of the
24 Commission.

25 Deposits under escrow agreements shall be cash, negotiable
26 United States government bonds or negotiable general
27 obligation bonds of the State of Illinois. Such cash or bonds
28 shall be deposited in escrow with any State or National Bank or
29 Trust Company having trust authority in the State of Illinois.

30 Upon the approval of the sworn application and financial
31 statement, security, indemnity or bond or amount of insurance,
32 filed, furnished or carried, as the case may be, the Commission
33 shall send to the employer written notice of its approval
34 thereof. The certificate of compliance by the employer with the
35 provisions of subparagraphs (2) and (3) of paragraph (a) of
36 this Section shall be delivered by the insurance carrier to the

1 Illinois Workers' Compensation ~~Industrial~~ Commission within
2 five days after the effective date of the policy so certified.
3 The insurance so certified shall cover all compensation
4 liability occurring during the time that the insurance is in
5 effect and no further certificate need be filed in case such
6 insurance is renewed, extended or otherwise continued by such
7 carrier. The insurance so certified shall not be cancelled or
8 in the event that such insurance is not renewed, extended or
9 otherwise continued, such insurance shall not be terminated
10 until at least 10 days after receipt by the Illinois Workers'
11 Compensation ~~Industrial~~ Commission of notice of the
12 cancellation or termination of said insurance; provided,
13 however, that if the employer has secured insurance from
14 another insurance carrier, or has otherwise secured the payment
15 of compensation in accordance with this Section, and such
16 insurance or other security becomes effective prior to the
17 expiration of the 10 days, cancellation or termination may, at
18 the option of the insurance carrier indicated in such notice,
19 be effective as of the effective date of such other insurance
20 or security.

21 (c) Whenever the Commission shall find that any
22 corporation, company, association, aggregation of individuals,
23 reciprocal or interinsurers exchange, or other insurer
24 effecting workers' compensation insurance in this State shall
25 be insolvent, financially unsound, or unable to fully meet all
26 payments and liabilities assumed or to be assumed for
27 compensation insurance in this State, or shall practice a
28 policy of delay or unfairness toward employees in the
29 adjustment, settlement, or payment of benefits due such
30 employees, the Commission may after reasonable notice and
31 hearing order and direct that such corporation, company,
32 association, aggregation of individuals, reciprocal or
33 interinsurers exchange, or insurer, shall from and after a date
34 fixed in such order discontinue the writing of any such
35 workers' compensation insurance in this State. Subject to such
36 modification of the order as the Commission may later make on

1 review of the order, as herein provided, it shall thereupon be
2 unlawful for any such corporation, company, association,
3 aggregation of individuals, reciprocal or interinsurers
4 exchange, or insurer to effect any workers' compensation
5 insurance in this State. A copy of the order shall be served
6 upon the Director of Insurance by registered mail. Whenever the
7 Commission finds that any service or adjustment company used or
8 employed by a self-insured employer or by an insurance carrier
9 to process, adjust, investigate, compromise or otherwise
10 handle claims under this Act, has practiced or is practicing a
11 policy of delay or unfairness toward employees in the
12 adjustment, settlement or payment of benefits due such
13 employees, the Commission may after reasonable notice and
14 hearing order and direct that such service or adjustment
15 company shall from and after a date fixed in such order be
16 prohibited from processing, adjusting, investigating,
17 compromising or otherwise handling claims under this Act.

18 Whenever the Commission finds that any self-insured
19 employer has practiced or is practicing delay or unfairness
20 toward employees in the adjustment, settlement or payment of
21 benefits due such employees, the Commission may, after
22 reasonable notice and hearing, order and direct that after a
23 date fixed in the order such self-insured employer shall be
24 disqualified to operate as a self-insurer and shall be required
25 to insure his entire liability to pay compensation in some
26 insurance carrier authorized, licensed and permitted to do such
27 insurance business in this State, as provided in subparagraph 3
28 of paragraph (a) of this Section.

29 All orders made by the Commission under this Section shall
30 be subject to review by the courts, said review to be taken in
31 the same manner and within the same time as provided by Section
32 19 of this Act for review of awards and decisions of the
33 Commission, upon the party seeking the review filing with the
34 clerk of the court to which said review is taken a bond in an
35 amount to be fixed and approved by the court to which the
36 review is taken, conditioned upon the payment of all

1 compensation awarded against the person taking said review
2 pending a decision thereof and further conditioned upon such
3 other obligations as the court may impose. Upon the review the
4 Circuit Court shall have power to review all questions of fact
5 as well as of law. The penalty hereinafter provided for in this
6 paragraph shall not attach and shall not begin to run until the
7 final determination of the order of the Commission.

8 (d) Upon a finding by the Commission, after reasonable
9 notice and hearing, of the knowing and wilful failure or
10 refusal of an employer to comply with any of the provisions of
11 paragraph (a) of this Section or the failure or refusal of an
12 employer, service or adjustment company, or an insurance
13 carrier to comply with any order of the Illinois Workers'
14 Compensation ~~Industrial~~ Commission pursuant to paragraph (c)
15 of this Section disqualifying him or her to operate as a self
16 insurer and requiring him or her to insure his or her
17 liability, the Commission may assess a civil penalty of up to
18 \$500 per day for each day of such failure or refusal after the
19 effective date of this amendatory Act of 1989. The minimum
20 penalty under this Section shall be the sum of \$10,000. Each
21 day of such failure or refusal shall constitute a separate
22 offense. The Commission may assess the civil penalty personally
23 and individually against the corporate officers and directors
24 of a corporate employer, the partners of an employer
25 partnership, and the members of an employer limited liability
26 company, after a finding of a knowing and willful refusal or
27 failure of each such named corporate officer, director,
28 partner, or member to comply with this Section. The liability
29 for the assessed penalty shall be against the named employer
30 first, and if the named employer fails or refuses to pay the
31 penalty to the Commission within 30 days after the final order
32 of the Commission, then the named corporate officers,
33 directors, partners, or members who have been found to have
34 knowingly and willfully refused or failed to comply with this
35 Section shall be liable for the unpaid penalty or any unpaid
36 portion of the penalty. All penalties collected under this

1 Section shall be deposited in the Illinois Workers'
2 Compensation ~~Industrial~~ Commission Operations Fund.

3 Upon the failure or refusal of any employer, service or
4 adjustment company or insurance carrier to comply with the
5 provisions of this Section and with the orders of the
6 Commission under this Section, or the order of the court on
7 review after final adjudication, the Commission may bring a
8 civil action to recover the amount of the penalty in Cook
9 County or in Sangamon County in which litigation the Commission
10 shall be represented by the Attorney General. The Commission
11 shall send notice of its finding of non-compliance and
12 assessment of the civil penalty to the Attorney General. It
13 shall be the duty of the Attorney General within 30 days after
14 receipt of the notice, to institute prosecutions and promptly
15 prosecute all reported violations of this Section.

16 (e) This Act shall not affect or disturb the continuance of
17 any existing insurance, mutual aid, benefit, or relief
18 association or department, whether maintained in whole or in
19 part by the employer or whether maintained by the employees,
20 the payment of benefits of such association or department being
21 guaranteed by the employer or by some person, firm or
22 corporation for him or her: Provided, the employer contributes
23 to such association or department an amount not less than the
24 full compensation herein provided, exclusive of the cost of the
25 maintenance of such association or department and without any
26 expense to the employee. This Act shall not prevent the
27 organization and maintaining under the insurance laws of this
28 State of any benefit or insurance company for the purpose of
29 insuring against the compensation provided for in this Act, the
30 expense of which is maintained by the employer. This Act shall
31 not prevent the organization or maintaining under the insurance
32 laws of this State of any voluntary mutual aid, benefit or
33 relief association among employees for the payment of
34 additional accident or sick benefits.

35 (f) No existing insurance, mutual aid, benefit or relief
36 association or department shall, by reason of anything herein

1 contained, be authorized to discontinue its operation without
2 first discharging its obligations to any and all persons
3 carrying insurance in the same or entitled to relief or
4 benefits therein.

5 (g) Any contract, oral, written or implied, of employment
6 providing for relief benefit, or insurance or any other device
7 whereby the employee is required to pay any premium or premiums
8 for insurance against the compensation provided for in this Act
9 shall be null and void. Any employer withholding from the wages
10 of any employee any amount for the purpose of paying any such
11 premium shall be guilty of a Class B misdemeanor.

12 In the event the employer does not pay the compensation for
13 which he or she is liable, then an insurance company,
14 association or insurer which may have insured such employer
15 against such liability shall become primarily liable to pay to
16 the employee, his or her personal representative or beneficiary
17 the compensation required by the provisions of this Act to be
18 paid by such employer. The insurance carrier may be made a
19 party to the proceedings in which the employer is a party and
20 an award may be entered jointly against the employer and the
21 insurance carrier.

22 (h) It shall be unlawful for any employer, insurance
23 company or service or adjustment company to interfere with,
24 restrain or coerce an employee in any manner whatsoever in the
25 exercise of the rights or remedies granted to him or her by
26 this Act or to discriminate, attempt to discriminate, or
27 threaten to discriminate against an employee in any way because
28 of his or her exercise of the rights or remedies granted to him
29 or her by this Act.

30 It shall be unlawful for any employer, individually or
31 through any insurance company or service or adjustment company,
32 to discharge or to threaten to discharge, or to refuse to
33 rehire or recall to active service in a suitable capacity an
34 employee because of the exercise of his or her rights or
35 remedies granted to him or her by this Act.

36 (i) If an employer elects to obtain a life insurance policy

1 on his employees, he may also elect to apply such benefits in
2 satisfaction of all or a portion of the death benefits payable
3 under this Act, in which case, the employer's compensation
4 premium shall be reduced accordingly.

5 (j) Within 45 days of receipt of an initial application or
6 application to renew self-insurance privileges the
7 Self-Insurers Advisory Board shall review and submit for
8 approval by the Chairman of the Commission recommendations of
9 disposition of all initial applications to self-insure and all
10 applications to renew self-insurance privileges filed by
11 private self-insurers pursuant to the provisions of this
12 Section and Section 4a-9 of this Act. Each private self-insurer
13 shall submit with its initial and renewal applications the
14 application fee required by Section 4a-4 of this Act.

15 The Chairman of the Commission shall promptly act upon all
16 initial applications and applications for renewal in full
17 accordance with the recommendations of the Board or, should the
18 Chairman disagree with any recommendation of disposition of the
19 Self-Insurer's Advisory Board, he shall within 30 days of
20 receipt of such recommendation provide to the Board in writing
21 the reasons supporting his decision. The Chairman shall also
22 promptly notify the employer of his decision within 15 days of
23 receipt of the recommendation of the Board.

24 If an employer is denied a renewal of self-insurance
25 privileges pursuant to application it shall retain said
26 privilege for 120 days after receipt of a notice of
27 cancellation of the privilege from the Chairman of the
28 Commission.

29 All orders made by the Chairman under this Section shall be
30 subject to review by the courts, such review to be taken in the
31 same manner and within the same time as provided by subsection
32 (f) of Section 19 of this Act for review of awards and
33 decisions of the Commission, upon the party seeking the review
34 filing with the clerk of the court to which such review is
35 taken a bond in an amount to be fixed and approved by the court
36 to which the review is taken, conditioned upon the payment of

1 all compensation awarded against the person taking such review
2 pending a decision thereof and further conditioned upon such
3 other obligations as the court may impose. Upon the review the
4 Circuit Court shall have power to review all questions of fact
5 as well as of law.

6 (Source: P.A. 91-375, eff. 1-1-00; 91-757, eff. 1-1-01; 92-324,
7 eff. 8-9-01.)

8 (820 ILCS 305/4a-2) (from Ch. 48, par. 138.4a-2)

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

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

12 (b) "Chairman" means the Chairman of the Illinois Workers'
13 Compensation ~~Industrial~~ Commission.

14 (c) "Private self-insurer" means a private employer that
15 has been authorized to self-insure its payment of workers'
16 compensation benefits pursuant to subsection (a) of Section 4
17 of this Act or to self-insure its payment of occupational
18 disease benefits pursuant to subsection (a) of Section 4 of the
19 Workers' Occupational Diseases Act but does not include group
20 self-insured employers under Section 4a of this Act or Section
21 4a of the Workers' Occupational Diseases Act or the State of
22 Illinois, any political subdivision of the State, unit of local
23 government or school district, or any other public authorities
24 or quasi-governmental bodies including any subunits of the
25 foregoing entities.

26 (d) "Insolvent self-insurer" means a private self-insurer
27 financially unable to pay compensation due under this Act,
28 which (i) has filed either prior to or after the effective date
29 of this Section or (ii) is the subject party in any proceeding
30 under the Federal Bankruptcy Reform Act of 1978, or is the
31 subject party in any proceeding in which a receiver, custodian,
32 liquidator, rehabilitator, sequestrator, trustee or similar
33 officer has been appointed by any Court to act in lieu of or on
34 behalf of that self-insurer.

35 (e) "Fund" means the Self-Insurers Security Fund

1 established by Section 4a-5.

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

4 (g) "Self-Insurers Administration Fund" means the Fund
5 established by Section 4a-6.1.

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

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

9 (820 ILCS 305/4a-3) (from Ch. 48, par. 138.4a-3)

10 Sec. 4a-3. (a) The Board shall consist of the Chairman of
11 the Illinois Workers' Compensation ~~Industrial~~ Commission, as
12 Chairman of the Board, and six other members appointed by the
13 Chairman who shall be expert in matters of self-insurance for
14 workers' compensation liability. One such member shall
15 represent the general public. The Trustees shall initially be
16 appointed by the Chairman within 30 days of the effective date
17 of this amendatory Act of 1985. Three of the Trustees initially
18 appointed by the Chairman shall serve for a two-year term
19 ending January 1, 1988, and three shall serve for a four-year
20 term ending January 1, 1990. Thereafter, each Trustee shall be
21 appointed to a four-year term and shall continue to serve until
22 his successor is appointed.

23 (b) A vacancy in the office of any appointed member shall
24 occur upon his resignation, death, or conviction of a felony.
25 The Chairman may remove any member from office on a formal
26 finding of incompetence, neglect of duty or malfeasance in
27 office. Within 30 days after the office of any appointed member
28 becomes vacant for any reason, the Chairman shall fill that
29 vacancy for the unexpired term in the same manner as that in
30 which appointments are made.

31 (Source: P.A. 84-1097.)

32 (820 ILCS 305/4a-7) (from Ch. 48, par. 138.4a-7)

33 Sec. 4a-7. (a) The Commission may upon direction of the
34 Board from time to time assess each of the private

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

21 (b) A private self-insurer which ceases to be a
22 self-insurer shall be liable for any and all assessments made
23 pursuant to this Section during the period following the date
24 its certificate of authority to self-insure is withdrawn,
25 revoked or surrendered until such time as it has discharged all
26 obligations to pay compensation which arose during the period
27 of time said former self-insurer was self-insured. Assessments
28 of such a former private self-insurer shall be based on the
29 compensation paid by the former private self-insurer during the
30 preceding calendar year on claims that arose during the period
31 of time said former private self-insurer was self-insured.

32 (c) The Board on behalf of the Commission shall annually
33 contract for an independent certified audit of the financial
34 activities of the Fund, and an annual report as of June 30
35 shall be submitted promptly by the Board to the Chairman of the
36 Illinois Workers' Compensation ~~Industrial~~ Commission and to

1 each Trustee. Written reports of all activities shall be
2 submitted to the Commission by the Board on a monthly basis.

3 (d) If there are monies remaining in the Fund after all
4 outstanding obligations of all insolvent self-insurers have
5 been satisfied and the costs of administration and defense have
6 been paid, such amounts shall be returned by the Commission
7 from the Fund as directed by the Board to the then private
8 self-insurers in that proportion which each said private
9 self-insurer has contributed to the Fund one year thereafter,
10 provided no outstanding liabilities remain against the Fund.

11 (e) Each private self-insurer shall be subject to the
12 direction of the Commission as provided in this Section as a
13 condition of obtaining and maintaining its certificate of
14 authority to self-insure.

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

16 (820 ILCS 305/4d)

17 Sec. 4d. Illinois Workers' Compensation ~~Industrial~~
18 Commission Operations Fund Fee.

19 (a) As of the effective date of this amendatory Act of the
20 93rd General Assembly, each employer that self-insures its
21 liabilities arising under this Act or Workers' Occupational
22 Diseases Act shall pay a fee measured by the annual actual
23 wages paid in this State of such an employer in the manner
24 provided in this Section. Such proceeds shall be deposited in
25 the Illinois Workers' Compensation ~~Industrial~~ Commission
26 Operations Fund. If an employer survives or was formed by a
27 merger, consolidation, reorganization, or reincorporation, the
28 actual wages paid in this State of all employers party to the
29 merger, consolidation, reorganization, or reincorporation
30 shall, for purposes of determining the amount of the fee
31 imposed by this Section, be regarded as those of the surviving
32 or new employer.

33 (b) Beginning on the effective date of this amendatory Act
34 of the 93rd General Assembly and on July 1 of each year
35 thereafter, the Chairman shall charge and collect an annual

1 Illinois Workers' Compensation ~~Industrial~~ Commission
2 Operations Fund Fee from every employer subject to subsection
3 (a) of this Section equal to 0.045% of its annual actual wages
4 paid in this State as reported in each employer's annual
5 self-insurance renewal filed for the previous year as required
6 by Section 4 of this Act and Section 4 of the Workers'
7 Occupational Diseases Act. All sums collected by the Commission
8 under the provisions of this Section shall be paid promptly
9 after the receipt of the same, accompanied by a detailed
10 statement thereof, into the Illinois Workers' Compensation
11 ~~Industrial~~ Commission Operations Fund.

12 (c) In addition to the authority specifically granted under
13 Section 16, the Chairman shall have such authority to adopt
14 rules or establish forms as may be reasonably necessary for
15 purposes of enforcing this Section. The Commission shall have
16 authority to defer, waive, or abate the fee or any penalties
17 imposed by this Section if in the Commission's opinion the
18 employer's solvency and ability to meet its obligations to pay
19 workers' compensation benefits would be immediately threatened
20 by payment of the fee due.

21 (d) When an employer fails to pay the full amount of any
22 annual Illinois Workers' Compensation ~~Industrial~~ Commission
23 Operations Fund Fee of \$100 or more due under this Section,
24 there shall be added to the amount due as a penalty the greater
25 of \$1,000 or an amount equal to 5% of the deficiency for each
26 month or part of a month that the deficiency remains unpaid.

27 (e) The Commission may enforce the collection of any
28 delinquent payment, penalty or portion thereof by legal action
29 or in any other manner by which the collection of debts due the
30 State of Illinois may be enforced under the laws of this State.

31 (f) Whenever it appears to the satisfaction of the Chairman
32 that an employer has paid pursuant to this Act an Illinois
33 Workers' Compensation ~~Industrial~~ Commission Operations Fund
34 Fee in an amount in excess of the amount legally collectable
35 from the employer, the Chairman shall issue a credit memorandum
36 for an amount equal to the amount of such overpayment. A credit

1 memorandum may be applied for the 2-year period from the date
2 of issuance against the payment of any amount due during that
3 period under the fee imposed by this Section or, subject to
4 reasonable rule of the Commission including requirement of
5 notification, may be assigned to any other employer subject to
6 regulation under this Act. Any application of credit memoranda
7 after the period provided for in this Section is void.

8 (Source: P.A. 93-32, eff. 6-20-03.)

9 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

10 Sec. 6. (a) Every employer within the provisions of this
11 Act, shall, under the rules and regulations prescribed by the
12 Commission, post printed notices in their respective places of
13 employment in such number and at such places as may be
14 determined by the Commission, containing such information
15 relative to this Act as in the judgment of the Commission may
16 be necessary to aid employees to safeguard their rights under
17 this Act in event of injury.

18 In addition thereto, the employer shall post in a
19 conspicuous place on the place of the employment a printed or
20 typewritten notice stating whether he is insured or whether he
21 has qualified and is operating as a self-insured employer. In
22 the event the employer is insured, the notice shall state the
23 name and address of his insurance carrier, the number of the
24 insurance policy, its effective date and the date of
25 termination. In the event of the termination of the policy for
26 any reason prior to the termination date stated, the posted
27 notice shall promptly be corrected accordingly. In the event
28 the employer is operating as a self-insured employer the notice
29 shall state the name and address of the company, if any,
30 servicing the compensation payments of the employer, and the
31 name and address of the person in charge of making compensation
32 payments.

33 (b) Every employer subject to this Act shall maintain
34 accurate records of work-related deaths, injuries and illness
35 other than minor injuries requiring only first aid treatment

1 and which do not involve medical treatment, loss of
2 consciousness, restriction of work or motion, or transfer to
3 another job and file with the Commission, in writing, a report
4 of all accidental deaths, injuries and illnesses arising out of
5 and in the course of the employment resulting in the loss of
6 more than 3 scheduled work days. In the case of death such
7 report shall be made no later than 2 working days following the
8 accidental death. In all other cases such report shall be made
9 between the 15th and 25th of each month unless required to be
10 made sooner by rule of the Commission. In case the injury
11 results in permanent disability, a further report shall be made
12 as soon as it is determined that such permanent disability has
13 resulted or will result from the injury. All reports shall
14 state the date of the injury, including the time of day or
15 night, the nature of the employer's business, the name,
16 address, age, sex, conjugal condition of the injured person,
17 the specific occupation of the injured person, the direct cause
18 of the injury and the nature of the accident, the character of
19 the injury, the length of disability, and in case of death the
20 length of disability before death, the wages of the injured
21 person, whether compensation has been paid to the injured
22 person, or to his or her legal representative or his heirs or
23 next of kin, the amount of compensation paid, the amount paid
24 for physicians', surgeons' and hospital bills, and by whom
25 paid, and the amount paid for funeral or burial expenses if
26 known. The reports shall be made on forms and in the manner as
27 prescribed by the Commission and shall contain such further
28 information as the Commission shall deem necessary and require.
29 The making of these reports releases the employer from making
30 such reports to any other officer of the State and shall
31 satisfy the reporting provisions as contained in the "Health
32 and Safety Act" and "An Act in relation to safety inspections
33 and education in industrial and commercial establishments and
34 to repeal an Act therein named", approved July 18, 1955, as now
35 or hereafter amended. The reports filed with the Commission
36 pursuant to this Section shall be made available by the

1 Commission to the Director of Labor or his representatives and
2 to all other departments of the State of Illinois which shall
3 require such information for the proper discharge of their
4 official duties. Failure to file with the Commission any of the
5 reports required in this Section is a petty offense.

6 Except as provided in this paragraph, all reports filed
7 hereunder shall be confidential and any person having access to
8 such records filed with the Illinois Workers' Compensation
9 ~~Industrial~~ Commission as herein required, who shall release any
10 information therein contained including the names or otherwise
11 identify any persons sustaining injuries or disabilities, or
12 give access to such information to any unauthorized person,
13 shall be subject to discipline or discharge, and in addition
14 shall be guilty of a Class B misdemeanor. The Commission shall
15 compile and distribute to interested persons aggregate
16 statistics, taken from the reports filed hereunder. The
17 aggregate statistics shall not give the names or otherwise
18 identify persons sustaining injuries or disabilities or the
19 employer of any injured or disabled person.

20 (c) Notice of the accident shall be given to the employer
21 as soon as practicable, but not later than 45 days after the
22 accident. Provided:

23 (1) In case of the legal disability of the employee or any
24 dependent of a deceased employee who may be entitled to
25 compensation under the provisions of this Act, the limitations
26 of time by this Act provided do not begin to run against such
27 person under legal disability until a guardian has been
28 appointed.

29 (2) In cases of injuries sustained by exposure to
30 radiological materials or equipment, notice shall be given to
31 the employer within 90 days subsequent to the time that the
32 employee knows or suspects that he has received an excessive
33 dose of radiation.

34 No defect or inaccuracy of such notice shall be a bar to
35 the maintenance of proceedings on arbitration or otherwise by
36 the employee unless the employer proves that he is unduly

1 prejudiced in such proceedings by such defect or inaccuracy.

2 Notice of the accident shall give the approximate date and
3 place of the accident, if known, and may be given orally or in
4 writing.

5 (d) Every employer shall notify each injured employee who
6 has been granted compensation under the provisions of Section 8
7 of this Act of his rights to rehabilitation services and advise
8 him of the locations of available public rehabilitation centers
9 and any other such services of which the employer has
10 knowledge.

11 In any case, other than one where the injury was caused by
12 exposure to radiological materials or equipment or asbestos
13 unless the application for compensation is filed with the
14 Commission within 3 years after the date of the accident, where
15 no compensation has been paid, or within 2 years after the date
16 of the last payment of compensation, where any has been paid,
17 whichever shall be later, the right to file such application
18 shall be barred.

19 In any case of injury caused by exposure to radiological
20 materials or equipment or asbestos, unless application for
21 compensation is filed with the Commission within 25 years after
22 the last day that the employee was employed in an environment
23 of hazardous radiological activity or asbestos, the right to
24 file such application shall be barred.

25 If in any case except one where the injury was caused by
26 exposure to radiological materials or equipment or asbestos,
27 the accidental injury results in death application for
28 compensation for death may be filed with the Commission within
29 3 years after the date of death where no compensation has been
30 paid or within 2 years after the date of the last payment of
31 compensation where any has been paid, whichever shall be later,
32 but not thereafter.

33 If an accidental injury caused by exposure to radiological
34 material or equipment or asbestos results in death within 25
35 years after the last day that the employee was so exposed
36 application for compensation for death may be filed with the

1 Commission within 3 years after the date of death, where no
2 compensation has been paid, or within 2 years after the date of
3 the last payment of compensation where any has been paid,
4 whichever shall be later, but not thereafter.

5 (e) Any contract or agreement made by any employer or his
6 agent or attorney with any employee or any other beneficiary of
7 any claim under the provisions of this Act within 7 days after
8 the injury shall be presumed to be fraudulent.

9 (Source: P.A. 84-981.)

10 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

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

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

27 The term "child" means a child whom the deceased employee
28 left surviving, including a posthumous child, a child legally
29 adopted, a child whom the deceased employee was legally
30 obligated to support or a child to whom the deceased employee
31 stood in loco parentis. The term "children" means the plural of
32 "child".

33 The term "physically or mentally incapacitated child or
34 children" means a child or children incapable of engaging in
35 regular and substantial gainful employment.

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

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

13 Any beneficiary entitled to compensation under this
14 paragraph (a) of this Section shall receive from the special
15 fund provided in paragraph (f) of this Section, in addition to
16 the compensation herein provided, supplemental benefits in
17 accordance with paragraph (g) of Section 8.

18 (b) If no compensation is payable under paragraph (a) of
19 this Section and the employee leaves surviving a parent or
20 parents who at the time of the accident were totally dependent
21 upon the earnings of the employee then weekly payments equal to
22 the compensation rate payable in the case where the employee
23 leaves surviving a widow or widower, shall be paid to such
24 parent or parents for the duration of their lives, and in the
25 event of the death of either, for the life of the survivor.

26 (c) If no compensation is payable under paragraphs (a) or
27 (b) of this Section and the employee leaves surviving any child
28 or children who are not entitled to compensation under the
29 foregoing paragraph (a) but who at the time of the accident
30 were nevertheless in any manner dependent upon the earnings of
31 the employee, or leaves surviving a parent or parents who at
32 the time of the accident were partially dependent upon the
33 earnings of the employee, then there shall be paid to such
34 dependent or dependents for a period of 8 years weekly
35 compensation payments at such proportion of the applicable rate
36 if the employee had left surviving a widow or widower as such

1 dependency bears to total dependency. In the event of the death
2 of any such beneficiary the share of such beneficiary shall be
3 divided equally among the surviving beneficiaries and in the
4 event of the death of the last such beneficiary all the rights
5 under this paragraph shall be extinguished.

6 (d) If no compensation is payable under paragraphs (a), (b)
7 or (c) of this Section and the employee leaves surviving any
8 grandparent, grandparents, grandchild or grandchildren or
9 collateral heirs dependent upon the employee's earnings to the
10 extent of 50% or more of total dependency, then there shall be
11 paid to such dependent or dependents for a period of 5 years
12 weekly compensation payments at such proportion of the
13 applicable rate if the employee had left surviving a widow or
14 widower as such dependency bears to total dependency. In the
15 event of the death of any such beneficiary the share of such
16 beneficiary shall be divided equally among the surviving
17 beneficiaries and in the event of the death of the last such
18 beneficiary all rights hereunder shall be extinguished.

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

34 The payments of compensation by the employer in accordance
35 with the order or award of the Commission discharges such
36 employer from all further obligation as to such compensation.

1 (f) The sum of \$4200 for burial expenses shall be paid by
2 the employer to the widow or widower, other dependent, next of
3 kin or to the person or persons incurring the expense of
4 burial.

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

11 On January 15 and July 15, 1981, and on January 15 and July
12 15 of each year thereafter the employer shall within 60 days
13 pay a sum equal to 1/8 of 1% of all compensation payments made
14 by him after July 1, 1980, either under this Act or the
15 Workers' Occupational Diseases Act, whether by lump sum
16 settlement or weekly compensation payments, but not including
17 hospital, surgical or rehabilitation payments, made during the
18 first 6 months and during the second 6 months respectively of
19 the fiscal year next preceding the date of the payments, into a
20 special fund which shall be designated the "Second Injury
21 Fund", of which the State Treasurer is ex-officio custodian,
22 such special fund to be held and disbursed for the purposes
23 hereinafter stated in paragraphs (f) and (g) of Section 8,
24 either upon the order of the Commission or of a competent
25 court. Said special fund shall be deposited the same as are
26 State funds and any interest accruing thereon shall be added
27 thereto every 6 months. It is subject to audit the same as
28 State funds and accounts and is protected by the General bond
29 given by the State Treasurer. It is considered always
30 appropriated for the purposes of disbursements as provided in
31 Section 8, paragraph (f), of this Act, and shall be paid out
32 and disbursed as therein provided and shall not at any time be
33 appropriated or diverted to any other use or purpose.

34 On January 15, 1991, the employer shall further pay a sum
35 equal to one half of 1% of all compensation payments made by
36 him from January 1, 1990 through June 30, 1990 either under

1 this Act or under the Workers' Occupational Diseases Act,
2 whether by lump sum settlement or weekly compensation payments,
3 but not including hospital, surgical or rehabilitation
4 payments, into an additional Special Fund which shall be
5 designated as the "Rate Adjustment Fund". On March 15, 1991,
6 the employer shall pay into the Rate Adjustment Fund a sum
7 equal to one half of 1% of all such compensation payments made
8 from July 1, 1990 through December 31, 1990. Within 60 days
9 after July 15, 1991, the employer shall pay into the Rate
10 Adjustment Fund a sum equal to one half of 1% of all such
11 compensation payments made from January 1, 1991 through June
12 30, 1991. Within 60 days after January 15 of 1992 and each
13 subsequent year through 1996, the employer shall pay into the
14 Rate Adjustment Fund a sum equal to one half of 1% of all such
15 compensation payments made in the last 6 months of the
16 preceding calendar year. Within 60 days after July 15 of 1992
17 and each subsequent year through 1995, the employer shall pay
18 into the Rate Adjustment Fund a sum equal to one half of 1% of
19 all such compensation payments made in the first 6 months of
20 the same calendar year. Within 60 days after January 15 of 1997
21 and each subsequent year, the employer shall pay into the Rate
22 Adjustment Fund a sum equal to three-fourths of 1% of all such
23 compensation payments made in the last 6 months of the
24 preceding calendar year. Within 60 days after July 15 of 1996
25 and each subsequent year, the employer shall pay into the Rate
26 Adjustment Fund a sum equal to three-fourths of 1% of all such
27 compensation payments made in the first 6 months of the same
28 calendar year. The administrative costs of collecting
29 assessments from employers for the Rate Adjustment Fund shall
30 be paid from the Rate Adjustment Fund. The cost of an actuarial
31 audit of the Fund shall be paid from the Rate Adjustment Fund
32 and the audit shall be completed no later than July 1, 1997.
33 The State Treasurer is ex officio custodian of such Special
34 Fund and the same shall be held and disbursed for the purposes
35 hereinafter stated in paragraphs (f) and (g) of Section 8 upon
36 the order of the Commission or of a competent court. The Rate

1 Adjustment Fund shall be deposited the same as are State funds
2 and any interest accruing thereon shall be added thereto every
3 6 months. It shall be subject to audit the same as State funds
4 and accounts and shall be protected by the general bond given
5 by the State Treasurer. It is considered always appropriated
6 for the purposes of disbursements as provided in paragraphs (f)
7 and (g) of Section 8 of this Act and shall be paid out and
8 disbursed as therein provided and shall not at any time be
9 appropriated or diverted to any other use or purpose. Within 5
10 days after the effective date of this amendatory Act of 1990,
11 the Comptroller and the State Treasurer shall transfer
12 \$1,000,000 from the General Revenue Fund to the Rate Adjustment
13 Fund. By February 15, 1991, the Comptroller and the State
14 Treasurer shall transfer \$1,000,000 from the Rate Adjustment
15 Fund to the General Revenue Fund. The Comptroller and Treasurer
16 are authorized to make transfers at the request of the Chairman
17 up to a total of \$15,000,000 from the Second Injury Fund, the
18 General Revenue Fund, and the Workers' Compensation Benefit
19 Trust Fund to the Rate Adjustment Fund to the extent that there
20 is insufficient money in the Rate Adjustment Fund to pay claims
21 and obligations. Amounts may be transferred from the General
22 Revenue Fund only if the funds in the Second Injury Fund or the
23 Workers' Compensation Benefit Trust Fund are insufficient to
24 pay claims and obligations of the Rate Adjustment Fund. All
25 amounts transferred from the Second Injury Fund, the General
26 Revenue Fund, and the Workers' Compensation Benefit Trust Fund
27 shall be repaid from the Rate Adjustment Fund within 270 days
28 of a transfer, together with interest at the rate earned by
29 moneys on deposit in the Fund or Funds from which the moneys
30 were transferred.

31 Upon a finding by the Commission, after reasonable notice
32 and hearing, that any employer has willfully and knowingly
33 failed to pay the proper amounts into the Second Injury Fund or
34 the Rate Adjustment Fund required by this Section or if such
35 payments are not made within the time periods prescribed by
36 this Section, the employer shall, in addition to such payments,

1 pay a penalty of 20% of the amount required to be paid or
2 \$2,500, whichever is greater, for each year or part thereof of
3 such failure to pay. This penalty shall only apply to
4 obligations of an employer to the Second Injury Fund or the
5 Rate Adjustment Fund accruing after the effective date of this
6 amendatory Act of 1989. All or part of such a penalty may be
7 waived by the Commission for good cause shown.

8 Any obligations of an employer to the Second Injury Fund
9 and Rate Adjustment Fund accruing prior to the effective date
10 of this amendatory Act of 1989 shall be paid in full by such
11 employer within 5 years of the effective date of this
12 amendatory Act of 1989, with at least one-fifth of such
13 obligation to be paid during each year following the effective
14 date of this amendatory Act of 1989. If the Commission finds,
15 following reasonable notice and hearing, that an employer has
16 failed to make timely payment of any obligation accruing under
17 the preceding sentence, the employer shall, in addition to all
18 other payments required by this Section, be liable for a
19 penalty equal to 20% of the overdue obligation or \$2,500,
20 whichever is greater, for each year or part thereof that
21 obligation is overdue. All or part of such a penalty may be
22 waived by the Commission for good cause shown.

23 The Chairman of the Illinois Workers' Compensation
24 ~~Industrial~~ Commission shall, annually, furnish to the Director
25 of the Department of Insurance a list of the amounts paid into
26 the Second Injury Fund and the Rate Adjustment Fund by each
27 insurance company on behalf of their insured employers. The
28 Director shall verify to the Chairman that the amounts paid by
29 each insurance company are accurate as best as the Director can
30 determine from the records available to the Director. The
31 Chairman shall verify that the amounts paid by each
32 self-insurer are accurate as best as the Chairman can determine
33 from records available to the Chairman. The Chairman may
34 require each self-insurer to provide information concerning
35 the total compensation payments made upon which contributions
36 to the Second Injury Fund and the Rate Adjustment Fund are

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

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

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

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

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

26 For the purpose of administration, receipts and
27 disbursements, the Special Fund provided for in paragraph (f)
28 of this Section shall be administered jointly with the Special
29 Fund provided for in Section 7, paragraph (f) of the Workers'
30 Occupational Diseases Act.

31 (g) All compensation, except for burial expenses provided
32 in this Section to be paid in case accident results in death,
33 shall be paid in installments equal to the percentage of the
34 average earnings as provided for in Section 8, paragraph (b) of
35 this Act, at the same intervals at which the wages or earnings
36 of the employees were paid. If this is not feasible, then the

1 installments shall be paid weekly. Such compensation may be
2 paid in a lump sum upon petition as provided in Section 9 of
3 this Act. However, in addition to the benefits provided by
4 Section 9 of this Act where compensation for death is payable
5 to the deceased's widow, widower or to the deceased's widow,
6 widower and one or more children, and where a partial lump sum
7 is applied for by such beneficiary or beneficiaries within 18
8 months after the deceased's death, the Commission may, in its
9 discretion, grant a partial lump sum of not to exceed 100 weeks
10 of the compensation capitalized at their present value upon the
11 basis of interest calculated at 3% per annum with annual rests,
12 upon a showing that such partial lump sum is for the best
13 interest of such beneficiary or beneficiaries.

14 (h) In case the injured employee is under 16 years of age
15 at the time of the accident and is illegally employed, the
16 amount of compensation payable under paragraphs (a), (b), (c),
17 (d) and (f) of this Section shall be increased 50%.

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

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

28 (i) Whenever the dependents of a deceased employee are
29 aliens not residing in the United States, Mexico or Canada, the
30 amount of compensation payable is limited to the beneficiaries
31 described in paragraphs (a), (b) and (c) of this Section and is
32 50% of the compensation provided in paragraphs (a), (b) and (c)
33 of this Section, except as otherwise provided by treaty.

34 In a case where any of the persons who would be entitled to
35 compensation is living at any place outside of the United
36 States, then payment shall be made to the personal

1 representative of the deceased employee. The distribution by
2 such personal representative to the persons entitled shall be
3 made to such persons and in such manner as the Commission
4 orders.

5 (Source: P.A. 92-714, eff. 1-1-03.)

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 for all the
11 necessary first aid, medical and surgical services, and all
12 necessary medical, surgical and hospital services thereafter
13 incurred, limited, however, to that which is reasonably
14 required to cure or relieve from the effects of the accidental
15 injury. The employer shall also pay for treatment, instruction
16 and training necessary for the physical, mental and vocational
17 rehabilitation of the employee, including all maintenance
18 costs and expenses incidental thereto. If as a result of the
19 injury the employee is unable to be self-sufficient the
20 employer shall further pay for such maintenance or
21 institutional care as shall be required.

22 The employee may at any time elect to secure his own
23 physician, surgeon and hospital services at the employer's
24 expense, or,

25 Upon agreement between the employer and the employees, or
26 the employees' exclusive representative, and subject to the
27 approval of the Illinois Workers' Compensation ~~Industrial~~
28 Commission, the employer shall maintain a list of physicians,
29 to be known as a Panel of Physicians, who are accessible to the
30 employees. The employer shall post this list in a place or
31 places easily accessible to his employees. The employee shall
32 have the right to make an alternative choice of physician from
33 such Panel if he is not satisfied with the physician first
34 selected. If, due to the nature of the injury or its occurrence
35 away from the employer's place of business, the employee is

1 unable to make a selection from the Panel, the selection
2 process from the Panel shall not apply. The physician selected
3 from the Panel may arrange for any consultation, referral or
4 other specialized medical services outside the Panel at the
5 employer's expense. Provided that, in the event the Commission
6 shall find that a doctor selected by the employee is rendering
7 improper or inadequate care, the Commission may order the
8 employee to select another doctor certified or qualified in the
9 medical field for which treatment is required. If the employee
10 refuses to make such change the Commission may relieve the
11 employer of his obligation to pay the doctor's charges from the
12 date of refusal to the date of compliance.

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

20 Notwithstanding the foregoing, the employer's liability to
21 pay for such medical services selected by the employee shall be
22 limited to:

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

24 (2) all medical, surgical and hospital services
25 provided by the physician, surgeon or hospital initially
26 chosen by the employee or by any other physician,
27 consultant, expert, institution or other provider of
28 services recommended by said initial service provider or
29 any subsequent provider of medical services in the chain of
30 referrals from said initial service provider; plus

31 (3) all medical, surgical and hospital services
32 provided by any second physician, surgeon or hospital
33 subsequently chosen by the employee or by any other
34 physician, consultant, expert, institution or other
35 provider of services recommended by said second service
36 provider or any subsequent provider of medical services in

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

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

22 Where the accidental injury results in the amputation of an
23 arm, hand, leg or foot, or the enucleation of an eye, or the
24 loss of any of the natural teeth, the employer shall furnish an
25 artificial of any such members lost or damaged in accidental
26 injury arising out of and in the course of employment, and
27 shall also furnish the necessary braces in all proper and
28 necessary cases. In cases of the loss of a member or members by
29 amputation, the employer shall, whenever necessary, maintain
30 in good repair, refit or replace the artificial limbs during
31 the lifetime of the employee. Where the accidental injury
32 accompanied by physical injury results in damage to a denture,
33 eye glasses or contact eye lenses, or where the accidental
34 injury results in damage to an artificial member, the employer
35 shall replace or repair such denture, glasses, lenses, or
36 artificial member.

1 The furnishing by the employer of any such services or
2 appliances is not an admission of liability on the part of the
3 employer to pay compensation.

4 The furnishing of any such services or appliances or the
5 servicing thereof by the employer is not the payment of
6 compensation.

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

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

21 \$100.90 in case of a single person;

22 \$105.50 in case of a married person with no
23 children;

24 \$108.30 in case of one child;

25 \$113.40 in case of 2 children;

26 \$117.40 in case of 3 children;

27 \$124.30 in case of 4 or more children;

28 nor exceed the employee's average weekly wage computed in
29 accordance with the provisions of Section 10, whichever is
30 less.

31 2. The compensation rate in all cases other than for
32 temporary total disability under this paragraph (b), and
33 other than for serious and permanent disfigurement under
34 paragraph (c) and other than for permanent partial
35 disability under subparagraph (2) of paragraph (d) or under
36 paragraph (e), of this Section shall be equal to 66 2/3% of

1 the employee's average weekly wage computed in accordance
2 with the provisions of Section 10, provided that it shall
3 be not less than the following amounts in the following
4 cases:

5 \$80.90 in case of a single person;

6 \$83.20 in case of a married person with no
7 children;

8 \$86.10 in case of one child;

9 \$88.90 in case of 2 children;

10 \$91.80 in case of 3 children;

11 \$96.90 in case of 4 or more children;

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

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

23 \$80.90 in case of a single person;

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

26 \$86.10 in case of one child;

27 \$88.90 in case of 2 children;

28 \$91.80 in case of 3 children;

29 \$96.90 in case of 4 or more children;

30 nor exceed the employee's average weekly wage computed in
31 accordance with the provisions of Section 10, whichever is
32 less.

33 3. As used in this Section the term "child" means a
34 child of the employee including any child legally adopted
35 before the accident or whom at the time of the accident the
36 employee was under legal obligation to support or to whom

1 the employee stood in loco parentis, and who at the time of
2 the accident was under 18 years of age and not emancipated.
3 The term "children" means the plural of "child".

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

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

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

25 The maximum weekly compensation rate, for the period
26 January 1, 1981 through December 31, 1983, except as
27 hereinafter provided, shall be 100% of the State's average
28 weekly wage in covered industries under the Unemployment
29 Insurance Act in effect on January 1, 1981. Effective
30 January 1, 1984 and on January 1, of each year thereafter
31 the maximum weekly compensation rate, except as
32 hereinafter provided, shall be determined as follows: if
33 during the preceding 12 month period there shall have been
34 an increase in the State's average weekly wage in covered
35 industries under the Unemployment Insurance Act, the
36 weekly compensation rate shall be proportionately

1 increased by the same percentage as the percentage of
2 increase in the State's average weekly wage in covered
3 industries under the Unemployment Insurance Act during
4 such period.

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

14 4.1. Any provision herein to the contrary
15 notwithstanding, the weekly compensation rate for
16 compensation payments under subparagraph 18 of paragraph
17 (e) of this Section and under paragraph (f) of this Section
18 and under paragraph (a) of Section 7, shall in no event be
19 less than 50% of the State's average weekly wage in covered
20 industries under the Unemployment Insurance Act.

21 4.2. Any provision to the contrary notwithstanding,
22 the total compensation payable under Section 7 shall not
23 exceed the greater of \$250,000 or 20 years.

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

30 6. The Department of Employment Security of the State
31 shall on or before the first day of December, 1977, and on
32 or before the first day of June, 1978, and on the first day
33 of each December and June of each year thereafter, publish
34 the State's average weekly wage in covered industries under
35 the Unemployment Insurance Act and the Illinois Workers'
36 Compensation Industrial Commission shall on the 15th day of

1 January, 1978 and on the 15th day of July, 1978 and on the
2 15th day of each January and July of each year thereafter,
3 post and publish the State's average weekly wage in covered
4 industries under the Unemployment Insurance Act as last
5 determined and published by the Department of Employment
6 Security. The amount when so posted and published shall be
7 conclusive and shall be applicable as the basis of
8 computation of compensation rates until the next posting
9 and publication as aforesaid.

10 7. The payment of compensation by an employer or his
11 insurance carrier to an injured employee shall not
12 constitute an admission of the employer's liability to pay
13 compensation.

14 (c) For any serious and permanent disfigurement to the
15 hand, head, face, neck, arm, leg below the knee or the chest
16 above the axillary line, the employee is entitled to
17 compensation for such disfigurement, the amount determined by
18 agreement at any time or by arbitration under this Act, at a
19 hearing not less than 6 months after the date of the accidental
20 injury, which amount shall not exceed 150 weeks at the
21 applicable rate provided in subparagraph 2.1 of paragraph (b)
22 of this Section.

23 No compensation is payable under this paragraph where
24 compensation is payable under paragraphs (d), (e) or (f) of
25 this Section.

26 A duly appointed member of a fire department in a city, the
27 population of which exceeds 200,000 according to the last
28 federal or State census, is eligible for compensation under
29 this paragraph only where such serious and permanent
30 disfigurement results from burns.

31 (d) 1. If, after the accidental injury has been sustained,
32 the employee as a result thereof becomes partially
33 incapacitated from pursuing his usual and customary line of
34 employment, he shall, except in cases compensated under the
35 specific schedule set forth in paragraph (e) of this Section,
36 receive compensation for the duration of his disability,

1 subject to the limitations as to maximum amounts fixed in
2 paragraph (b) of this Section, equal to 66-2/3% of the
3 difference between the average amount which he would be able to
4 earn in the full performance of his duties in the occupation in
5 which he was engaged at the time of the accident and the
6 average amount which he is earning or is able to earn in some
7 suitable employment or business after the accident.

8 2. If, as a result of the accident, the employee sustains
9 serious and permanent injuries not covered by paragraphs (c)
10 and (e) of this Section or having sustained injuries covered by
11 the aforesaid paragraphs (c) and (e), he shall have sustained
12 in addition thereto other injuries which injuries do not
13 incapacitate him from pursuing the duties of his employment but
14 which would disable him from pursuing other suitable
15 occupations, or which have otherwise resulted in physical
16 impairment; or if such injuries partially incapacitate him from
17 pursuing the duties of his usual and customary line of
18 employment but do not result in an impairment of earning
19 capacity, or having resulted in an impairment of earning
20 capacity, the employee elects to waive his right to recover
21 under the foregoing subparagraph 1 of paragraph (d) of this
22 Section then in any of the foregoing events, he shall receive
23 in addition to compensation for temporary total disability
24 under paragraph (b) of this Section, compensation at the rate
25 provided in subparagraph 2.1 of paragraph (b) of this Section
26 for that percentage of 500 weeks that the partial disability
27 resulting from the injuries covered by this paragraph bears to
28 total disability. If the employee shall have sustained a
29 fracture of one or more vertebra or fracture of the skull, the
30 amount of compensation allowed under this Section shall be not
31 less than 6 weeks for a fractured skull and 6 weeks for each
32 fractured vertebra, and in the event the employee shall have
33 sustained a fracture of any of the following facial bones:
34 nasal, lachrymal, vomer, zygoma, maxilla, palatine or
35 mandible, the amount of compensation allowed under this Section
36 shall be not less than 2 weeks for each such fractured bone,

1 and for a fracture of each transverse process not less than 3
2 weeks. In the event such injuries shall result in the loss of a
3 kidney, spleen or lung, the amount of compensation allowed
4 under this Section shall be not less than 10 weeks for each
5 such organ. Compensation awarded under this subparagraph 2
6 shall not take into consideration injuries covered under
7 paragraphs (c) and (e) of this Section and the compensation
8 provided in this paragraph shall not affect the employee's
9 right to compensation payable under paragraphs (b), (c) and (e)
10 of this Section for the disabilities therein covered.

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

- 21 1. Thumb-70 weeks.
- 22 2. First, or index finger-40 weeks.
- 23 3. Second, or middle finger-35 weeks.
- 24 4. Third, or ring finger-25 weeks.
- 25 5. Fourth, or little finger-20 weeks.
- 26 6. Great toe-35 weeks.
- 27 7. Each toe other than great toe-12 weeks.
- 28 8. The loss of the first or distal phalanx of the thumb
29 or of any finger or toe shall be considered to be equal to
30 the loss of one-half of such thumb, finger or toe and the
31 compensation payable shall be one-half of the amount above
32 specified. The loss of more than one phalanx shall be
33 considered as the loss of the entire thumb, finger or toe.
34 In no case shall the amount received for more than one
35 finger exceed the amount provided in this schedule for the
36 loss of a hand.

1 9. Hand-190 weeks. The loss of 2 or more digits, or one
2 or more phalanges of 2 or more digits, of a hand may be
3 compensated on the basis of partial loss of use of a hand,
4 provided, further, that the loss of 4 digits, or the loss
5 of use of 4 digits, in the same hand shall constitute the
6 complete loss of a hand.

7 10. Arm-235 weeks. Where an accidental injury results
8 in the amputation of an arm below the elbow, such injury
9 shall be compensated as a loss of an arm. Where an
10 accidental injury results in the amputation of an arm above
11 the elbow, compensation for an additional 15 weeks shall be
12 paid, except where the accidental injury results in the
13 amputation of an arm at the shoulder joint, or so close to
14 shoulder joint that an artificial arm cannot be used, or
15 results in the disarticulation of an arm at the shoulder
16 joint, in which case compensation for an additional 65
17 weeks shall be paid.

18 11. Foot-155 weeks.

19 12. Leg-200 weeks. Where an accidental injury results
20 in the amputation of a leg below the knee, such injury
21 shall be compensated as loss of a leg. Where an accidental
22 injury results in the amputation of a leg above the knee,
23 compensation for an additional 25 weeks shall be paid,
24 except where the accidental injury results in the
25 amputation of a leg at the hip joint, or so close to the
26 hip joint that an artificial leg cannot be used, or results
27 in the disarticulation of a leg at the hip joint, in which
28 case compensation for an additional 75 weeks shall be paid.

29 13. Eye-150 weeks. Where an accidental injury results
30 in the enucleation of an eye, compensation for an
31 additional 10 weeks shall be paid.

32 14. Loss of hearing of one ear-50 weeks; total and
33 permanent loss of hearing of both ears-200 weeks.

34 15. Testicle-50 weeks; both testicles-150 weeks.

35 16. For the permanent partial loss of use of a member
36 or sight of an eye, or hearing of an ear, compensation

1 during that proportion of the number of weeks in the
2 foregoing schedule provided for the loss of such member or
3 sight of an eye, or hearing of an ear, which the partial
4 loss of use thereof bears to the total loss of use of such
5 member, or sight of eye, or hearing of an ear.

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

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

27 (c) In measuring hearing impairment, the lowest
28 measured losses in each of the 3 frequencies shall be
29 added together and divided by 3 to determine the
30 average decibel loss. For every decibel of loss
31 exceeding 30 decibels an allowance of 1.82% shall be
32 made up to the maximum of 100% which is reached at 85
33 decibels.

34 (d) If a hearing loss is established to have
35 existed on July 1, 1975 by audiometric testing the
36 employer shall not be liable for the previous loss so

1 established nor shall he be liable for any loss for
 2 which compensation has been paid or awarded.

3 (e) No consideration shall be given to the question
 4 of whether or not the ability of an employee to
 5 understand speech is improved by the use of a hearing
 6 aid.

7 (f) No claim for loss of hearing due to industrial
 8 noise shall be brought against an employer or allowed
 9 unless the employee has been exposed for a period of
 10 time sufficient to cause permanent impairment to noise
 11 levels in excess of the following:

12 Sound Level DBA

13	Slow Response	Hours Per Day
14	90	8
15	92	6
16	95	4
17	97	3
18	100	2
19	102	1-1/2
20	105	1
21	110	1/2
22	115	1/4

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

25 17. In computing the compensation to be paid to any
 26 employee who, before the accident for which he claims
 27 compensation, had before that time sustained an injury
 28 resulting in the loss by amputation or partial loss by
 29 amputation of any member, including hand, arm, thumb or
 30 fingers, leg, foot or any toes, such loss or partial loss
 31 of any such member shall be deducted from any award made
 32 for the subsequent injury. For the permanent loss of use or
 33 the permanent partial loss of use of any such member or the
 34 partial loss of sight of an eye, for which compensation has
 35 been paid, then such loss shall be taken into consideration
 36 and deducted from any award for the subsequent injury.

1 18. The specific case of loss of both hands, both arms,
2 or both feet, or both legs, or both eyes, or of any two
3 thereof, or the permanent and complete loss of the use
4 thereof, constitutes total and permanent disability, to be
5 compensated according to the compensation fixed by
6 paragraph (f) of this Section. These specific cases of
7 total and permanent disability do not exclude other cases.

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

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

25 Beginning July 1, 1980, and every 6 months thereafter, the
26 Commission shall examine the Second Injury Fund and when, after
27 deducting all advances or loans made to such Fund, the amount
28 therein is \$500,000 then the amount required to be paid by
29 employers pursuant to paragraph (f) of Section 7 shall be
30 reduced by one-half. When the Second Injury Fund reaches the
31 sum of \$600,000 then the payments shall cease entirely.
32 However, when the Second Injury Fund has been reduced to
33 \$400,000, payment of one-half of the amounts required by
34 paragraph (f) of Section 7 shall be resumed, in the manner
35 herein provided, and when the Second Injury Fund has been
36 reduced to \$300,000, payment of the full amounts required by

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

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

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

24 An employee entitled to benefits under paragraph (f) of
25 this Section shall also be entitled to receive from the Rate
26 Adjustment Fund provided in paragraph (f) of Section 7 of the
27 supplementary benefits provided in paragraph (g) of this
28 Section 8.

29 If any employee who receives an award under this paragraph
30 afterwards returns to work or is able to do so, and earns or is
31 able to earn as much as before the accident, payments under
32 such award shall cease. If such employee returns to work, or is
33 able to do so, and earns or is able to earn part but not as much
34 as before the accident, such award shall be modified so as to
35 conform to an award under paragraph (d) of this Section. If
36 such award is terminated or reduced under the provisions of

1 this paragraph, such employees have the right at any time
2 within 30 months after the date of such termination or
3 reduction to file petition with the Commission for the purpose
4 of determining whether any disability exists as a result of the
5 original accidental injury and the extent thereof.

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

8 If an employee who had previously incurred loss or the
9 permanent and complete loss of use of one member, through the
10 loss or the permanent and complete loss of the use of one hand,
11 one arm, one foot, one leg, or one eye, incurs permanent and
12 complete disability through the loss or the permanent and
13 complete loss of the use of another member, he shall receive,
14 in addition to the compensation payable by the employer and
15 after such payments have ceased, an amount from the Second
16 Injury Fund provided for in paragraph (f) of Section 7, which,
17 together with the compensation payable from the employer in
18 whose employ he was when the last accidental injury was
19 incurred, will equal the amount payable for permanent and
20 complete disability as provided in this paragraph of this
21 Section.

22 The custodian of the Second Injury Fund provided for in
23 paragraph (f) of Section 7 shall be joined with the employer as
24 a party respondent in the application for adjustment of claim.
25 The application for adjustment of claim shall state briefly and
26 in general terms the approximate time and place and manner of
27 the loss of the first member.

28 In its award the Commission or the Arbitrator shall
29 specifically find the amount the injured employee shall be
30 weekly paid, the number of weeks compensation which shall be
31 paid by the employer, the date upon which payments begin out of
32 the Second Injury Fund provided for in paragraph (f) of Section
33 7 of this Act, the length of time the weekly payments continue,
34 the date upon which the pension payments commence and the
35 monthly amount of the payments. The Commission shall 30 days
36 after the date upon which payments out of the Second Injury

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

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

20 (g) Every award for permanent total disability entered by
21 the Commission on and after July 1, 1965 under which
22 compensation payments shall become due and payable after the
23 effective date of this amendatory Act, and every award for
24 death benefits or permanent total disability entered by the
25 Commission on and after the effective date of this amendatory
26 Act shall be subject to annual adjustments as to the amount of
27 the compensation rate therein provided. Such adjustments shall
28 first be made on July 15, 1977, and all awards made and entered
29 prior to July 1, 1975 and on July 15 of each year thereafter.
30 In all other cases such adjustment shall be made on July 15 of
31 the second year next following the date of the entry of the
32 award and shall further be made on July 15 annually thereafter.
33 If during the intervening period from the date of the entry of
34 the award, or the last periodic adjustment, there shall have
35 been an increase in the State's average weekly wage in covered
36 industries under the Unemployment Insurance Act, the weekly

1 compensation rate shall be proportionately increased by the
2 same percentage as the percentage of increase in the State's
3 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. Such increase shall be paid in the same manner as
8 herein provided for payments under the Second Injury Fund to
9 the injured employee, or his dependents, as the case may be,
10 out of the Rate Adjustment Fund provided in paragraph (f) of
11 Section 7 of this Act. Payments shall be made at the same
12 intervals as provided in the award or, at the option of the
13 Commission, may be made in quarterly payment on the 15th day of
14 January, April, July and October of each year. In the event of
15 a decrease in such average weekly wage there shall be no change
16 in the then existing compensation rate. The within paragraph
17 shall not apply to cases where there is disputed liability and
18 in which a compromise lump sum settlement between the employer
19 and the injured employee, or his dependents, as the case may
20 be, has been duly approved by the Illinois Workers'
21 Compensation Industrial ~~Industrial~~ Commission.

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

28 (h) In case death occurs from any cause before the total
29 compensation to which the employee would have been entitled has
30 been paid, then in case the employee leaves any widow, widower,
31 child, parent (or any grandchild, grandparent or other lineal
32 heir or any collateral heir dependent at the time of the
33 accident upon the earnings of the employee to the extent of 50%
34 or more of total dependency) such compensation shall be paid to
35 the beneficiaries of the deceased employee and distributed as
36 provided in paragraph (g) of Section 7.

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

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

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

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

24 (j) 1. In the event the injured employee receives benefits,
25 including medical, surgical or hospital benefits under any
26 group plan covering non-occupational disabilities contributed
27 to wholly or partially by the employer, which benefits should
28 not have been payable if any rights of recovery existed under
29 this Act, then such amounts so paid to the employee from any
30 such group plan as shall be consistent with, and limited to,
31 the provisions of paragraph 2 hereof, shall be credited to or
32 against any compensation payment for temporary total
33 incapacity for work or any medical, surgical or hospital
34 benefits made or to be made under this Act. In such event, the
35 period of time for giving notice of accidental injury and
36 filing application for adjustment of claim does not commence to

1 run until the termination of such payments. This paragraph does
2 not apply to payments made under any group plan which would
3 have been payable irrespective of an accidental injury under
4 this Act. Any employer receiving such credit shall keep such
5 employee safe and harmless from any and all claims or
6 liabilities that may be made against him by reason of having
7 received such payments only to the extent of such credit.

8 Any excess benefits paid to or on behalf of a State
9 employee by the State Employees' Retirement System under
10 Article 14 of the Illinois Pension Code on a death claim or
11 disputed disability claim shall be credited against any
12 payments made or to be made by the State of Illinois to or on
13 behalf of such employee under this Act, except for payments for
14 medical expenses which have already been incurred at the time
15 of the award. The State of Illinois shall directly reimburse
16 the State Employees' Retirement System to the extent of such
17 credit.

18 2. Nothing contained in this Act shall be construed to give
19 the employer or the insurance carrier the right to credit for
20 any benefits or payments received by the employee other than
21 compensation payments provided by this Act, and where the
22 employee receives payments other than compensation payments,
23 whether as full or partial salary, group insurance benefits,
24 bonuses, annuities or any other payments, the employer or
25 insurance carrier shall receive credit for each such payment
26 only to the extent of the compensation that would have been
27 payable during the period covered by such payment.

28 3. The extension of time for the filing of an Application
29 for Adjustment of Claim as provided in paragraph 1 above shall
30 not apply to those cases where the time for such filing had
31 expired prior to the date on which payments or benefits
32 enumerated herein have been initiated or resumed. Provided
33 however that this paragraph 3 shall apply only to cases wherein
34 the payments or benefits hereinabove enumerated shall be
35 received after July 1, 1969.

36 (Source: P.A. 89-470, eff. 6-13-96.)

1 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

2 Sec. 13. There is created an Illinois Workers' Compensation
3 ~~Industrial~~ Commission consisting of 7 members to be appointed
4 by the Governor, by and with the consent of the Senate, 2 of
5 whom shall be representative citizens of the employing class
6 operating under this Act and 2 of whom shall be representative
7 citizens of the class of employees covered under this Act, and
8 3 of whom shall be representative citizens not identified with
9 either the employing or employee classes. Not more than 4
10 members of the Commission shall be of the same political party.

11 One of the 3 members not identified with either the
12 employing or employee classes shall be designated by the
13 Governor as Chairman. The Chairman shall be the chief
14 administrative and executive officer of the Commission; and he
15 or she shall have general supervisory authority over all
16 personnel of the Commission, including arbitrators and
17 Commissioners, and the final authority in all administrative
18 matters relating to the Commissioners, including but not
19 limited to the assignment and distribution of cases and
20 assignment of Commissioners to the panels, except in the
21 promulgation of procedural rules and orders under Section 16
22 and in the determination of cases under this Act.

23 Notwithstanding the general supervisory authority of the
24 Chairman, each Commissioner, except those assigned to the
25 temporary panel, shall have the authority to hire and supervise
26 2 staff attorneys each. Such staff attorneys shall report
27 directly to the individual Commissioner.

28 A formal training program for newly-appointed
29 Commissioners shall be implemented. The training program shall
30 include the following:

31 (a) substantive and procedural aspects of the office of
32 Commissioner;

33 (b) current issues in workers' compensation law and
34 practice;

35 (c) medical lectures by specialists in areas such as

1 orthopedics, ophthalmology, psychiatry, rehabilitation
2 counseling;

3 (d) orientation to each operational unit of the
4 Illinois Workers' Compensation ~~Industrial~~ Commission;

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

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

12 (g) writing skills.

13 A formal and ongoing professional development program
14 including, but not limited to, the above-noted areas shall be
15 implemented to keep Commissioners informed of recent
16 developments and issues and to assist them in maintaining and
17 enhancing their professional competence.

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

26 Each Commissioner shall devote full time to his duties and
27 any Commissioner who is an attorney-at-law shall not engage in
28 the practice of law, nor shall any Commissioner hold any other
29 office or position of profit under the United States or this
30 State or any municipal corporation or political subdivision of
31 this State, nor engage in any other business, employment, or
32 vocation.

33 The term of office of each member of the Commission holding
34 office on the effective date of this amendatory Act of 1989 is
35 abolished, but the incumbents shall continue to exercise all of
36 the powers and be subject to all of the duties of Commissioners

1 until their respective successors are appointed and qualified.

2 The Illinois Workers' Compensation ~~Industrial~~ Commission
3 shall administer this Act.

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

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

26 (a-5) Notwithstanding any other provision of this
27 Section, the term of each member of the Commission who was
28 appointed by the Governor and is in office on June 30, 2003
29 shall terminate at the close of business on that date or
30 when all of the successor members to be appointed pursuant
31 to this amendatory Act of the 93rd General Assembly have
32 been appointed by the Governor, whichever occurs later. As
33 soon as possible, the Governor shall appoint persons to
34 fill the vacancies created by this amendatory Act. Of the
35 initial commissioners appointed pursuant to this
36 amendatory Act of the 93rd General Assembly, 3 shall be

1 appointed for terms ending on the third Monday in January,
2 2005, and 4 shall be appointed for terms ending on the
3 third Monday in January, 2007.

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

11 The Chairman shall receive an annual salary of \$42,500, or
12 a salary set by the Compensation Review Board, whichever is
13 greater, and each other member shall receive an annual salary
14 of \$38,000, or a salary set by the Compensation Review Board,
15 whichever is greater.

16 In case of a vacancy in the office of a Commissioner during
17 the recess of the Senate, the Governor shall make a temporary
18 appointment until the next meeting of the Senate, when he shall
19 nominate some person to fill such office. Any person so
20 nominated who is confirmed by the Senate shall hold office
21 during the remainder of the term and until his successor is
22 appointed and qualified.

23 The Illinois Workers' Compensation ~~Industrial~~ Commission
24 created by this amendatory Act of 1989 shall succeed to all the
25 rights, powers, duties, obligations, records and other
26 property and employees of the Industrial Commission which it
27 replaces as modified by this amendatory Act of 1989 and all
28 applications and reports to actions and proceedings of such
29 prior Industrial Commission shall be considered as
30 applications and reports to actions and proceedings of the
31 Illinois Workers' Compensation ~~Industrial~~ Commission created
32 by this amendatory Act of 1989.

33 Notwithstanding any other provision of this Act, in the
34 event the Chairman shall make a finding that a member is or
35 will be unavailable to fulfill the responsibilities of his or
36 her office, the Chairman shall advise the Governor and the

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

22 Notwithstanding any other provision of this Act, the
23 Governor shall appoint a special panel of Commissioners
24 comprised of 3 members who shall be chosen by the Governor, by
25 and with the consent of the Senate, from among the current
26 ranks of certified arbitrators. Three members shall hold office
27 until the Commission in consultation with the Governor
28 determines that the caseload on review has been reduced
29 sufficiently to allow cases to proceed in a timely manner or
30 for a term of 18 months from the effective date of their
31 appointment by the Governor, whichever shall be earlier. The 3
32 members shall be considered representative of citizens not
33 identified with either the employing or employee classes and
34 shall serve regardless of political affiliation. Each of the 3
35 members shall have only such rights and powers of a
36 Commissioner necessary to dispose of those cases assigned to

1 the special panel. Each of the 3 members appointed to the
2 special panel shall receive the same salary as other
3 Commissioners for the duration of the panel.

4 The Commission may have an Executive Director; if so, the
5 Executive Director shall be appointed by the Governor with the
6 advice and consent of the Senate. The salary and duties of the
7 Executive Director shall be fixed by the Commission.

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

25 (Source: P.A. 93-509, eff. 8-11-03.)

26 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

27 Sec. 14. The Commission shall appoint a secretary, an
28 assistant secretary, and arbitrators and shall employ such
29 assistants and clerical help as may be necessary.

30 Each arbitrator appointed after November 22, 1977 shall be
31 required to demonstrate in writing and in accordance with the
32 rules and regulations of the Illinois Department of Central
33 Management Services his or her knowledge of and expertise in
34 the law of and judicial processes of the Workers' Compensation
35 Act and the Occupational Diseases Act.

1 A formal training program for newly-hired arbitrators
2 shall be implemented. The training program shall include the
3 following:

4 (a) substantive and procedural aspects of the arbitrator
5 position;

6 (b) current issues in workers' compensation law and
7 practice;

8 (c) medical lectures by specialists in areas such as
9 orthopedics, ophthalmology, psychiatry, rehabilitation
10 counseling;

11 (d) orientation to each operational unit of the Illinois
12 Workers' Compensation ~~Industrial~~ Commission;

13 (e) observation of experienced arbitrators conducting
14 hearings of cases, combined with the opportunity to discuss
15 evidence presented and rulings made;

16 (f) the use of hypothetical cases requiring the trainee to
17 issue judgments as a means to evaluating knowledge and writing
18 ability;

19 (g) writing skills.

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

25 Each arbitrator shall devote full time to his or her duties
26 and shall serve when assigned as an acting Commissioner when a
27 Commissioner is unavailable in accordance with the provisions
28 of Section 13 of this Act. Any arbitrator who is an
29 attorney-at-law shall not engage in the practice of law, nor
30 shall any arbitrator hold any other office or position of
31 profit under the United States or this State or any municipal
32 corporation or political subdivision of this State.
33 Notwithstanding any other provision of this Act to the
34 contrary, an arbitrator who serves as an acting Commissioner in
35 accordance with the provisions of Section 13 of this Act shall
36 continue to serve in the capacity of Commissioner until a

1 decision is reached in every case heard by that arbitrator
2 while serving as an acting Commissioner.

3 Each arbitrator appointed after the effective date of this
4 amendatory Act of 1989 shall be appointed for a term of 6
5 years. Each arbitrator shall be appointed for a subsequent term
6 unless the Chairman makes a recommendation to the Commission,
7 no later than 60 days prior to the expiration of the term, not
8 to reappoint the arbitrator. Notice of such a recommendation
9 shall also be given to the arbitrator no later than 60 days
10 prior to the expiration of the term. Upon such recommendation
11 by the Chairman, the arbitrator shall be appointed for a
12 subsequent term unless 5 of 7 members of the Commission,
13 including the Chairman, vote not to reappoint the arbitrator.

14 All arbitrators shall be subject to the provisions of the
15 Personnel Code, and the performance of all arbitrators shall be
16 reviewed by the Chairman on an annual basis. The Chairman shall
17 allow input from the Commissioners in all such reviews.

18 The Secretary and each arbitrator shall receive a per annum
19 salary of \$4,000 less than the per annum salary of members of
20 The Illinois Workers' Compensation ~~Industrial~~ Commission as
21 provided in Section 13 of this Act, payable in equal monthly
22 installments.

23 The members of the Commission, Arbitrators and other
24 employees whose duties require them to travel, shall have
25 reimbursed to them their actual traveling expenses and
26 disbursements made or incurred by them in the discharge of
27 their official duties while away from their place of residence
28 in the performance of their duties.

29 The Commission shall provide itself with a seal for the
30 authentication of its orders, awards and proceedings upon which
31 shall be inscribed the name of the Commission and the words
32 "Illinois--Seal".

33 The Secretary or Assistant Secretary, under the direction
34 of the Commission, shall have charge and custody of the seal of
35 the Commission and also have charge and custody of all records,
36 files, orders, proceedings, decisions, awards and other

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

12 (Source: P.A. 86-998.)

13 (820 ILCS 305/14.1) (from Ch. 48, par. 138.14-1)

14 Sec. 14.1. There is created a Commission Review Board
15 consisting of the Chairman of the Illinois Workers'
16 Compensation ~~Industrial~~ Commission, the Commissioner with the
17 most seniority who is a representative citizen of the class of
18 employees covered under this Act, the Commissioner with the
19 most seniority who is a representative citizen of the employing
20 class operating under this Act, two Arbitrators, one assigned
21 to hear cases filed in counties with a population of 3,000,000
22 or more and one assigned to hear cases in any other county,
23 both selected by a vote of a majority of the appointed
24 Arbitrators pursuant to an election conducted by the Chairman,
25 and 2 members designated by the Governor who are not
26 commissioners, Arbitrators or employees of the Illinois
27 Workers' Compensation ~~Industrial~~ Commission. Members of the
28 Board shall serve without compensation, but shall be reimbursed
29 for actual expenses incurred. All appointments for the initial
30 terms shall be made and elections concluded by October 1, 1984,
31 with each initial term commencing on October 1, 1984 and
32 extending through February 28, 1987, until the office holder's
33 successor is appointed or elected and qualified. Thereafter
34 each term shall commence on March 1 of each odd-numbered year
35 and extend through March 1 of the next succeeding odd-numbered

1 year, until the office holder's successor is appointed or
2 elected and qualified. The Governor shall certify his
3 appointments, and the Chairman shall certify the results of the
4 elections by the Arbitrators, to the Secretary of the Illinois
5 Workers' Compensation ~~Industrial~~ Commission. A vacancy in the
6 office of a member of the Commission Review Board shall be
7 filled for the remainder of the vacating member's term in the
8 same manner as that in which the member was appointed or
9 elected.

10 The Chairman of the Illinois Workers' Compensation
11 ~~Industrial~~ Commission shall serve as the Chairman of the
12 Commission Review Board. It shall be the duty of the Chairman
13 to compile, audit, and retain complaints registered against
14 Commissioners and Arbitrators. The Chairman shall immediately
15 advise a Commissioner or Arbitrator in writing of the nature of
16 any and all complaints filed against him, preserving the
17 identity of the complainant.

18 At a proceeding before the Commission Review Board, it
19 shall then become the duty of any complainant to testify
20 regarding his or her previously filed complaint, or said
21 complaint shall be considered null and void.

22 The Commission Review Board shall advise any Commissioner
23 or Arbitrator in writing of necessary remedial action to
24 correct any deficiency and shall afford said individual the
25 opportunity to report or respond to a complaint within a
26 prescribed period of time.

27 In matters of serious concern to the State, the Commission
28 Review Board may recommend that the Governor: 1) dismiss any
29 Arbitrator who is found unfit to serve; or 2) not reappoint a
30 Commissioner who it finds unfit to serve. This action shall
31 require a record vote of at least 5 members of the Board. The
32 Governor, in his discretion, may act on the recommendation of
33 the Commission Review Board.

34 (Source: P.A. 83-1125.)

1 Sec. 16a. (A) In the establishment or approval of
2 attorney's fees in relation to claims brought under this Act,
3 the Commission shall be guided by the provisions of this
4 Section and by the legislative intent, hereby declared, to
5 encourage settlement and prompt administrative handling of
6 such claims and thereby reduce expenses to claimants for
7 compensation under this Act.

8 (B) With respect to any and all proceedings in connection
9 with any initial or original claim under this Act, no claim of
10 any attorney for services rendered in connection with the
11 securing of compensation for an employee or his dependents,
12 whether secured by agreement, order, award or a judgment in any
13 court shall exceed 20% of the amount of compensation recovered
14 and paid, unless further fees shall be allowed to the attorney
15 upon a hearing by the Commission fixing fees, and subject to
16 the other provisions of this Section. However, except as
17 hereinafter provided in this Section, in death cases, total
18 disability cases and partial disability cases, the amount of an
19 attorney's fees shall not exceed 20% of the sum which would be
20 due under this Act for 364 weeks of permanent total disability
21 based upon the employee's average gross weekly wage prior to
22 the date of the accident and subject to the maximum weekly
23 benefits provided in this Act unless further fees shall be
24 allowed to the attorney upon a hearing by the Commission fixing
25 fees.

26 (C) All attorneys' fees in connection with the initial or
27 original claim for compensation shall be fixed pursuant to a
28 written contract on forms prescribed by the Commission between
29 the attorney and the employee or his dependents, and every
30 attorney, whether the disposition of the original claim is by
31 agreement, settlement, award, judgment or otherwise, shall
32 file his contract with the Chairman of the Commission who shall
33 approve the contract only if it is in accordance with all
34 provisions of this Section.

35 (D) No attorneys' fees shall be charged with respect to
36 compensation for undisputed medical expenses.

1 (E) No attorneys' fees shall be charged in connection with
2 any temporary total disability compensation unless the payment
3 of such compensation in a timely manner or in the proper amount
4 is refused, or unless such compensation is terminated by the
5 employer and the payment of such compensation is obtained or
6 reinstated by the efforts of the attorney, whether by
7 agreement, settlement, award or judgment.

8 (F) In the following cases in which there is no dispute
9 between the parties as to the liability of the respondent to
10 pay compensation in a timely manner or in the proper amount and
11 there is no dispute that the accident has resulted in:

12 (1) the death of the employee; or

13 (2) a statutory permanent disability; or

14 (3) the amputation of a finger, toe, or member; or

15 (4) the removal of a testicle; or

16 (5) the enucleation of or 100% loss of vision of an eye;

17 the legal fees, if any, for services rendered are to be fixed
18 by the Illinois Workers' Compensation ~~Industrial~~ Commission at
19 a nominal amount, not exceeding \$100.

20 (G) In the following cases in which there is no dispute
21 between the parties as to the liability of the respondent to
22 pay compensation and there is no dispute that the accident has
23 resulted in:

24 (1) a fracture of one or more vertebrae; or

25 (2) a skull fracture; or

26 (3) a fracture of one or more spinous or transverse
27 processes; or

28 (4) a fracture of one or more facial bones; or

29 (5) the removal of a kidney, spleen or lung;

30 the legal fees, if any, for services rendered are to be fixed
31 by the Illinois Workers' Compensation ~~Industrial~~ Commission at
32 a nominal amount, not exceeding \$100, provided that the
33 employee is awarded the minimum amount for the above injuries
34 as specified in Section 8(d)2.

35 (H) With regard to any claim where the amount to be paid
36 for compensation does not exceed the written offer made to the

1 claimant or claimants by the employer or his agent prior to
2 representation by an attorney, no fees shall be paid to any
3 such attorney.

4 (I) All attorneys' fees for representation of an employee
5 or his dependents shall be only recoverable from compensation
6 actually paid to such employee or dependents.

7 (J) Any and all disputes regarding attorneys' fees, whether
8 such disputes relate to which one or more attorneys represents
9 the claimant or claimants or is entitled to the attorneys'
10 fees, or a division of attorneys' fees where the claimant or
11 claimants are or have been represented by more than one
12 attorney, or any other disputes concerning attorneys' fees or
13 contracts for attorneys' fees, shall be heard and determined by
14 the Commission after reasonable notice to all interested
15 parties and attorneys.

16 (K) After reasonable notice and hearing before the
17 Commission, any attorney found to be in violation of any
18 provision of this Section shall be required to make restitution
19 of any excess fees charged plus interest at a reasonable rate
20 as determined by the Commission.

21 (Source: P.A. 84-1438.)

22 (820 ILCS 305/17) (from Ch. 48, par. 138.17)

23 Sec. 17. The Commission shall cause to be printed and
24 furnish free of charge upon request by any employer or employee
25 such blank forms as may facilitate or promote efficient
26 administration and the performance of the duties of the
27 Commission. It shall provide a proper record in which shall be
28 entered and indexed the name of any employer who shall file a
29 notice of declination or withdrawal under this Act, and the
30 date of the filing thereof; and a proper record in which shall
31 be entered and indexed the name of any employee who shall file
32 such notice of declination or withdrawal, and the date of the
33 filing thereof; and such other notices as may be required by
34 this Act; and records in which shall be recorded all
35 proceedings, orders and awards had or made by the Commission or

1 by the arbitration committees, and such other books or records
2 as it shall deem necessary, all such records to be kept in the
3 office of the Commission.

4 The Commission may destroy all papers and documents which
5 have been on file for more than 5 years where there is no claim
6 for compensation pending or where more than 2 years have
7 elapsed since the termination of the compensation period.

8 The Commission shall compile and distribute to interested
9 persons aggregate statistics, taken from any records and
10 reports in the possession of the Commission. The aggregate
11 statistics shall not give the names or otherwise identify
12 persons sustaining injuries or disabilities or the employer of
13 any injured or disabled person.

14 The Commission is authorized to establish reasonable fees
15 and methods of payment limited to covering only the costs to
16 the Commission for processing, maintaining and generating
17 records or data necessary for the computerized production of
18 documents, records and other materials except to the extent of
19 any salaries or compensation of Commission officers or
20 employees.

21 All fees collected by the Commission under this Section
22 shall be deposited in the Statistical Services Revolving Fund
23 and credited to the account of the Illinois Workers'
24 Compensation Industrial ~~Industrial~~ Commission.

25 (Source: P.A. 83-489.)

26 (820 ILCS 305/19) (from Ch. 48, par. 138.19)

27 Sec. 19. Any disputed questions of law or fact shall be
28 determined as herein provided.

29 (a) It shall be the duty of the Commission upon
30 notification that the parties have failed to reach an
31 agreement, to designate an Arbitrator.

32 1. Whenever any claimant misconceives his remedy and
33 files an application for adjustment of claim under this Act
34 and it is subsequently discovered, at any time before final
35 disposition of such cause, that the claim for disability or

1 death which was the basis for such application should
2 properly have been made under the Workers' Occupational
3 Diseases Act, then the provisions of Section 19, paragraph
4 (a-1) of the Workers' Occupational Diseases Act having
5 reference to such application shall apply.

6 2. Whenever any claimant misconceives his remedy and
7 files an application for adjustment of claim under the
8 Workers' Occupational Diseases Act and it is subsequently
9 discovered, at any time before final disposition of such
10 cause that the claim for injury or death which was the
11 basis for such application should properly have been made
12 under this Act, then the application so filed under the
13 Workers' Occupational Diseases Act may be amended in form,
14 substance or both to assert claim for such disability or
15 death under this Act and it shall be deemed to have been so
16 filed as amended on the date of the original filing
17 thereof, and such compensation may be awarded as is
18 warranted by the whole evidence pursuant to this Act. When
19 such amendment is submitted, further or additional
20 evidence may be heard by the Arbitrator or Commission when
21 deemed necessary. Nothing in this Section contained shall
22 be construed to be or permit a waiver of any provisions of
23 this Act with reference to notice but notice if given shall
24 be deemed to be a notice under the provisions of this Act
25 if given within the time required herein.

26 (b) The Arbitrator shall make such inquiries and
27 investigations as he or they shall deem necessary and may
28 examine and inspect all books, papers, records, places, or
29 premises relating to the questions in dispute and hear such
30 proper evidence as the parties may submit.

31 The hearings before the Arbitrator shall be held in the
32 vicinity where the injury occurred after 10 days' notice of the
33 time and place of such hearing shall have been given to each of
34 the parties or their attorneys of record.

35 The Arbitrator may find that the disabling condition is
36 temporary and has not yet reached a permanent condition and may

1 order the payment of compensation up to the date of the
2 hearing, which award shall be reviewable and enforceable in the
3 same manner as other awards, and in no instance be a bar to a
4 further hearing and determination of a further amount of
5 temporary total compensation or of compensation for permanent
6 disability, but shall be conclusive as to all other questions
7 except the nature and extent of said disability.

8 The decision of the Arbitrator shall be filed with the
9 Commission which Commission shall immediately send to each
10 party or his attorney a copy of such decision, together with a
11 notification of the time when it was filed. Beginning January
12 1, 1981, all decisions of the Arbitrator shall set forth in
13 writing findings of fact and conclusions of law, separately
14 stated. Unless a petition for review is filed by either party
15 within 30 days after the receipt by such party of the copy of
16 the decision and notification of time when filed, and unless
17 such party petitioning for a review shall within 35 days after
18 the receipt by him of the copy of the decision, file with the
19 Commission either an agreed statement of the facts appearing
20 upon the hearing before the Arbitrator, or if such party shall
21 so elect a correct transcript of evidence of the proceedings at
22 such hearings, then the decision shall become the decision of
23 the Commission and in the absence of fraud shall be conclusive.
24 The Petition for Review shall contain a statement of the
25 petitioning party's specific exceptions to the decision of the
26 arbitrator. The jurisdiction of the Commission to review the
27 decision of the arbitrator shall not be limited to the
28 exceptions stated in the Petition for Review. The Commission,
29 or any member thereof, may grant further time not exceeding 30
30 days, in which to file such agreed statement or transcript of
31 evidence. Such agreed statement of facts or correct transcript
32 of evidence, as the case may be, shall be authenticated by the
33 signatures of the parties or their attorneys, and in the event
34 they do not agree as to the correctness of the transcript of
35 evidence it shall be authenticated by the signature of the
36 Arbitrator designated by the Commission.

1 (b-1) If the employee is not receiving medical, surgical or
2 hospital services as provided in paragraph (a) of Section 8 or
3 compensation as provided in paragraph (b) of Section 8, the
4 employee, in accordance with Commission Rules, may file a
5 petition for an emergency hearing by an Arbitrator on the issue
6 of whether or not he is entitled to receive payment of such
7 compensation or services as provided therein. Such petition
8 shall have priority over all other petitions and shall be heard
9 by the Arbitrator and Commission with all convenient speed.

10 Such petition shall contain the following information and
11 shall be served on the employer at least 15 days before it is
12 filed:

13 (i) the date and approximate time of accident;

14 (ii) the approximate location of the accident;

15 (iii) a description of the accident;

16 (iv) the nature of the injury incurred by the employee;

17 (v) the identity of the person, if known, to whom the
18 accident was reported and the date on which it was
19 reported;

20 (vi) the name and title of the person, if known,
21 representing the employer with whom the employee conferred
22 in any effort to obtain compensation pursuant to paragraph
23 (b) of Section 8 of this Act or medical, surgical or
24 hospital services pursuant to paragraph (a) of Section 8 of
25 this Act and the date of such conference;

26 (vii) a statement that the employer has refused to pay
27 compensation pursuant to paragraph (b) of Section 8 of this
28 Act or for medical, surgical or hospital services pursuant
29 to paragraph (a) of Section 8 of this Act;

30 (viii) the name and address, if known, of each witness
31 to the accident and of each other person upon whom the
32 employee will rely to support his allegations;

33 (ix) the dates of treatment related to the accident by
34 medical practitioners, and the names and addresses of such
35 practitioners, including the dates of treatment related to
36 the accident at any hospitals and the names and addresses

1 of such hospitals, and a signed authorization permitting
2 the employer to examine all medical records of all
3 practitioners and hospitals named pursuant to this
4 paragraph;

5 (x) a copy of a signed report by a medical
6 practitioner, relating to the employee's current inability
7 to return to work because of the injuries incurred as a
8 result of the accident or such other documents or
9 affidavits which show that the employee is entitled to
10 receive compensation pursuant to paragraph (b) of Section 8
11 of this Act or medical, surgical or hospital services
12 pursuant to paragraph (a) of Section 8 of this Act. Such
13 reports, documents or affidavits shall state, if possible,
14 the history of the accident given by the employee, and
15 describe the injury and medical diagnosis, the medical
16 services for such injury which the employee has received
17 and is receiving, the physical activities which the
18 employee cannot currently perform as a result of any
19 impairment or disability due to such injury, and the
20 prognosis for recovery;

21 (xi) complete copies of any reports, records,
22 documents and affidavits in the possession of the employee
23 on which the employee will rely to support his allegations,
24 provided that the employer shall pay the reasonable cost of
25 reproduction thereof;

26 (xii) a list of any reports, records, documents and
27 affidavits which the employee has demanded by subpoena and
28 on which he intends to rely to support his allegations;

29 (xiii) a certification signed by the employee or his
30 representative that the employer has received the petition
31 with the required information 15 days before filing.

32 Fifteen days after receipt by the employer of the petition
33 with the required information the employee may file said
34 petition and required information and shall serve notice of the
35 filing upon the employer. The employer may file a motion
36 addressed to the sufficiency of the petition. If an objection

1 has been filed to the sufficiency of the petition, the
2 arbitrator shall rule on the objection within 2 working days.
3 If such an objection is filed, the time for filing the final
4 decision of the Commission as provided in this paragraph shall
5 be tolled until the arbitrator has determined that the petition
6 is sufficient.

7 The employer shall, within 15 days after receipt of the
8 notice that such petition is filed, file with the Commission
9 and serve on the employee or his representative a written
10 response to each claim set forth in the petition, including the
11 legal and factual basis for each disputed allegation and the
12 following information: (i) complete copies of any reports,
13 records, documents and affidavits in the possession of the
14 employer on which the employer intends to rely in support of
15 his response, (ii) a list of any reports, records, documents
16 and affidavits which the employer has demanded by subpoena and
17 on which the employer intends to rely in support of his
18 response, (iii) the name and address of each witness on whom
19 the employer will rely to support his response, and (iv) the
20 names and addresses of any medical practitioners selected by
21 the employer pursuant to Section 12 of this Act and the time
22 and place of any examination scheduled to be made pursuant to
23 such Section.

24 Any employer who does not timely file and serve a written
25 response without good cause may not introduce any evidence to
26 dispute any claim of the employee but may cross examine the
27 employee or any witness brought by the employee and otherwise
28 be heard.

29 No document or other evidence not previously identified by
30 either party with the petition or written response, or by any
31 other means before the hearing, may be introduced into evidence
32 without good cause. If, at the hearing, material information is
33 discovered which was not previously disclosed, the Arbitrator
34 may extend the time for closing proof on the motion of a party
35 for a reasonable period of time which may be more than 30 days.
36 No evidence may be introduced pursuant to this paragraph as to

1 permanent disability. No award may be entered for permanent
2 disability pursuant to this paragraph. Either party may
3 introduce into evidence the testimony taken by deposition of
4 any medical practitioner.

5 The Commission shall adopt rules, regulations and
6 procedures whereby the final decision of the Commission is
7 filed not later than 90 days from the date the petition for
8 review is filed but in no event later than 180 days from the
9 date the petition for an emergency hearing is filed with the
10 Illinois Workers' Compensation ~~Industrial~~ Commission.

11 All service required pursuant to this paragraph (b-1) must
12 be by personal service or by certified mail and with evidence
13 of receipt. In addition for the purposes of this paragraph, all
14 service on the employer must be at the premises where the
15 accident occurred if the premises are owned or operated by the
16 employer. Otherwise service must be at the employee's principal
17 place of employment by the employer. If service on the employer
18 is not possible at either of the above, then service shall be
19 at the employer's principal place of business. After initial
20 service in each case, service shall be made on the employer's
21 attorney or designated representative.

22 (c) (1) At a reasonable time in advance of and in
23 connection with the hearing under Section 19(e) or 19(h), the
24 Commission may on its own motion order an impartial physical or
25 mental examination of a petitioner whose mental or physical
26 condition is in issue, when in the Commission's discretion it
27 appears that such an examination will materially aid in the
28 just determination of the case. The examination shall be made
29 by a member or members of a panel of physicians chosen for
30 their special qualifications by the Illinois State Medical
31 Society. The Commission shall establish procedures by which a
32 physician shall be selected from such list.

33 (2) Should the Commission at any time during the hearing
34 find that compelling considerations make it advisable to have
35 an examination and report at that time, the commission may in
36 its discretion so order.

1 (3) A copy of the report of examination shall be given to
2 the Commission and to the attorneys for the parties.

3 (4) Either party or the Commission may call the examining
4 physician or physicians to testify. Any physician so called
5 shall be subject to cross-examination.

6 (5) The examination shall be made, and the physician or
7 physicians, if called, shall testify, without cost to the
8 parties. The Commission shall determine the compensation and
9 the pay of the physician or physicians. The compensation for
10 this service shall not exceed the usual and customary amount
11 for such service.

12 (6) The fees and payment thereof of all attorneys and
13 physicians for services authorized by the Commission under this
14 Act shall, upon request of either the employer or the employee
15 or the beneficiary affected, be subject to the review and
16 decision of the Commission.

17 (d) If any employee shall persist in insanitary or
18 injurious practices which tend to either imperil or retard his
19 recovery or shall refuse to submit to such medical, surgical,
20 or hospital treatment as is reasonably essential to promote his
21 recovery, the Commission may, in its discretion, reduce or
22 suspend the compensation of any such injured employee. However,
23 when an employer and employee so agree in writing, the
24 foregoing provision shall not be construed to authorize the
25 reduction or suspension of compensation of an employee who is
26 relying in good faith, on treatment by prayer or spiritual
27 means alone, in accordance with the tenets and practice of a
28 recognized church or religious denomination, by a duly
29 accredited practitioner thereof.

30 (e) This paragraph shall apply to all hearings before the
31 Commission. Such hearings may be held in its office or
32 elsewhere as the Commission may deem advisable. The taking of
33 testimony on such hearings may be had before any member of the
34 Commission. If a petition for review and agreed statement of
35 facts or transcript of evidence is filed, as provided herein,
36 the Commission shall promptly review the decision of the

1 Arbitrator and all questions of law or fact which appear from
2 the statement of facts or transcript of evidence.

3 In all cases in which the hearing before the arbitrator is
4 held after December 18, 1989, no additional evidence shall be
5 introduced by the parties before the Commission on review of
6 the decision of the Arbitrator. In reviewing decisions of an
7 arbitrator the Commission shall award such temporary
8 compensation, permanent compensation and other payments as are
9 due under this Act. The Commission shall file in its office its
10 decision thereon, and shall immediately send to each party or
11 his attorney a copy of such decision and a notification of the
12 time when it was filed. Decisions shall be filed within 60 days
13 after the Statement of Exceptions and Supporting Brief and
14 Response thereto are required to be filed or oral argument
15 whichever is later.

16 In the event either party requests oral argument, such
17 argument shall be had before a panel of 3 members of the
18 Commission (or before all available members pursuant to the
19 determination of 5 members of the Commission that such argument
20 be held before all available members of the Commission)
21 pursuant to the rules and regulations of the Commission. A
22 panel of 3 members, which shall be comprised of not more than
23 one representative citizen of the employing class and not more
24 than one representative citizen of the employee class, shall
25 hear the argument; provided that if all the issues in dispute
26 are solely the nature and extent of the permanent partial
27 disability, if any, a majority of the panel may deny the
28 request for such argument and such argument shall not be held;
29 and provided further that 5 members of the Commission may
30 determine that the argument be held before all available
31 members of the Commission. A decision of the Commission shall
32 be approved by a majority of Commissioners present at such
33 hearing if any; provided, if no such hearing is held, a
34 decision of the Commission shall be approved by a majority of a
35 panel of 3 members of the Commission as described in this
36 Section. The Commission shall give 10 days' notice to the

1 parties or their attorneys of the time and place of such taking
2 of testimony and of such argument.

3 In any case the Commission in its decision may find
4 specially upon any question or questions of law or fact which
5 shall be submitted in writing by either party whether ultimate
6 or otherwise; provided that on issues other than nature and
7 extent of the disability, if any, the Commission in its
8 decision shall find specially upon any question or questions of
9 law or fact, whether ultimate or otherwise, which are submitted
10 in writing by either party; provided further that not more than
11 5 such questions may be submitted by either party. Any party
12 may, within 20 days after receipt of notice of the Commission's
13 decision, or within such further time, not exceeding 30 days,
14 as the Commission may grant, file with the Commission either an
15 agreed statement of the facts appearing upon the hearing, or,
16 if such party shall so elect, a correct transcript of evidence
17 of the additional proceedings presented before the Commission,
18 in which report the party may embody a correct statement of
19 such other proceedings in the case as such party may desire to
20 have reviewed, such statement of facts or transcript of
21 evidence to be authenticated by the signature of the parties or
22 their attorneys, and in the event that they do not agree, then
23 the authentication of such transcript of evidence shall be by
24 the signature of any member of the Commission.

25 If a reporter does not for any reason furnish a transcript
26 of the proceedings before the Arbitrator in any case for use on
27 a hearing for review before the Commission, within the
28 limitations of time as fixed in this Section, the Commission
29 may, in its discretion, order a trial de novo before the
30 Commission in such case upon application of either party. The
31 applications for adjustment of claim and other documents in the
32 nature of pleadings filed by either party, together with the
33 decisions of the Arbitrator and of the Commission and the
34 statement of facts or transcript of evidence hereinbefore
35 provided for in paragraphs (b) and (c) shall be the record of
36 the proceedings of the Commission, and shall be subject to

1 review as hereinafter provided.

2 At the request of either party or on its own motion, the
3 Commission shall set forth in writing the reasons for the
4 decision, including findings of fact and conclusions of law
5 separately stated. The Commission shall by rule adopt a format
6 for written decisions for the Commission and arbitrators. The
7 written decisions shall be concise and shall succinctly state
8 the facts and reasons for the decision. The Commission may
9 adopt in whole or in part, the decision of the arbitrator as
10 the decision of the Commission. When the Commission does so
11 adopt the decision of the arbitrator, it shall do so by order.
12 Whenever the Commission adopts part of the arbitrator's
13 decision, but not all, it shall include in the order the
14 reasons for not adopting all of the arbitrator's decision. When
15 a majority of a panel, after deliberation, has arrived at its
16 decision, the decision shall be filed as provided in this
17 Section without unnecessary delay, and without regard to the
18 fact that a member of the panel has expressed an intention to
19 dissent. Any member of the panel may file a dissent. Any
20 dissent shall be filed no later than 10 days after the decision
21 of the majority has been filed.

22 Decisions rendered by the Commission and dissents, if any,
23 shall be published together by the Commission. The conclusions
24 of law set out in such decisions shall be regarded as
25 precedents by arbitrators for the purpose of achieving a more
26 uniform administration of this Act.

27 (f) The decision of the Commission acting within its
28 powers, according to the provisions of paragraph (e) of this
29 Section shall, in the absence of fraud, be conclusive unless
30 reviewed as in this paragraph hereinafter provided. However,
31 the Arbitrator or the Commission may on his or its own motion,
32 or on the motion of either party, correct any clerical error or
33 errors in computation within 15 days after the date of receipt
34 of any award by such Arbitrator or any decision on review of
35 the Commission and shall have the power to recall the original
36 award on arbitration or decision on review, and issue in lieu

1 thereof such corrected award or decision. Where such correction
2 is made the time for review herein specified shall begin to run
3 from the date of the receipt of the corrected award or
4 decision.

5 (1) Except in cases of claims against the State of
6 Illinois, in which case the decision of the Commission
7 shall not be subject to judicial review, the Circuit Court
8 of the county where any of the parties defendant may be
9 found, or if none of the parties defendant can be found in
10 this State then the Circuit Court of the county where the
11 accident occurred, shall by summons to the Commission have
12 power to review all questions of law and fact presented by
13 such record.

14 A proceeding for review shall be commenced within 20
15 days of the receipt of notice of the decision of the
16 Commission. The summons shall be issued by the clerk of
17 such court upon written request returnable on a designated
18 return day, not less than 10 or more than 60 days from the
19 date of issuance thereof, and the written request shall
20 contain the last known address of other parties in interest
21 and their attorneys of record who are to be served by
22 summons. Service upon any member of the Commission or the
23 Secretary or the Assistant Secretary thereof shall be
24 service upon the Commission, and service upon other parties
25 in interest and their attorneys of record shall be by
26 summons, and such service shall be made upon the Commission
27 and other parties in interest by mailing notices of the
28 commencement of the proceedings and the return day of the
29 summons to the office of the Commission and to the last
30 known place of residence of other parties in interest or
31 their attorney or attorneys of record. The clerk of the
32 court issuing the summons shall on the day of issue mail
33 notice of the commencement of the proceedings which shall
34 be done by mailing a copy of the summons to the office of
35 the Commission, and a copy of the summons to the other
36 parties in interest or their attorney or attorneys of

1 record and the clerk of the court shall make certificate
2 that he has so sent said notices in pursuance of this
3 Section, which shall be evidence of service on the
4 Commission and other parties in interest.

5 The Commission shall not be required to certify the
6 record of their proceedings to the Circuit Court, unless
7 the party commencing the proceedings for review in the
8 Circuit Court as above provided, shall pay to the
9 Commission the sum of 80¢ per page of testimony taken
10 before the Commission, and 35¢ per page of all other
11 matters contained in such record, except as otherwise
12 provided by Section 20 of this Act. Payment for photostatic
13 copies of exhibit shall be extra. It shall be the duty of
14 the Commission upon such payment, or failure to pay as
15 permitted under Section 20 of this Act, to prepare a true
16 and correct typewritten copy of such testimony and a true
17 and correct copy of all other matters contained in such
18 record and certified to by the Secretary or Assistant
19 Secretary thereof.

20 In its decision on review the Commission shall
21 determine in each particular case the amount of the
22 probable cost of the record to be filed as a part of the
23 summons in that case and no request for a summons may be
24 filed and no summons shall issue unless the party seeking
25 to review the decision of the Commission shall exhibit to
26 the clerk of the Circuit Court proof of payment by filing a
27 receipt showing payment or an affidavit of the attorney
28 setting forth that payment has been made of the sums so
29 determined to the Secretary or Assistant Secretary of the
30 Commission, except as otherwise provided by Section 20 of
31 this Act.

32 (2) No such summons shall issue unless the one against
33 whom the Commission shall have rendered an award for the
34 payment of money shall upon the filing of his written
35 request for such summons file with the clerk of the court a
36 bond conditioned that if he shall not successfully

1 prosecute the review, he will pay the award and the costs
2 of the proceedings in the courts. The amount of the bond
3 shall be fixed by any member of the Commission and the
4 surety or sureties of the bond shall be approved by the
5 clerk of the court. The acceptance of the bond by the clerk
6 of the court shall constitute evidence of his approval of
7 the bond.

8 Every county, city, town, township, incorporated
9 village, school district, body politic or municipal
10 corporation against whom the Commission shall have
11 rendered an award for the payment of money shall not be
12 required to file a bond to secure the payment of the award
13 and the costs of the proceedings in the court to authorize
14 the court to issue such summons.

15 The court may confirm or set aside the decision of the
16 Commission. If the decision is set aside and the facts
17 found in the proceedings before the Commission are
18 sufficient, the court may enter such decision as is
19 justified by law, or may remand the cause to the Commission
20 for further proceedings and may state the questions
21 requiring further hearing, and give such other
22 instructions as may be proper. Appeals shall be taken to
23 the ~~Industrial Commission Division of the~~ Appellate Court
24 in accordance with Supreme Court Rules 22(g) and 303.
25 Appeals shall be taken from the ~~Industrial Commission~~
26 ~~Division of the~~ Appellate Court to the Supreme Court in
27 accordance with Supreme Court Rule 315.

28 It shall be the duty of the clerk of any court
29 rendering a decision affecting or affirming an award of the
30 Commission to promptly furnish the Commission with a copy
31 of such decision, without charge.

32 The decision of a majority of the members of the panel
33 of the Commission, shall be considered the decision of the
34 Commission.

35 (g) Except in the case of a claim against the State of
36 Illinois, either party may present a certified copy of the

1 award of the Arbitrator, or a certified copy of the decision of
2 the Commission when the same has become final, when no
3 proceedings for review are pending, providing for the payment
4 of compensation according to this Act, to the Circuit Court of
5 the county in which such accident occurred or either of the
6 parties are residents, whereupon the court shall enter a
7 judgment in accordance therewith. In a case where the employer
8 refuses to pay compensation according to such final award or
9 such final decision upon which such judgment is entered the
10 court shall in entering judgment thereon, tax as costs against
11 him the reasonable costs and attorney fees in the arbitration
12 proceedings and in the court entering the judgment for the
13 person in whose favor the judgment is entered, which judgment
14 and costs taxed as therein provided shall, until and unless set
15 aside, have the same effect as though duly entered in an action
16 duly tried and determined by the court, and shall with like
17 effect, be entered and docketed. The Circuit Court shall have
18 power at any time upon application to make any such judgment
19 conform to any modification required by any subsequent decision
20 of the Supreme Court upon appeal, or as the result of any
21 subsequent proceedings for review, as provided in this Act.

22 Judgment shall not be entered until 15 days' notice of the
23 time and place of the application for the entry of judgment
24 shall be served upon the employer by filing such notice with
25 the Commission, which Commission shall, in case it has on file
26 the address of the employer or the name and address of its
27 agent upon whom notices may be served, immediately send a copy
28 of the notice to the employer or such designated agent.

29 (h) An agreement or award under this Act providing for
30 compensation in installments, may at any time within 18 months
31 after such agreement or award be reviewed by the Commission at
32 the request of either the employer or the employee, on the
33 ground that the disability of the employee has subsequently
34 recurred, increased, diminished or ended.

35 However, as to accidents occurring subsequent to July 1,
36 1955, which are covered by any agreement or award under this

1 Act providing for compensation in installments made as a result
2 of such accident, such agreement or award may at any time
3 within 30 months after such agreement or award be reviewed by
4 the Commission at the request of either the employer or the
5 employee on the ground that the disability of the employee has
6 subsequently recurred, increased, diminished or ended.

7 On such review, compensation payments may be
8 re-established, increased, diminished or ended. The Commission
9 shall give 15 days' notice to the parties of the hearing for
10 review. Any employee, upon any petition for such review being
11 filed by the employer, shall be entitled to one day's notice
12 for each 100 miles necessary to be traveled by him in attending
13 the hearing of the Commission upon the petition, and 3 days in
14 addition thereto. Such employee shall, at the discretion of the
15 Commission, also be entitled to 5 cents per mile necessarily
16 traveled by him within the State of Illinois in attending such
17 hearing, not to exceed a distance of 300 miles, to be taxed by
18 the Commission as costs and deposited with the petition of the
19 employer.

20 When compensation which is payable in accordance with an
21 award or settlement contract approved by the Commission, is
22 ordered paid in a lump sum by the Commission, no review shall
23 be had as in this paragraph mentioned.

24 (i) Each party, upon taking any proceedings or steps
25 whatsoever before any Arbitrator, Commission or court, shall
26 file with the Commission his address, or the name and address
27 of any agent upon whom all notices to be given to such party
28 shall be served, either personally or by registered mail,
29 addressed to such party or agent at the last address so filed
30 with the Commission. In the event such party has not filed his
31 address, or the name and address of an agent as above provided,
32 service of any notice may be had by filing such notice with the
33 Commission.

34 (j) Whenever in any proceeding testimony has been taken or
35 a final decision has been rendered and after the taking of such
36 testimony or after such decision has become final, the injured

1 employee dies, then in any subsequent proceedings brought by
2 the personal representative or beneficiaries of the deceased
3 employee, such testimony in the former proceeding may be
4 introduced with the same force and effect as though the witness
5 having so testified were present in person in such subsequent
6 proceedings and such final decision, if any, shall be taken as
7 final adjudication of any of the issues which are the same in
8 both proceedings.

9 (k) In case where there has been any unreasonable or
10 vexatious delay of payment or intentional underpayment of
11 compensation, or proceedings have been instituted or carried on
12 by the one liable to pay the compensation, which do not present
13 a real controversy, but are merely frivolous or for delay, then
14 the Commission may award compensation additional to that
15 otherwise payable under this Act equal to 50% of the amount
16 payable at the time of such award. Failure to pay compensation
17 in accordance with the provisions of Section 8, paragraph (b)
18 of this Act, shall be considered unreasonable delay.

19 (l) In case the employer or his insurance carrier shall
20 without good and just cause fail, neglect, refuse or
21 unreasonably delay the payment of weekly compensation benefits
22 due to an injured employee during the period of temporary total
23 disability the arbitrator or the Commission shall allow to the
24 employee additional compensation in the sum of \$10 per day for
25 each day that a weekly compensation payment has been so
26 withheld or refused, provided that such additional
27 compensation shall not exceed the sum of \$2,500. A delay in
28 payment of 14 days or more shall create a rebuttable
29 presumption of unreasonable delay.

30 (m) If the commission finds that an accidental injury was
31 directly and proximately caused by the employer's wilful
32 violation of a health and safety standard under the Health and
33 Safety Act in force at the time of the accident, the arbitrator
34 or the Commission shall allow to the injured employee or his
35 dependents, as the case may be, additional compensation equal
36 to 25% of the amount which otherwise would be payable under the

1 provisions of this Act exclusive of this paragraph. The
2 additional compensation herein provided shall be allowed by an
3 appropriate increase in the applicable weekly compensation
4 rate.

5 (n) After June 30, 1984, decisions of the Illinois Workers'
6 Compensation ~~Industrial~~ Commission reviewing an award of an
7 arbitrator of the Commission shall draw interest at a rate
8 equal to the yield on indebtedness issued by the United States
9 Government with a 26-week maturity next previously auctioned on
10 the day on which the decision is filed. Said rate of interest
11 shall be set forth in the Arbitrator's Decision. Interest shall
12 be drawn from the date of the arbitrator's award on all accrued
13 compensation due the employee through the day prior to the date
14 of payments. However, when an employee appeals an award of an
15 Arbitrator or the Commission, and the appeal results in no
16 change or a decrease in the award, interest shall not further
17 accrue from the date of such appeal.

18 The employer or his insurance carrier may tender the
19 payments due under the award to stop the further accrual of
20 interest on such award notwithstanding the prosecution by
21 either party of review, certiorari, appeal to the Supreme Court
22 or other steps to reverse, vacate or modify the award.

23 (o) By the 15th day of each month each insurer providing
24 coverage for losses under this Act shall notify each insured
25 employer of any compensable claim incurred during the preceding
26 month and the amounts paid or reserved on the claim including a
27 summary of the claim and a brief statement of the reasons for
28 compensability. A cumulative report of all claims incurred
29 during a calendar year or continued from the previous year
30 shall be furnished to the insured employer by the insurer
31 within 30 days after the end of that calendar year.

32 The insured employer may challenge, in proceeding before
33 the Commission, payments made by the insurer without
34 arbitration and payments made after a case is determined to be
35 noncompensable. If the Commission finds that the case was not
36 compensable, the insurer shall purge its records as to that

1 employer of any loss or expense associated with the claim,
2 reimburse the employer for attorneys' fees arising from the
3 challenge and for any payment required of the employer to the
4 Rate Adjustment Fund or the Second Injury Fund, and may not
5 reflect the loss or expense for rate making purposes. The
6 employee shall not be required to refund the challenged
7 payment. The decision of the Commission may be reviewed in the
8 same manner as in arbitrated cases. No challenge may be
9 initiated under this paragraph more than 3 years after the
10 payment is made. An employer may waive the right of challenge
11 under this paragraph on a case by case basis.

12 (p) After filing an application for adjustment of claim but
13 prior to the hearing on arbitration the parties may voluntarily
14 agree to submit such application for adjustment of claim for
15 decision by an arbitrator under this subsection (p) where such
16 application for adjustment of claim raises only a dispute over
17 temporary total disability, permanent partial disability or
18 medical expenses. Such agreement shall be in writing in such
19 form as provided by the Commission. Applications for adjustment
20 of claim submitted for decision by an arbitrator under this
21 subsection (p) shall proceed according to rule as established
22 by the Commission. The Commission shall promulgate rules
23 including, but not limited to, rules to ensure that the parties
24 are adequately informed of their rights under this subsection
25 (p) and of the voluntary nature of proceedings under this
26 subsection (p). The findings of fact made by an arbitrator
27 acting within his or her powers under this subsection (p) in
28 the absence of fraud shall be conclusive. However, the
29 arbitrator may on his own motion, or the motion of either
30 party, correct any clerical errors or errors in computation
31 within 15 days after the date of receipt of such award of the
32 arbitrator and shall have the power to recall the original
33 award on arbitration, and issue in lieu thereof such corrected
34 award. The decision of the arbitrator under this subsection (p)
35 shall be considered the decision of the Commission and
36 proceedings for review of questions of law arising from the

1 decision may be commenced by either party pursuant to
2 subsection (f) of Section 19. The Advisory Board established
3 under Section 13.1 shall compile a list of certified Commission
4 arbitrators, each of whom shall be approved by at least 7
5 members of the Advisory Board. The chairman shall select 5
6 persons from such list to serve as arbitrators under this
7 subsection (p). By agreement, the parties shall select one
8 arbitrator from among the 5 persons selected by the chairman
9 except that if the parties do not agree on an arbitrator from
10 among the 5 persons, the parties may, by agreement, select an
11 arbitrator of the American Arbitration Association, whose fee
12 shall be paid by the State in accordance with rules promulgated
13 by the Commission. Arbitration under this subsection (p) shall
14 be voluntary.

15 (Source: P.A. 86-998; 87-435; 87-799.)

16 (820 ILCS 305/23) (from Ch. 48, par. 138.23)

17 Sec. 23. No employee, personal representative, or
18 beneficiary shall have power to waive any of the provisions of
19 this Act in regard to the amount of compensation which may be
20 payable to such employee, personal representative or
21 beneficiary hereunder except after approval by the Commission
22 and any employer, individually or by his agent, service company
23 or insurance carrier who shall enter into any payment
24 purporting to compromise or settle the compensation rights of
25 an employee, personal representative or beneficiary without
26 first obtaining the approval of the Illinois Workers'
27 Compensation ~~Industrial~~ Commission as aforesaid shall be
28 barred from raising the defense of limitation in any
29 proceedings subsequently brought by such employee, personal
30 representative or beneficiary.

31 A minor death beneficiary, by parent or grandparent as next
32 friend, may compromise disputes and may enter into and submit a
33 settlement contract or lump sum petition, and upon approval by
34 the Commission such settlement contract or lump sum order shall
35 have the same force and effect as though such minor had been an

1 adult.

2 (Source: P.A. 79-79.)

3 (820 ILCS 305/26) (from Ch. 48, par. 138.26)

4 Sec. 26. Any wilful neglect, refusal or failure to do the
5 things required to be done by any section, clause or provision
6 of this Act, on the part of the persons herein required to do
7 them, or any violation of any of the provisions or requirements
8 hereof, or any attempt to obstruct or interfere with any court
9 officer, or any other person charged with the duty of
10 administering or enforcing this Act, is a petty offense.

11 The Attorney General and the State's Attorney of each
12 county, upon the request of the Illinois Workers' Compensation
13 ~~Industrial~~ Commission, shall enforce any penalties set forth in
14 this Act.

15 (Source: P. A. 78-255.)

16 Section 75. The Workers' Occupational Diseases Act is
17 amended by changing Sections 1, 2, 3, 4, 6, 13, 17, 19, 23, and
18 26 as follows:

19 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

20 Sec. 1. This Act shall be known and may be cited as the
21 "Workers' Occupational Diseases Act".

22 (a) The term "employer" as used in this Act shall be
23 construed to be:

24 1. The State and each county, city, town, township,
25 incorporated village, school district, body politic, or
26 municipal corporation therein.

27 2. Every person, firm, public or private corporation,
28 including hospitals, public service, eleemosynary, religious
29 or charitable corporations or associations, who has any person
30 in service or under any contract for hire, express or implied,
31 oral or written.

32 3. Where an employer operating under and subject to the
33 provisions of this Act loans an employee to another such

1 employer and such loaned employee sustains a compensable
2 occupational disease in the employment of such borrowing
3 employer and where such borrowing employer does not provide or
4 pay the benefits or payments due such employee, such loaning
5 employer shall be liable to provide or pay all benefits or
6 payments due such employee under this Act and as to such
7 employee the liability of such loaning and borrowing employers
8 shall be joint and several, provided that such loaning employer
9 shall in the absence of agreement to the contrary be entitled
10 to receive from such borrowing employer full reimbursement for
11 all sums paid or incurred pursuant to this paragraph together
12 with reasonable attorneys' fees and expenses in any hearings
13 before the Illinois Workers' Compensation ~~Industrial~~
14 Commission or in any action to secure such reimbursement. Where
15 any benefit is provided or paid by such loaning employer, the
16 employee shall have the duty of rendering reasonable
17 co-operation in any hearings, trials or proceedings in the
18 case, including such proceedings for reimbursement.

19 Where an employee files an Application for Adjustment of
20 Claim with the Illinois Workers' Compensation ~~Industrial~~
21 Commission alleging that his or her claim is covered by the
22 provisions of the preceding paragraph, and joining both the
23 alleged loaning and borrowing employers, they and each of them,
24 upon written demand by the employee and within 7 days after
25 receipt of such demand, shall have the duty of filing with the
26 Illinois Workers' Compensation ~~Industrial~~ Commission a written
27 admission or denial of the allegation that the claim is covered
28 by the provisions of the preceding paragraph and in default of
29 such filing or if any such denial be ultimately determined not
30 to have been bona fide then the provisions of Paragraph K of
31 Section 19 of this Act shall apply.

32 An employer whose business or enterprise or a substantial
33 part thereof consists of hiring, procuring or furnishing
34 employees to or for other employers operating under and subject
35 to the provisions of this Act for the performance of the work
36 of such other employers and who pays such employees their

1 salary or wage notwithstanding that they are doing the work of
2 such other employers shall be deemed a loaning employer within
3 the meaning and provisions of this Section.

4 (b) The term "employee" as used in this Act, shall be
5 construed to mean:

6 1. Every person in the service of the State, county, city,
7 town, township, incorporated village or school district, body
8 politic or municipal corporation therein, whether by election,
9 appointment or contract of hire, express or implied, oral or
10 written, including any official of the State, or of any county,
11 city, town, township, incorporated village, school district,
12 body politic or municipal corporation therein and except any
13 duly appointed member of the fire department in any city whose
14 population exceeds 500,000 according to the last Federal or
15 State census, and except any member of a fire insurance patrol
16 maintained by a board of underwriters in this State. One
17 employed by a contractor who has contracted with the State, or
18 a county, city, town, township, incorporated village, school
19 district, body politic or municipal corporation therein,
20 through its representatives, shall not be considered as an
21 employee of the State, county, city, town, township,
22 incorporated village, school district, body politic or
23 municipal corporation which made the contract.

24 2. Every person in the service of another under any
25 contract of hire, express or implied, oral or written, who
26 contracts an occupational disease while working in the State of
27 Illinois, or who contracts an occupational disease while
28 working outside of the State of Illinois but where the contract
29 of hire is made within the State of Illinois, and any person
30 whose employment is principally localized within the State of
31 Illinois, regardless of the place where the disease was
32 contracted or place where the contract of hire was made,
33 including aliens, and minors who, for the purpose of this Act,
34 except Section 3 hereof, shall be considered the same and have
35 the same power to contract, receive payments and give
36 quittances therefor, as adult employees. An employee or his or

1 her dependents under this Act who shall have a cause of action
2 by reason of an occupational disease, disablement or death
3 arising out of and in the course of his or her employment may
4 elect or pursue his or her remedy in the State where the
5 disease was contracted, or in the State where the contract of
6 hire is made, or in the State where the employment is
7 principally localized.

8 (c) "Commission" means the Illinois Workers' Compensation
9 ~~Industrial~~ Commission created by the Workers' Compensation
10 Act, approved July 9, 1951, as amended.

11 (d) In this Act the term "Occupational Disease" means a
12 disease arising out of and in the course of the employment or
13 which has become aggravated and rendered disabling as a result
14 of the exposure of the employment. Such aggravation shall arise
15 out of a risk peculiar to or increased by the employment and
16 not common to the general public.

17 A disease shall be deemed to arise out of the employment if
18 there is apparent to the rational mind, upon consideration of
19 all the circumstances, a causal connection between the
20 conditions under which the work is performed and the
21 occupational disease. The disease need not to have been
22 foreseen or expected but after its contraction it must appear
23 to have had its origin or aggravation in a risk connected with
24 the employment and to have flowed from that source as a
25 rational consequence.

26 An employee shall be conclusively deemed to have been
27 exposed to the hazards of an occupational disease when, for any
28 length of time however short, he or she is employed in an
29 occupation or process in which the hazard of the disease
30 exists; provided however, that in a claim of exposure to atomic
31 radiation, the fact of such exposure must be verified by the
32 records of the central registry of radiation exposure
33 maintained by the Department of Public Health or by some other
34 recognized governmental agency maintaining records of such
35 exposures whenever and to the extent that the records are on
36 file with the Department of Public Health or the agency.

1 The employer liable for the compensation in this Act
2 provided shall be the employer in whose employment the employee
3 was last exposed to the hazard of the occupational disease
4 claimed upon regardless of the length of time of such last
5 exposure, except, in cases of silicosis or asbestosis, the only
6 employer liable shall be the last employer in whose employment
7 the employee was last exposed during a period of 60 days or
8 more after the effective date of this Act, to the hazard of
9 such occupational disease, and, in such cases, an exposure
10 during a period of less than 60 days, after the effective date
11 of this Act, shall not be deemed a last exposure. If a miner
12 who is suffering or suffered from pneumoconiosis was employed
13 for 10 years or more in one or more coal mines there shall,
14 effective July 1, 1973 be a rebuttable presumption that his or
15 her pneumoconiosis arose out of such employment.

16 If a deceased miner was employed for 10 years or more in
17 one or more coal mines and died from a respirable disease there
18 shall, effective July 1, 1973, be a rebuttable presumption that
19 his or her death was due to pneumoconiosis.

20 The insurance carrier liable shall be the carrier whose
21 policy was in effect covering the employer liable on the last
22 day of the exposure rendering such employer liable in
23 accordance with the provisions of this Act.

24 (e) "Disablement" means an impairment or partial
25 impairment, temporary or permanent, in the function of the body
26 or any of the members of the body, or the event of becoming
27 disabled from earning full wages at the work in which the
28 employee was engaged when last exposed to the hazards of the
29 occupational disease by the employer from whom he or she claims
30 compensation, or equal wages in other suitable employment; and
31 "disability" means the state of being so incapacitated.

32 (f) No compensation shall be payable for or on account of
33 any occupational disease unless disablement, as herein
34 defined, occurs within two years after the last day of the last
35 exposure to the hazards of the disease, except in cases of
36 occupational disease caused by berylliosis or by the inhalation

1 of silica dust or asbestos dust and, in such cases, within 3
2 years after the last day of the last exposure to the hazards of
3 such disease and except in the case of occupational disease
4 caused by exposure to radiological materials or equipment, and
5 in such case, within 25 years after the last day of last
6 exposure to the hazards of such disease.

7 (Source: P.A. 81-992.)

8 (820 ILCS 310/2) (from Ch. 48, par. 172.37)

9 Sec. 2. (a) Where any employer in this State is
10 automatically and without election subject to and bound by the
11 provisions of the Workers' Compensation Act by reason of the
12 provisions of Section 3 thereof, as heretofore or hereafter
13 amended, then such employer and all of his employees working
14 within this State shall be automatically and without election
15 subject to and bound by the compensation provisions of this Act
16 with respect to all cases in which the last day of the last
17 exposure to the hazards of the disease claimed upon shall have
18 been on or after July 1, 1957. However, nothing contained in
19 this Act shall be construed to apply to any business,
20 enterprise, household or residence which is exempt from the
21 compensation provisions of the Workers' Compensation Act under
22 paragraphs 17, 18 and 19 of Section 3 of that Act.

23 (b) Any employer in this State who does not come within the
24 classes enumerated by Section 2 (a) of this Act may elect to
25 provide and pay compensation according to the provisions of
26 this Act, for disability or death resulting from occupational
27 diseases, and such election, when effective, shall apply to all
28 cases in which the last day of the last exposure as defined in
29 this Act to the hazards of the occupational disease claimed
30 upon shall have occurred on or after the effective date of such
31 election, and shall relieve such employer of all liability
32 under Section 3 of this Act and all other liability with
33 respect to injury to health or death therefrom by reason of any
34 disease contracted or sustained in the course of the
35 employment. The State of Illinois hereby elects to provide and

1 pay compensation according to the provisions of this Act.

2 (c) Election by any employer, pursuant to paragraph (b) of
3 this Section shall be made by filing notice of such election
4 with the Illinois Workers' Compensation ~~Industrial~~ Commission
5 or by insuring his liability to pay compensation under this Act
6 in some insurance carrier authorized, licensed or permitted to
7 do such insurance business in this State. Such employer shall
8 either furnish to his employees personally or post in a
9 conspicuous place in the place of employment notice of his
10 election.

11 (d) Every employer who has elected pursuant to paragraphs
12 (b) and (c) of this section to provide and pay compensation
13 shall, from and after the effective date of such election be
14 and operate under all provisions of this Act except Section 3
15 hereof, with respect to all his employees except those who have
16 rejected in due time as provided in paragraph (e). Any employer
17 having elected, prior to October 1, 1941, not to provide and
18 pay compensation may at any time thereafter again elect
19 pursuant to paragraphs (b) and (c) to provide and pay
20 compensation, but having thus elected for the second time to
21 provide and pay compensation such employer shall, from and
22 after the effective date of such last said election, be and
23 operate under all provisions of this Act, except Section 3
24 hereof, with respect to all employees except those who have
25 rejected in due time as provided in paragraph (e) of this
26 section.

27 (e) If any employer elects, pursuant to paragraph (b) and
28 (c) of this section, then every employee of such employer, who
29 may be employed at the time of such election by such employer,
30 shall be deemed to have accepted all the compensation
31 provisions of this Act and shall be bound thereby unless within
32 30 days after such election he shall file a notice to the
33 contrary with the Commission whose duty it shall be immediately
34 to notify the employer, and until such notice is given to the
35 employer, the measure of liability of such employer shall be
36 determined according to the compensation provisions of this

1 Act; and every employee of such employer, hired after such
2 employer's election, as a part of his contract of hiring shall
3 be deemed to have accepted all of the compensation provisions
4 of this Act, and shall have no right of rejection.

5 (f) Every employer within the provisions of this Act who
6 has elected to provide any pay compensation according to the
7 provisions of this Act by filing notice of such election with
8 the Commission, shall be bound thereby as to all his employees
9 until January 1st of the next succeeding year and for terms of
10 each year thereafter.

11 Any such employer who may have once elected, may elect not
12 to provide and pay the compensation herein provided for
13 accidents resulting in either injury or death and occurring
14 after the expiration of any such calendar year by filing notice
15 of such election with the Commission at least 60 days prior to
16 the expiration of any such calendar year, and by posting such
17 notice at a conspicuous place in the plant, shop, office, room
18 or place where such employee is employed, or by personal
19 service, in written or printed form, upon such employees, at
20 least 60 days prior to the expiration of any such calendar
21 year.

22 Every employer within the provisions of this Act who has
23 elected to provide and pay compensation according to the
24 provisions of this Act by insuring his liability to pay
25 compensation under this Act, as above provided, shall be bound
26 thereby as to all his employees until the date of expiration or
27 cancellation of such policy of insurance, or any renewal
28 thereof.

29 (Source: P.A. 81-992.)

30 (820 ILCS 310/3) (from Ch. 48, par. 172.38)

31 Sec. 3. Where an employee in this State sustains injury to
32 health or death by reason of a disease contracted or sustained
33 in the course of the employment and proximately caused by the
34 negligence of the employer, unless such employer shall be
35 subject to this Act under the provisions of paragraph (a) of

1 Section 2 of this Act or shall have elected to provide and pay
2 compensation as provided in Section 2 of this Act, a right of
3 action shall accrue to the employee whose health has been so
4 injured for any damages sustained thereby; and in case of
5 death, a right of action shall accrue to the widow or widower
6 of such deceased person, his or her lineal heirs or adopted
7 children, or to any person or persons who were, before such
8 loss of life, dependent for support upon such deceased person,
9 for a like recovery of damages for the injury sustained by
10 reason of such death not to exceed the sum of \$10,000.
11 Violation by any employer of any effective rule or rules made
12 by the Illinois Workers' Compensation ~~Industrial~~ Commission
13 pursuant to the "Health and Safety Act", approved March 16,
14 1936, as amended, or violation by the employer of any statute
15 of this State, intended for the protection of the health of
16 employees shall be and constitute negligence of the employer
17 within the meaning of this Section. Every such action for
18 damage for injury to the health shall be commenced within 3
19 years after the last day of the last exposure to the hazards of
20 the disease and every such action for damages in case of death
21 shall be commenced within one year after the death of such
22 employee and within 5 years after the last day of the last
23 exposure to the hazards of the disease except where the disease
24 is caused by atomic radiation, in which case, every action for
25 damages for injury to health shall be commenced within 15 years
26 after the last day of last exposure to the hazard of such
27 disease and every action for damages in case of death shall be
28 commenced within one year after the death of such employee and
29 within 15 years after last exposure to the hazards of the
30 disease. In any action to recover damages under this Section,
31 it shall not be a defense that the employee either expressly or
32 impliedly assumed the risk of the employment, or that the
33 contraction or sustaining of the disease or death was caused in
34 whole or in part by the negligence of a fellow servant or
35 fellow servants, or that the contraction or sustaining of the
36 disease or death resulting was caused in whole or in part by

1 the contributory negligence of the employee, where such
2 contributory negligence was not wilful.

3 (Source: P.A. 80-328.)

4 (820 ILCS 310/4) (from Ch. 48, par. 172.39)

5 Sec. 4. (a) Any employer, including but not limited to
6 general contractors and their subcontractors, required by the
7 terms of this Act or by election to pay the compensation
8 provided for in this Act shall:

9 (1) File with the Commission an application for
10 approval as a self-insurer which shall include a current
11 financial statement. The application and financial
12 statement shall be signed and sworn to by the president or
13 vice-president and secretary or assistant secretary of the
14 employer if it be a corporation, or by all of the partners
15 if it be a copartnership, or by the owner if it be neither
16 a copartnership nor a corporation. An employer may elect to
17 provide and pay compensation as provided for in this Act as
18 a member of a group workers' compensation pool under
19 Article V 3/4 of the Illinois Insurance Code. If an
20 employer becomes a member of a group workers' compensation
21 pool, the employer shall not be relieved of any obligations
22 imposed by this Act.

23 If the sworn application and financial statement of any
24 such employer does not satisfy the Commission of the
25 financial ability of the employer who has filed it, the
26 Commission shall require such employer to:

27 (2) Furnish security, indemnity or a bond guaranteeing
28 the payment by the employer of the compensation provided
29 for in this Act, provided that any such employer who shall
30 have secured his or her liability in part by excess
31 liability coverage shall be required to furnish to the
32 Commission security, indemnity or bond guaranteeing his or
33 her payment up to the amount of the effective limits of the
34 excess coverage in accordance with the provisions of this
35 paragraph, or

1 (3) Insure his or her entire liability to pay such
2 compensation in some insurance carrier authorized,
3 licensed or permitted to do such insurance business in this
4 State. All policies of such insurance carriers insuring the
5 payment of compensation under this Act shall cover all the
6 employees and all such employer's compensation liability
7 in all cases in which the last day of the last exposure to
8 the occupational disease involved is within the effective
9 period of the policy, anything to the contrary in the
10 policy notwithstanding. Provided, however, that any
11 employer may insure his or her compensation liability under
12 this Act with 2 or more insurance carriers or may insure a
13 part and qualify under Subsection 1, 2, or 4 for the
14 remainder of his liability to pay such compensation,
15 subject to the following two provisions:

16 Firstly, the entire liability of the employer to
17 employees working at or from one location shall be
18 insured in one such insurance carrier or shall be
19 self-insured.

20 Secondly, the employer shall submit evidence
21 satisfactory to the Commission that his or her entire
22 liability for the compensation provided for in this Act
23 will be secured.

24 Any provision in a policy or in any endorsement
25 attached thereto attempting to limit or modify in any way
26 the liability of the insurance carrier issuing the same,
27 except as otherwise provided herein, shall be wholly void.

28 The insurance or security in force to cover
29 compensation liability under this Act shall be separate and
30 distinct from the insurance or security under the "Workers'
31 Compensation Act" and any insurance contract covering
32 liability under either Act need not cover any liability
33 under the other. Nothing herein contained shall apply to
34 policies of excess liability carriage secured by employers
35 who have been approved by the Commission as self-insurers,
36 or

1 (4) Make some other provision, satisfactory to the
2 Commission, for the securing of the payment of compensation
3 provided for in this Act, and

4 (5) Upon becoming subject to this Act and thereafter as
5 often as the Commission may in writing demand, file with
6 the Commission in form prescribed by it evidence of his or
7 her compliance with the provision of this Section.

8 (a-1) Regardless of its state of domicile or its principal
9 place of business, an employer shall make payments to its
10 insurance carrier or group self-insurance fund, where
11 applicable, based upon the premium rates of the situs where the
12 work or project is located in Illinois if:

13 (A) the employer is engaged primarily in the building
14 and construction industry; and

15 (B) subdivision (a)(3) of this Section applies to the
16 employer or the employer is a member of a group
17 self-insurance plan as defined in subsection (1) of Section
18 4a.

19 The Illinois Workers' Compensation ~~Industrial~~ Commission
20 shall impose a penalty upon an employer for violation of this
21 subsection (a-1) if:

22 (i) the employer is given an opportunity at a hearing
23 to present evidence of its compliance with this subsection
24 (a-1); and

25 (ii) after the hearing, the Commission finds that the
26 employer failed to make payments upon the premium rates of
27 the situs where the work or project is located in Illinois.

28 The penalty shall not exceed \$1,000 for each day of work
29 for which the employer failed to make payments upon the premium
30 rates of the situs where the work or project is located in
31 Illinois, but the total penalty shall not exceed \$50,000 for
32 each project or each contract under which the work was
33 performed.

34 Any penalty under this subsection (a-1) must be imposed not
35 later than one year after the expiration of the applicable
36 limitation period specified in subsection (c) of Section 6 of

1 this Act. Penalties imposed under this subsection (a-1) shall
2 be deposited into the Illinois Workers' Compensation
3 ~~Industrial~~ Commission Operations Fund created under Section 4
4 of the Workers' Compensation Act.

5 (b) The sworn application and financial statement, or
6 security, indemnity or bond, or amount of insurance, or other
7 provisions, filed, furnished, carried, or made by the employer,
8 as the case may be, shall be subject to the approval of the
9 Commission.

10 Deposits under escrow agreements shall be cash, negotiable
11 United States government bonds or negotiable general
12 obligation bonds of the State of Illinois. Such cash or bonds
13 shall be deposited in escrow with any State or National Bank or
14 Trust Company having trust authority in the State of Illinois.

15 Upon the approval of the sworn application and financial
16 statement, security, indemnity or bond or amount of insurance,
17 filed, furnished, or carried, as the case may be, the
18 Commission shall send to the employer written notice of its
19 approval thereof. Said certificate of compliance by the
20 employer with the provisions of subparagraphs (2) and (3) of
21 paragraph (a) of this Section shall be delivered by the
22 insurance carrier to the Illinois Workers' Compensation
23 ~~Industrial~~ Commission within 5 days after the effective date of
24 the policy so certified. The insurance so certified shall cover
25 all compensation liability occurring during the time that the
26 insurance is in effect and no further certificate need be filed
27 in case such insurance is renewed, extended or otherwise
28 continued by such carrier. The insurance so certified shall not
29 be cancelled or in the event that such insurance is not
30 renewed, extended or otherwise continued, such insurance shall
31 not be terminated until at least 10 days after receipt by the
32 Illinois Workers' Compensation ~~Industrial~~ Commission of notice
33 of the cancellation or termination of said insurance; provided,
34 however, that if the employer has secured insurance from
35 another insurance carrier, or has otherwise secured the payment
36 of compensation in accordance with this Section, and such

1 insurance or other security becomes effective prior to the
2 expiration of said 10 days, cancellation or termination may, at
3 the option of the insurance carrier indicated in such notice,
4 be effective as of the effective date of such other insurance
5 or security.

6 (c) Whenever the Commission shall find that any
7 corporation, company, association, aggregation of individuals,
8 reciprocal or interinsurers exchange, or other insurer
9 effecting workers' occupational disease compensation insurance
10 in this State shall be insolvent, financially unsound, or
11 unable to fully meet all payments and liabilities assumed or to
12 be assumed for compensation insurance in this State, or shall
13 practice a policy of delay or unfairness toward employees in
14 the adjustment, settlement, or payment of benefits due such
15 employees, the Commission may after reasonable notice and
16 hearing order and direct that such corporation, company,
17 association, aggregation of individuals, reciprocal or
18 interinsurers exchange, or insurer, shall from and after a date
19 fixed in such order discontinue the writing of any such
20 workers' occupational disease compensation insurance in this
21 State. It shall thereupon be unlawful for any such corporation,
22 company, association, aggregation of individuals, reciprocal
23 or interinsurers exchange, or insurer to effect any workers'
24 occupational disease compensation insurance in this State. A
25 copy of the order shall be served upon the Director of
26 Insurance by registered mail. Whenever the Commission finds
27 that any service or adjustment company used or employed by a
28 self-insured employer or by an insurance carrier to process,
29 adjust, investigate, compromise or otherwise handle claims
30 under this Act, has practiced or is practicing a policy of
31 delay or unfairness toward employees in the adjustment,
32 settlement or payment of benefits due such employees, the
33 Commission may after reasonable notice and hearing order and
34 direct that such service or adjustment company shall from and
35 after a date fixed in such order be prohibited from processing,
36 adjusting, investigating, compromising or otherwise handling

1 claims under this Act.

2 Whenever the Commission finds that any self-insured
3 employer has practiced or is practicing delay or unfairness
4 toward employees in the adjustment, settlement or payment of
5 benefits due such employees, the Commission may after
6 reasonable notice and hearing order and direct that after a
7 date fixed in the order such self-insured employer shall be
8 disqualified to operate as a self-insurer and shall be required
9 to insure his entire liability to pay compensation in some
10 insurance carrier authorized, licensed and permitted to do such
11 insurance business in this State as provided in subparagraph
12 (3) of paragraph (a) of this Section.

13 All orders made by the Commission under this Section shall
14 be subject to review by the courts, the review to be taken in
15 the same manner and within the same time as provided by Section
16 19 of this Act for review of awards and decisions of the
17 Commission, upon the party seeking the review filing with the
18 clerk of the court to which said review is taken a bond in an
19 amount to be fixed and approved by the court to which said
20 review is taken, conditioned upon the payment of all
21 compensation awarded against the person taking the review
22 pending a decision thereof and further conditioned upon such
23 other obligations as the court may impose. Upon the review the
24 Circuit Court shall have power to review all questions of fact
25 as well as of law. The penalty hereinafter provided for in this
26 paragraph shall not attach and shall not begin to run until the
27 final determination of the order of the Commission.

28 (d) Upon a finding by the Commission, after reasonable
29 notice and hearing, of the knowing and wilful failure of an
30 employer to comply with any of the provisions of paragraph (a)
31 of this Section or the failure or refusal of an employer,
32 service or adjustment company, or insurance carrier to comply
33 with any order of the Illinois Workers' Compensation ~~Industrial~~
34 Commission pursuant to paragraph (c) of this Section the
35 Commission may assess a civil penalty of up to \$500 per day for
36 each day of such failure or refusal after the effective date of

1 this amendatory Act of 1989. Each day of such failure or
2 refusal shall constitute a separate offense.

3 Upon the failure or refusal of any employer, service or
4 adjustment company or insurance carrier to comply with the
5 provisions of this Section and orders of the Commission under
6 this Section, or the order of the court on review after final
7 adjudication, the Commission may bring a civil action to
8 recover the amount of the penalty in Cook County or in Sangamon
9 County in which litigation the Commission shall be represented
10 by the Attorney General. The Commission shall send notice of
11 its finding of non-compliance and assessment of the civil
12 penalty to the Attorney General. It shall be the duty of the
13 Attorney General within 30 days after receipt of the notice, to
14 institute prosecutions and promptly prosecute all reported
15 violations of this Section.

16 (e) This Act shall not affect or disturb the continuance of
17 any existing insurance, mutual aid, benefit, or relief
18 association or department, whether maintained in whole or in
19 part by the employer or whether maintained by the employees,
20 the payment of benefits of such association or department being
21 guaranteed by the employer or by some person, firm or
22 corporation for him or her: Provided, the employer contributes
23 to such association or department an amount not less than the
24 full compensation herein provided, exclusive of the cost of the
25 maintenance of such association or department and without any
26 expense to the employee. This Act shall not prevent the
27 organization and maintaining under the insurance laws of this
28 State of any benefit or insurance company for the purpose of
29 insuring against the compensation provided for in this Act, the
30 expense of which is maintained by the employer. This Act shall
31 not prevent the organization or maintaining under the insurance
32 laws of this State of any voluntary mutual aid, benefit or
33 relief association among employees for the payment of
34 additional accident or sick benefits.

35 (f) No existing insurance, mutual aid, benefit or relief
36 association or department shall, by reason of anything herein

1 contained, be authorized to discontinue its operation without
2 first discharging its obligations to any and all persons
3 carrying insurance in the same or entitled to relief or
4 benefits therein.

5 (g) Any contract, oral, written or implied, of employment
6 providing for relief benefit, or insurance or any other device
7 whereby the employee is required to pay any premium or premiums
8 for insurance against the compensation provided for in this Act
9 shall be null and void. Any employer withholding from the wages
10 of any employee any amount for the purpose of paying any such
11 premium shall be guilty of a Class B misdemeanor.

12 In the event the employer does not pay the compensation for
13 which he or she is liable, then an insurance company,
14 association or insurer which may have insured such employer
15 against such liability shall become primarily liable to pay to
16 the employee, his personal representative or beneficiary the
17 compensation required by the provisions of this Act to be paid
18 by such employer. The insurance carrier may be made a party to
19 the proceedings in which the employer is a party and an award
20 may be entered jointly against the employer and the insurance
21 carrier.

22 (h) It shall be unlawful for any employer, insurance
23 company or service or adjustment company to interfere with,
24 restrain or coerce an employee in any manner whatsoever in the
25 exercise of the rights or remedies granted to him or her by
26 this Act or to discriminate, attempt to discriminate, or
27 threaten to discriminate against an employee in any way because
28 of his exercise of the rights or remedies granted to him by
29 this Act.

30 It shall be unlawful for any employer, individually or
31 through any insurance company or service or adjustment company,
32 to discharge or to threaten to discharge, or to refuse to
33 rehire or recall to active service in a suitable capacity an
34 employee because of the exercise of his or her rights or
35 remedies granted to him or her by this Act.

36 (i) If an employer elects to obtain a life insurance policy

1 on his employees, he may also elect to apply such benefits in
2 satisfaction of all or a portion of the death benefits payable
3 under this Act, in which case, the employer's premium for
4 coverage for benefits under this Act shall be reduced
5 accordingly.

6 (Source: P.A. 90-109, eff. 1-1-98; 91-375, eff. 1-1-00; 91-757,
7 eff. 1-1-01.)

8 (820 ILCS 310/6) (from Ch. 48, par. 172.41)

9 Sec. 6. (a) Every employer operating under the compensation
10 provisions of this Act, shall post printed notices in their
11 respective places of employment in conspicuous places and in
12 such number and at such places as may be determined by the
13 Commission, containing such information relative to this Act as
14 in the judgment of the Commission may be necessary to aid
15 employees to safeguard their rights under this Act.

16 In addition thereto, the employer shall post in a
17 conspicuous place on the premises of the employment a printed
18 or typewritten notice stating whether he is insured or whether
19 he has qualified and is operating as a self-insured employer.
20 In the event the employer is insured, the notice shall state
21 the name and address of his or her insurance carrier, the
22 number of the insurance policy, its effective date and the date
23 of termination. In the event of the termination of the policy
24 for any reason prior to the termination date stated, the posted
25 notice shall promptly be corrected accordingly. In the event
26 the employer is operating as a self-insured employer the notice
27 shall state the name and address of the company, if any,
28 servicing the compensation payments of the employer, and the
29 name and address of the person in charge of making compensation
30 payments.

31 (b) Every employer subject to this Act shall maintain
32 accurate records of work-related deaths, injuries and
33 illnesses other than minor injuries requiring only first aid
34 treatment and which do not involve medical treatment, loss of
35 consciousness, restriction of work or motion or transfer to

1 another job and file with the Illinois Workers' Compensation
2 ~~Industrial~~ Commission, in writing, a report of all occupational
3 diseases arising out of and in the course of the employment and
4 resulting in death, or disablement or illness resulting in the
5 loss of more than 3 scheduled work days. In the case of death
6 such report shall be made no later than 2 working days
7 following the occupational death. In all other cases such
8 report shall be made between the 15th and 25th of each month
9 unless required to be made sooner by rule of the Illinois
10 Workers' Compensation ~~Industrial~~ Commission. In case the
11 occupational disease results in permanent disability, a
12 further report shall be made as soon as it is determined that
13 such permanent disability has resulted or will result
14 therefrom. All reports shall state the date of the disablement,
15 the nature of the employer's business, the name, address, the
16 age, sex, conjugal condition of the disabled person, the
17 specific occupation of the person, the nature and character of
18 the occupational disease, the length of disability, and, in
19 case of death, the length of disability before death, the wages
20 of the employee, whether compensation has been paid to the
21 employee, or to his legal representative or his heirs or next
22 of kin, the amount of compensation paid, the amount paid for
23 physicians', surgeons' and hospital bills, and by whom paid,
24 and the amount paid for funeral or burial expenses, if known.
25 The reports shall be made on forms and in the manner as
26 prescribed by the Illinois Workers' Compensation ~~Industrial~~
27 Commission and shall contain such further information as the
28 Commission shall deem necessary and require. The making of such
29 reports releases the employer from making such reports to any
30 other officer of the State and shall satisfy the reporting
31 provisions as contained in the "Health And Safety Act" and "An
32 Act in relation to safety inspections and education in
33 industrial and commercial establishments and to repeal an Act
34 therein named", approved July 18, 1955, as amended. The report
35 filed with the Illinois Workers' Compensation ~~Industrial~~
36 Commission pursuant to the provisions of this Section shall be

1 made available by the Illinois Workers' Compensation
2 ~~Industrial~~ Commission to the Director of Labor or his
3 representatives, to the Department of Public Health pursuant to
4 the Illinois Health and Hazardous Substances Registry Act, and
5 to all other departments of the State of Illinois which shall
6 require such information for the proper discharge of their
7 official duties. Failure to file with the Commission any of the
8 reports required in this Section is a petty offense.

9 Except as provided in this paragraph, all reports filed
10 hereunder shall be confidential and any person having access to
11 such records filed with the Illinois Workers' Compensation
12 ~~Industrial~~ Commission as herein required, who shall release the
13 names or otherwise identify any persons sustaining injuries or
14 disabilities, or gives access to such information to any
15 unauthorized person, shall be subject to discipline or
16 discharge, and in addition shall be guilty of a Class B
17 misdemeanor. The Commission shall compile and distribute to
18 interested persons aggregate statistics, taken from the
19 reports filed hereunder. The aggregate statistics shall not
20 give the names or otherwise identify persons sustaining
21 injuries or disabilities or the employer of any injured or
22 disabled person.

23 (c) There shall be given notice to the employer of
24 disablement arising from an occupational disease as soon as
25 practicable after the date of the disablement. If the
26 Commission shall find that the failure to give such notice
27 substantially prejudices the rights of the employer the
28 Commission in its discretion may order that the right of the
29 employee to proceed under this Act shall be barred.

30 In case of legal disability of the employee or any
31 dependent of a deceased employee who may be entitled to
32 compensation, under the provisions of this Act, the limitations
33 of time in this Section of this Act provided shall not begin to
34 run against such person who is under legal disability until a
35 conservator or guardian has been appointed. No defect or
36 inaccuracy of such notice shall be a bar to the maintenance of

1 proceedings on arbitration or otherwise by the employee unless
2 the employer proves that he or she is unduly prejudiced in such
3 proceedings by such defect or inaccuracy. Notice of the
4 disabling disease may be given orally or in writing. In any
5 case, other than injury or death caused by exposure to
6 radiological materials or equipment or asbestos, unless
7 application for compensation is filed with the Commission
8 within 3 years after the date of the disablement, where no
9 compensation has been paid, or within 2 years after the date of
10 the last payment of compensation, where any has been paid,
11 whichever shall be later, the right to file such application
12 shall be barred. If the occupational disease results in death,
13 application for compensation for death may be filed with the
14 Commission within 3 years after the date of death where no
15 compensation has been paid, or within 3 years after the last
16 payment of compensation, where any has been paid, whichever is
17 later, but not thereafter.

18 Effective July 1, 1973 in cases of disability caused by
19 coal miners pneumoconiosis unless application for compensation
20 is filed with the Commission within 5 years after the employee
21 was last exposed where no compensation has been paid, or within
22 5 years after the last payment of compensation where any has
23 been paid, the right to file such application shall be barred.

24 In cases of disability caused by exposure to radiological
25 materials or equipment or asbestos, unless application for
26 compensation is filed with the Commission within 25 years after
27 the employee was so exposed, the right to file such application
28 shall be barred.

29 In cases of death occurring within 25 years from the last
30 exposure to radiological material or equipment or asbestos,
31 application for compensation must be filed within 3 years of
32 death where no compensation has been paid, or within 3 years,
33 after the date of the last payment where any has been paid, but
34 not thereafter.

35 (d) Any contract or agreement made by any employer or his
36 agent or attorney with any employee or any other beneficiary of

1 any claim under the provisions of this Act within 7 days after
2 the disablement shall be presumed to be fraudulent.

3 (Source: P.A. 84-981.)

4 (820 ILCS 310/13) (from Ch. 48, par. 172.48)

5 Sec. 13. The Illinois Workers' Compensation ~~Industrial~~
6 Commission shall have jurisdiction over the operation and
7 administration of this Act and it shall have, exercise, perform
8 and discharge the same rights, powers and duties with reference
9 to this Act as it shall have, exercise, perform and discharge
10 with reference to the Workers' Compensation Act or any
11 amendment thereto or modification thereof.

12 (Source: P.A. 81-992.)

13 (820 ILCS 310/17) (from Ch. 48, par. 172.52)

14 Sec. 17. The Commission shall cause to be printed and shall
15 furnish free of charge upon request by any employer or employee
16 such blank forms as it shall deem requisite to facilitate or
17 promote the efficient administration of this Act, and the
18 performance of the duties of the Commission. It shall provide a
19 proper record in which shall be entered and indexed the name of
20 any employer who shall file a notice of election under this
21 Act, and the date of the filing thereof; and a proper record in
22 which shall be entered and indexed the name of any employee who
23 shall file a notice of election, and the date of the filing
24 thereof; and such other notices as may be required by this Act;
25 and records in which shall be recorded all proceedings, orders
26 and awards had or made by the Commission, or by the arbitration
27 committees, and such other books or records as it shall deem
28 necessary, all such records to be kept in the office of the
29 Commission. The Commission, in its discretion, may destroy all
30 papers and documents except notices of election and waivers
31 which have been on file for more than five years where there is
32 no claim for compensation pending, or where more than two years
33 have elapsed since the termination of the compensation period.

34 The Commission shall compile and distribute to interested

1 persons aggregate statistics, taken from any records and
2 reports in the possession of the Commission. The aggregate
3 statistics shall not give the names or otherwise identify
4 persons sustaining injuries or disabilities or the employer of
5 any injured or disabled person.

6 The Commission is authorized to establish reasonable fees
7 and methods of payment limited to covering only the costs to
8 the Commission for processing, maintaining and generating
9 records or data necessary for the computerized production of
10 documents, records and other materials except to the extent of
11 any salaries or compensation of Commission officers or
12 employees.

13 All fees collected by the Commission under this Section
14 shall be deposited in the Statistical Services Revolving Fund
15 and credited to the account of the Illinois Workers'
16 Compensation Industrial ~~Industrial~~ Commission.

17 (Source: P.A. 83-489.)

18 (820 ILCS 310/19) (from Ch. 48, par. 172.54)

19 Sec. 19. Any disputed questions of law or fact shall be
20 determined as herein provided.

21 (a) It shall be the duty of the Commission upon
22 notification that the parties have failed to reach an agreement
23 to designate an Arbitrator.

24 (1) The application for adjustment of claim filed with
25 the Commission shall state:

26 A. The approximate date of the last day of the last
27 exposure and the approximate date of the disablement.

28 B. The general nature and character of the illness
29 or disease claimed.

30 C. The name and address of the employer by whom
31 employed on the last day of the last exposure and if
32 employed by any other employer after such last exposure
33 and before disablement the name and address of such
34 other employer or employers.

35 D. In case of death, the date and place of death.

1 (2) Amendments to applications for adjustment of claim
2 which relate to the same disablement or disablement
3 resulting in death originally claimed upon may be allowed
4 by the Commissioner or an Arbitrator thereof, in their
5 discretion, and in the exercise of such discretion, they
6 may in proper cases order a trial de novo; such amendment
7 shall relate back to the date of the filing of the original
8 application so amended.

9 (3) Whenever any claimant misconceives his remedy and
10 files an application for adjustment of claim under this Act
11 and it is subsequently discovered, at any time before final
12 disposition of such cause, that the claim for disability or
13 death which was the basis for such application should
14 properly have been made under the Workers' Compensation
15 Act, then the provisions of Section 19 paragraph (a-1) of
16 the Workers' Compensation Act having reference to such
17 application shall apply.

18 Whenever any claimant misconceives his remedy and
19 files an application for adjustment of claim under the
20 Workers' Compensation Act and it is subsequently
21 discovered, at any time before final disposition of such
22 cause that the claim for injury or death which was the
23 basis for such application should properly have been made
24 under this Act, then the application so filed under the
25 Workers' Compensation Act may be amended in form, substance
26 or both to assert claim for such disability or death under
27 this Act and it shall be deemed to have been so filed as
28 amended on the date of the original filing thereof, and
29 such compensation may be awarded as is warranted by the
30 whole evidence pursuant to the provisions of this Act. When
31 such amendment is submitted, further or additional
32 evidence may be heard by the Arbitrator or Commission when
33 deemed necessary; provided, that nothing in this Section
34 contained shall be construed to be or permit a waiver of
35 any provisions of this Act with reference to notice, but
36 notice if given shall be deemed to be a notice under the

1 provisions of this Act if given within the time required
2 herein.

3 (b) The Arbitrator shall make such inquiries and
4 investigations as he shall deem necessary and may examine and
5 inspect all books, papers, records, places, or premises
6 relating to the questions in dispute and hear such proper
7 evidence as the parties may submit.

8 The hearings before the Arbitrator shall be held in the
9 vicinity where the last exposure occurred, after 10 days'
10 notice of the time and place of such hearing shall have been
11 given to each of the parties or their attorneys of record.

12 The Arbitrator may find that the disabling condition is
13 temporary and has not yet reached a permanent condition and may
14 order the payment of compensation up to the date of the
15 hearing, which award shall be reviewable and enforceable in the
16 same manner as other awards, and in no instance be a bar to a
17 further hearing and determination of a further amount of
18 temporary total compensation or of compensation for permanent
19 disability, but shall be conclusive as to all other questions
20 except the nature and extent of such disability.

21 The decision of the Arbitrator shall be filed with the
22 Commission which Commission shall immediately send to each
23 party or his attorney a copy of such decision, together with a
24 notification of the time when it was filed. Beginning January
25 1, 1981, all decisions of the Arbitrator shall set forth in
26 writing findings of fact and conclusions of law, separately
27 stated. Unless a petition for review is filed by either party
28 within 30 days after the receipt by such party of the copy of
29 the decision and notification of time when filed, and unless
30 such party petitioning for a review shall within 35 days after
31 the receipt by him of the copy of the decision, file with the
32 Commission either an agreed statement of the facts appearing
33 upon the hearing before the Arbitrator, or if such party shall
34 so elect a correct transcript of evidence of the proceedings at
35 such hearings, then the decision shall become the decision of
36 the Commission and in the absence of fraud shall be conclusive.

1 The Petition for Review shall contain a statement of the
2 petitioning party's specific exceptions to the decision of the
3 arbitrator. The jurisdiction of the Commission to review the
4 decision of the arbitrator shall not be limited to the
5 exceptions stated in the Petition for Review. The Commission,
6 or any member thereof, may grant further time not exceeding 30
7 days, in which to file such agreed statement or transcript of
8 evidence. Such agreed statement of facts or correct transcript
9 of evidence, as the case may be, shall be authenticated by the
10 signatures of the parties or their attorneys, and in the event
11 they do not agree as to the correctness of the transcript of
12 evidence it shall be authenticated by the signature of the
13 Arbitrator designated by the Commission.

14 (b-1) If the employee is not receiving, pursuant to Section
15 7, medical, surgical or hospital services of the type provided
16 for in paragraph (a) of Section 8 of the Workers' Compensation
17 Act or compensation of the type provided for in paragraph (b)
18 of Section 8 of the Workers' Compensation Act, the employee, in
19 accordance with Commission Rules, may file a petition for an
20 emergency hearing by an Arbitrator on the issue of whether or
21 not he is entitled to receive payment of such compensation or
22 services as provided therein. Such petition shall have priority
23 over all other petitions and shall be heard by the Arbitrator
24 and Commission with all convenient speed.

25 Such petition shall contain the following information and
26 shall be served on the employer at least 15 days before it is
27 filed:

28 (i) the date and approximate time of the last exposure;

29 (ii) the approximate location of the last exposure;

30 (iii) a description of the last exposure;

31 (iv) the nature of the disability incurred by the
32 employee;

33 (v) the identity of the person, if known, to whom the
34 disability was reported and the date on which it was
35 reported;

36 (vi) the name and title of the person, if known,

1 representing the employer with whom the employee conferred
2 in any effort to obtain pursuant to Section 7 compensation
3 of the type provided for in paragraph (b) of Section 8 of
4 the Workers' Compensation Act or medical, surgical or
5 hospital services of the type provided for in paragraph (a)
6 of Section 8 of the Workers' Compensation Act and the date
7 of such conference;

8 (vii) a statement that the employer has refused to pay
9 compensation pursuant to Section 7 of the type provided for
10 in paragraph (b) of Section 8 of the Workers' Compensation
11 Act or for medical, surgical or hospital services pursuant
12 to Section 7 of the type provided for in paragraph (a) of
13 Section 8 of the Workers' Compensation Act;

14 (viii) the name and address, if known, of each witness
15 to the last exposure and of each other person upon whom the
16 employee will rely to support his allegations;

17 (ix) the dates of treatment related to the disability
18 by medical practitioners, and the names and addresses of
19 such practitioners, including the dates of treatment
20 related to the disability at any hospitals and the names
21 and addresses of such hospitals, and a signed authorization
22 permitting the employer to examine all medical records of
23 all practitioners and hospitals named pursuant to this
24 paragraph;

25 (x) a copy of a signed report by a medical
26 practitioner, relating to the employee's current inability
27 to return to work because of the disability incurred as a
28 result of the exposure or such other documents or
29 affidavits which show that the employee is entitled to
30 receive pursuant to Section 7 compensation of the type
31 provided for in paragraph (b) of Section 8 of the Workers'
32 Compensation Act or medical, surgical or hospital services
33 of the type provided for in paragraph (a) of Section 8 of
34 the Workers' Compensation Act. Such reports, documents or
35 affidavits shall state, if possible, the history of the
36 exposure given by the employee, and describe the disability

1 and medical diagnosis, the medical services for such
2 disability which the employee has received and is
3 receiving, the physical activities which the employee
4 cannot currently perform as a result of such disability,
5 and the prognosis for recovery;

6 (xi) complete copies of any reports, records,
7 documents and affidavits in the possession of the employee
8 on which the employee will rely to support his allegations,
9 provided that the employer shall pay the reasonable cost of
10 reproduction thereof;

11 (xii) a list of any reports, records, documents and
12 affidavits which the employee has demanded by subpoena and
13 on which he intends to rely to support his allegations;

14 (xiii) a certification signed by the employee or his
15 representative that the employer has received the petition
16 with the required information 15 days before filing.

17 Fifteen days after receipt by the employer of the petition
18 with the required information the employee may file said
19 petition and required information and shall serve notice of the
20 filing upon the employer. The employer may file a motion
21 addressed to the sufficiency of the petition. If an objection
22 has been filed to the sufficiency of the petition, the
23 arbitrator shall rule on the objection within 2 working days.
24 If such an objection is filed, the time for filing the final
25 decision of the Commission as provided in this paragraph shall
26 be tolled until the arbitrator has determined that the petition
27 is sufficient.

28 The employer shall, within 15 days after receipt of the
29 notice that such petition is filed, file with the Commission
30 and serve on the employee or his representative a written
31 response to each claim set forth in the petition, including the
32 legal and factual basis for each disputed allegation and the
33 following information: (i) complete copies of any reports,
34 records, documents and affidavits in the possession of the
35 employer on which the employer intends to rely in support of
36 his response, (ii) a list of any reports, records, documents

1 and affidavits which the employer has demanded by subpoena and
2 on which the employer intends to rely in support of his
3 response, (iii) the name and address of each witness on whom
4 the employer will rely to support his response, and (iv) the
5 names and addresses of any medical practitioners selected by
6 the employer pursuant to Section 12 of this Act and the time
7 and place of any examination scheduled to be made pursuant to
8 such Section.

9 Any employer who does not timely file and serve a written
10 response without good cause may not introduce any evidence to
11 dispute any claim of the employee but may cross examine the
12 employee or any witness brought by the employee and otherwise
13 be heard.

14 No document or other evidence not previously identified by
15 either party with the petition or written response, or by any
16 other means before the hearing, may be introduced into evidence
17 without good cause. If, at the hearing, material information is
18 discovered which was not previously disclosed, the Arbitrator
19 may extend the time for closing proof on the motion of a party
20 for a reasonable period of time which may be more than 30 days.
21 No evidence may be introduced pursuant to this paragraph as to
22 permanent disability. No award may be entered for permanent
23 disability pursuant to this paragraph. Either party may
24 introduce into evidence the testimony taken by deposition of
25 any medical practitioner.

26 The Commission shall adopt rules, regulations and
27 procedures whereby the final decision of the Commission is
28 filed not later than 90 days from the date the petition for
29 review is filed but in no event later than 180 days from the
30 date the petition for an emergency hearing is filed with the
31 Illinois Workers' Compensation ~~Industrial~~ Commission.

32 All service required pursuant to this paragraph (b-1) must
33 be by personal service or by certified mail and with evidence
34 of receipt. In addition, for the purposes of this paragraph,
35 all service on the employer must be at the premises where the
36 accident occurred if the premises are owned or operated by the

1 employer. Otherwise service must be at the employee's principal
2 place of employment by the employer. If service on the employer
3 is not possible at either of the above, then service shall be
4 at the employer's principal place of business. After initial
5 service in each case, service shall be made on the employer's
6 attorney or designated representative.

7 (c) (1) At a reasonable time in advance of and in
8 connection with the hearing under Section 19(e) or 19(h), the
9 Commission may on its own motion order an impartial physical or
10 mental examination of a petitioner whose mental or physical
11 condition is in issue, when in the Commission's discretion it
12 appears that such an examination will materially aid in the
13 just determination of the case. The examination shall be made
14 by a member or members of a panel of physicians chosen for
15 their special qualifications by the Illinois State Medical
16 Society. The Commission shall establish procedures by which a
17 physician shall be selected from such list.

18 (2) Should the Commission at any time during the hearing
19 find that compelling considerations make it advisable to have
20 an examination and report at that time, the Commission may in
21 its discretion so order.

22 (3) A copy of the report of examination shall be given to
23 the Commission and to the attorneys for the parties.

24 (4) Either party or the Commission may call the examining
25 physician or physicians to testify. Any physician so called
26 shall be subject to cross-examination.

27 (5) The examination shall be made, and the physician or
28 physicians, if called, shall testify, without cost to the
29 parties. The Commission shall determine the compensation and
30 the pay of the physician or physicians. The compensation for
31 this service shall not exceed the usual and customary amount
32 for such service.

33 The fees and payment thereof of all attorneys and
34 physicians for services authorized by the Commission under this
35 Act shall, upon request of either the employer or the employee
36 or the beneficiary affected, be subject to the review and

1 decision of the Commission.

2 (d) If any employee shall persist in insanitary or
3 injurious practices which tend to either imperil or retard his
4 recovery or shall refuse to submit to such medical, surgical,
5 or hospital treatment as is reasonably essential to promote his
6 recovery, the Commission may, in its discretion, reduce or
7 suspend the compensation of any such employee; provided, that
8 when an employer and employee so agree in writing, the
9 foregoing provision shall not be construed to authorize the
10 reduction or suspension of compensation of an employee who is
11 relying in good faith, on treatment by prayer or spiritual
12 means alone, in accordance with the tenets and practice of a
13 recognized church or religious denomination, by a duly
14 accredited practitioner thereof.

15 (e) This paragraph shall apply to all hearings before the
16 Commission. Such hearings may be held in its office or
17 elsewhere as the Commission may deem advisable. The taking of
18 testimony on such hearings may be had before any member of the
19 Commission. If a petition for review and agreed statement of
20 facts or transcript of evidence is filed, as provided herein,
21 the Commission shall promptly review the decision of the
22 Arbitrator and all questions of law or fact which appear from
23 the statement of facts or transcripts of evidence. In all cases
24 in which the hearing before the arbitrator is held after the
25 effective date of this amendatory Act of 1989, no additional
26 evidence shall be introduced by the parties before the
27 Commission on review of the decision of the Arbitrator. The
28 Commission shall file in its office its decision thereon, and
29 shall immediately send to each party or his attorney a copy of
30 such decision and a notification of the time when it was filed.
31 Decisions shall be filed within 60 days after the Statement of
32 Exceptions and Supporting Brief and Response thereto are
33 required to be filed or oral argument whichever is later.

34 In the event either party requests oral argument, such
35 argument shall be had before a panel of 3 members of the
36 Commission (or before all available members pursuant to the

1 determination of 5 members of the Commission that such argument
2 be held before all available members of the Commission)
3 pursuant to the rules and regulations of the Commission. A
4 panel of 3 members, which shall be comprised of not more than
5 one representative citizen of the employing class and not more
6 than one representative citizen of the employee class, shall
7 hear the argument; provided that if all the issues in dispute
8 are solely the nature and extent of the permanent partial
9 disability, if any, a majority of the panel may deny the
10 request for such argument and such argument shall not be held;
11 and provided further that 5 members of the Commission may
12 determine that the argument be held before all available
13 members of the Commission. A decision of the Commission shall
14 be approved by a majority of Commissioners present at such
15 hearing if any; provided, if no such hearing is held, a
16 decision of the Commission shall be approved by a majority of a
17 panel of 3 members of the Commission as described in this
18 Section. The Commission shall give 10 days' notice to the
19 parties or their attorneys of the time and place of such taking
20 of testimony and of such argument.

21 In any case the Commission in its decision may in its
22 discretion find specially upon any question or questions of law
23 or facts which shall be submitted in writing by either party
24 whether ultimate or otherwise; provided that on issues other
25 than nature and extent of the disablement, if any, the
26 Commission in its decision shall find specially upon any
27 question or questions of law or fact, whether ultimate or
28 otherwise, which are submitted in writing by either party;
29 provided further that not more than 5 such questions may be
30 submitted by either party. Any party may, within 20 days after
31 receipt of notice of the Commission's decision, or within such
32 further time, not exceeding 30 days, as the Commission may
33 grant, file with the Commission either an agreed statement of
34 the facts appearing upon the hearing, or, if such party shall
35 so elect, a correct transcript of evidence of the additional
36 proceedings presented before the Commission in which report the

1 party may embody a correct statement of such other proceedings
2 in the case as such party may desire to have reviewed, such
3 statement of facts or transcript of evidence to be
4 authenticated by the signature of the parties or their
5 attorneys, and in the event that they do not agree, then the
6 authentication of such transcript of evidence shall be by the
7 signature of any member of the Commission.

8 If a reporter does not for any reason furnish a transcript
9 of the proceedings before the Arbitrator in any case for use on
10 a hearing for review before the Commission, within the
11 limitations of time as fixed in this Section, the Commission
12 may, in its discretion, order a trial de novo before the
13 Commission in such case upon application of either party. The
14 applications for adjustment of claim and other documents in the
15 nature of pleadings filed by either party, together with the
16 decisions of the Arbitrator and of the Commission and the
17 statement of facts or transcript of evidence hereinbefore
18 provided for in paragraphs (b) and (c) shall be the record of
19 the proceedings of the Commission, and shall be subject to
20 review as hereinafter provided.

21 At the request of either party or on its own motion, the
22 Commission shall set forth in writing the reasons for the
23 decision, including findings of fact and conclusions of law,
24 separately stated. The Commission shall by rule adopt a format
25 for written decisions for the Commission and arbitrators. The
26 written decisions shall be concise and shall succinctly state
27 the facts and reasons for the decision. The Commission may
28 adopt in whole or in part, the decision of the arbitrator as
29 the decision of the Commission. When the Commission does so
30 adopt the decision of the arbitrator, it shall do so by order.
31 Whenever the Commission adopts part of the arbitrator's
32 decision, but not all, it shall include in the order the
33 reasons for not adopting all of the arbitrator's decision. When
34 a majority of a panel, after deliberation, has arrived at its
35 decision, the decision shall be filed as provided in this
36 Section without unnecessary delay, and without regard to the

1 fact that a member of the panel has expressed an intention to
2 dissent. Any member of the panel may file a dissent. Any
3 dissent shall be filed no later than 10 days after the decision
4 of the majority has been filed.

5 Decisions rendered by the Commission after the effective
6 date of this amendatory Act of 1980 and dissents, if any, shall
7 be published together by the Commission. The conclusions of law
8 set out in such decisions shall be regarded as precedents by
9 arbitrators, for the purpose of achieving a more uniform
10 administration of this Act.

11 (f) The decision of the Commission acting within its
12 powers, according to the provisions of paragraph (e) of this
13 Section shall, in the absence of fraud, be conclusive unless
14 reviewed as in this paragraph hereinafter provided. However,
15 the Arbitrator or the Commission may on his or its own motion,
16 or on the motion of either party, correct any clerical error or
17 errors in computation within 15 days after the date of receipt
18 of any award by such Arbitrator or any decision on review of
19 the Commission, and shall have the power to recall the original
20 award on arbitration or decision on review, and issue in lieu
21 thereof such corrected award or decision. Where such correction
22 is made the time for review herein specified shall begin to run
23 from the date of the receipt of the corrected award or
24 decision.

25 (1) Except in cases of claims against the State of
26 Illinois, in which case the decision of the Commission
27 shall not be subject to judicial review, the Circuit Court
28 of the county where any of the parties defendant may be
29 found, or if none of the parties defendant be found in this
30 State then the Circuit Court of the county where any of the
31 exposure occurred, shall by summons to the Commission have
32 power to review all questions of law and fact presented by
33 such record.

34 A proceeding for review shall be commenced within 20
35 days of the receipt of notice of the decision of the
36 Commission. The summons shall be issued by the clerk of

1 such court upon written request returnable on a designated
2 return day, not less than 10 or more than 60 days from the
3 date of issuance thereof, and the written request shall
4 contain the last known address of other parties in interest
5 and their attorneys of record who are to be served by
6 summons. Service upon any member of the Commission or the
7 Secretary or the Assistant Secretary thereof shall be
8 service upon the Commission, and service upon other parties
9 in interest and their attorneys of record shall be by
10 summons, and such service shall be made upon the Commission
11 and other parties in interest by mailing notices of the
12 commencement of the proceedings and the return day of the
13 summons to the office of the Commission and to the last
14 known place of residence of other parties in interest or
15 their attorney or attorneys of record. The clerk of the
16 court issuing the summons shall on the day of issue mail
17 notice of the commencement of the proceedings which shall
18 be done by mailing a copy of the summons to the office of
19 the Commission, and a copy of the summons to the other
20 parties in interest or their attorney or attorneys of
21 record and the clerk of the court shall make certificate
22 that he has so sent such notices in pursuance of this
23 Section, which shall be evidence of service on the
24 Commission and other parties in interest.

25 The Commission shall not be required to certify the
26 record of their proceedings in the Circuit Court unless the
27 party commencing the proceedings for review in the Circuit
28 Court as above provided, shall pay to the Commission the
29 sum of 80 cents per page of testimony taken before the
30 Commission, and 35 cents per page of all other matters
31 contained in such record, except as otherwise provided by
32 Section 20 of this Act. Payment for photostatic copies of
33 exhibit shall be extra. It shall be the duty of the
34 Commission upon such payment, or failure to pay as
35 permitted under Section 20 of this Act, to prepare a true
36 and correct typewritten copy of such testimony and a true

1 and correct copy of all other matters contained in such
2 record and certified to by the Secretary or Assistant
3 Secretary thereof.

4 In its decision on review the Commission shall
5 determine in each particular case the amount of the
6 probable cost of the record to be filed as a return to the
7 summons in that case and no request for a summons may be
8 filed and no summons shall issue unless the party seeking
9 to review the decision of the Commission shall exhibit to
10 the clerk of the Circuit Court proof of payment by filing a
11 receipt showing payment or an affidavit of the attorney
12 setting forth that payment has been made of the sums so
13 determined to the Secretary or Assistant Secretary of the
14 Commission.

15 (2) No such summons shall issue unless the one against
16 whom the Commission shall have rendered an award for the
17 payment of money shall upon the filing of his written
18 request for such summons file with the clerk of the court a
19 bond conditioned that if he shall not successfully
20 prosecute the review, he will pay the award and the costs
21 of the proceedings in the court. The amount of the bond
22 shall be fixed by any member of the Commission and the
23 surety or sureties of the bond shall be approved by the
24 clerk of the court. The acceptance of the bond by the clerk
25 of the court shall constitute evidence of his approval of
26 the bond.

27 Every county, city, town, township, incorporated
28 village, school district, body politic or municipal
29 corporation having a population of 500,000 or more against
30 whom the Commission shall have rendered an award for the
31 payment of money shall not be required to file a bond to
32 secure the payment of the award and the costs of the
33 proceedings in the court to authorize the court to issue
34 such summons.

35 The court may confirm or set aside the decision of the
36 Commission. If the decision is set aside and the facts

1 found in the proceedings before the Commission are
2 sufficient, the court may enter such decision as is
3 justified by law, or may remand the cause to the Commission
4 for further proceedings and may state the questions
5 requiring further hearing, and give such other
6 instructions as may be proper. Appeals shall be taken to
7 the ~~Industrial Commission Division of the~~ Appellate Court
8 in accordance with Supreme Court Rules 22(g) and 303.
9 Appeals shall be taken from the ~~Industrial Commission~~
10 ~~Division of the Appellate Court~~ to the Supreme Court in
11 accordance with Supreme Court Rule 315.

12 It shall be the duty of the clerk of any court
13 rendering a decision affecting or affirming an award of the
14 Commission to promptly furnish the Commission with a copy
15 of such decision, without charge.

16 The decision of a majority of the members of the panel
17 of the Commission, shall be considered the decision of the
18 Commission.

19 (g) Except in the case of a claim against the State of
20 Illinois, either party may present a certified copy of the
21 award of the Arbitrator, or a certified copy of the decision of
22 the Commission when the same has become final, when no
23 proceedings for review are pending, providing for the payment
24 of compensation according to this Act, to the Circuit Court of
25 the county in which such exposure occurred or either of the
26 parties are residents, whereupon the court shall enter a
27 judgment in accordance therewith. In case where the employer
28 refuses to pay compensation according to such final award or
29 such final decision upon which such judgment is entered, the
30 court shall in entering judgment thereon, tax as costs against
31 him the reasonable costs and attorney fees in the arbitration
32 proceedings and in the court entering the judgment for the
33 person in whose favor the judgment is entered, which judgment
34 and costs taxed as herein provided shall, until and unless set
35 aside, have the same effect as though duly entered in an action
36 duly tried and determined by the court, and shall with like

1 effect, be entered and docketed. The Circuit Court shall have
2 power at any time upon application to make any such judgment
3 conform to any modification required by any subsequent decision
4 of the Supreme Court upon appeal, or as the result of any
5 subsequent proceedings for review, as provided in this Act.

6 Judgment shall not be entered until 15 days' notice of the
7 time and place of the application for the entry of judgment
8 shall be served upon the employer by filing such notice with
9 the Commission, which Commission shall, in case it has on file
10 the address of the employer or the name and address of its
11 agent upon whom notices may be served, immediately send a copy
12 of the notice to the employer or such designated agent.

13 (h) An agreement or award under this Act providing for
14 compensation in installments, may at any time within 18 months
15 after such agreement or award be reviewed by the Commission at
16 the request of either the employer or the employee on the
17 ground that the disability of the employee has subsequently
18 recurred, increased, diminished or ended.

19 However, as to disablements occurring subsequently to July
20 1, 1955, which are covered by any agreement or award under this
21 Act providing for compensation in installments made as a result
22 of such disablement, such agreement or award may at any time
23 within 30 months after such agreement or award be reviewed by
24 the Commission at the request of either the employer or the
25 employee on the ground that the disability of the employee has
26 subsequently recurred, increased, diminished or ended.

27 On such review compensation payments may be
28 re-established, increased, diminished or ended. The Commission
29 shall give 15 days' notice to the parties of the hearing for
30 review. Any employee, upon any petition for such review being
31 filed by the employer, shall be entitled to one day's notice
32 for each 100 miles necessary to be traveled by him in attending
33 the hearing of the Commission upon the petition, and 3 days in
34 addition thereto. Such employee shall, at the discretion of the
35 Commission, also be entitled to 5 cents per mile necessarily
36 traveled by him within the State of Illinois in attending such

1 hearing, not to exceed a distance of 300 miles, to be taxed by
2 the Commission as costs and deposited with the petition of the
3 employer.

4 When compensation which is payable in accordance with an
5 award or settlement contract approved by the Commission, is
6 ordered paid in a lump sum by the Commission, no review shall
7 be had as in this paragraph mentioned.

8 (i) Each party, upon taking any proceedings or steps
9 whatsoever before any Arbitrator, Commission or court, shall
10 file with the Commission his address, or the name and address
11 of any agent upon whom all notices to be given to such party
12 shall be served, either personally or by registered mail,
13 addressed to such party or agent at the last address so filed
14 with the Commission. In the event such party has not filed his
15 address, or the name and address of an agent as above provided,
16 service of any notice may be had by filing such notice with the
17 Commission.

18 (j) Whenever in any proceeding testimony has been taken or
19 a final decision has been rendered, and after the taking of
20 such testimony or after such decision has become final, the
21 employee dies, then in any subsequent proceeding brought by the
22 personal representative or beneficiaries of the deceased
23 employee, such testimony in the former proceeding may be
24 introduced with the same force and effect as though the witness
25 having so testified were present in person in such subsequent
26 proceedings and such final decision, if any, shall be taken as
27 final adjudication of any of the issues which are the same in
28 both proceedings.

29 (k) In any case where there has been any unreasonable or
30 vexatious delay of payment or intentional underpayment of
31 compensation, or proceedings have been instituted or carried on
32 by one liable to pay the compensation, which do not present a
33 real controversy, but are merely frivolous or for delay, then
34 the Commission may award compensation additional to that
35 otherwise payable under this Act equal to 50% of the amount
36 payable at the time of such award. Failure to pay compensation

1 in accordance with the provisions of Section 8, paragraph (b)
2 of this Act, shall be considered unreasonable delay.

3 (1) By the 15th day of each month each insurer providing
4 coverage for losses under this Act shall notify each insured
5 employer of any compensable claim incurred during the preceding
6 month and the amounts paid or reserved on the claim including a
7 summary of the claim and a brief statement of the reasons for
8 compensability. A cumulative report of all claims incurred
9 during a calendar year or continued from the previous year
10 shall be furnished to the insured employer by the insurer
11 within 30 days after the end of that calendar year.

12 The insured employer may challenge, in proceeding before
13 the Commission, payments made by the insurer without
14 arbitration and payments made after a case is determined to be
15 noncompensable. If the Commission finds that the case was not
16 compensable, the insurer shall purge its records as to that
17 employer of any loss or expense associated with the claim,
18 reimburse the employer for attorneys fee arising from the
19 challenge and for any payment required of the employer to the
20 Rate Adjustment Fund or the Second Injury Fund, and may not
21 effect the loss or expense for rate making purposes. The
22 employee shall not be required to refund the challenged
23 payment. The decision of the Commission may be reviewed in the
24 same manner as in arbitrated cases. No challenge may be
25 initiated under this paragraph more than 3 years after the
26 payment is made. An employer may waive the right of challenge
27 under this paragraph on a case by case basis.

28 (m) After filing an application for adjustment of claim but
29 prior to the hearing on arbitration the parties may voluntarily
30 agree to submit such application for adjustment of claim for
31 decision by an arbitrator under this subsection (m) where such
32 application for adjustment of claim raises only a dispute over
33 temporary total disability, permanent partial disability or
34 medical expenses. Such agreement shall be in writing in such
35 form as provided by the Commission. Applications for adjustment
36 of claim submitted for decision by an arbitrator under this

1 subsection (m) shall proceed according to rule as established
2 by the Commission. The Commission shall promulgate rules
3 including, but not limited to, rules to ensure that the parties
4 are adequately informed of their rights under this subsection
5 (m) and of the voluntary nature of proceedings under this
6 subsection (m). The findings of fact made by an arbitrator
7 acting within his or her powers under this subsection (m) in
8 the absence of fraud shall be conclusive. However, the
9 arbitrator may on his own motion, or the motion of either
10 party, correct any clerical errors or errors in computation
11 within 15 days after the date of receipt of such award of the
12 arbitrator and shall have the power to recall the original
13 award on arbitration, and issue in lieu thereof such corrected
14 award. The decision of the arbitrator under this subsection (m)
15 shall be considered the decision of the Commission and
16 proceedings for review of questions of law arising from the
17 decision may be commenced by either party pursuant to
18 subsection (f) of Section 19. The Advisory Board established
19 under Section 13.1 of the Workers' Compensation Act shall
20 compile a list of certified Commission arbitrators, each of
21 whom shall be approved by at least 7 members of the Advisory
22 Board. The chairman shall select 5 persons from such list to
23 serve as arbitrators under this subsection (m). By agreement,
24 the parties shall select one arbitrator from among the 5
25 persons selected by the chairman except, that if the parties do
26 not agree on an arbitrator from among the 5 persons, the
27 parties may, by agreement, select an arbitrator of the American
28 Arbitration Association, whose fee shall be paid by the State
29 in accordance with rules promulgated by the Commission.
30 Arbitration under this subsection (m) shall be voluntary.

31 (Source: P.A. 86-998; 87-435.)

32 (820 ILCS 310/23) (from Ch. 48, par. 172.58)

33 Sec. 23. No employee, personal representative, or
34 beneficiary shall have power to waive any of the provisions of
35 this Act in regard to the amount of compensation which may be

1 payable to such employee, personal representative or
2 beneficiary hereunder except after approval by the Commission,
3 and any employer, individually, or by his agent, service
4 company, or insurance carrier who shall enter into an agreement
5 purporting to compromise or settle the compensation rights of
6 an employee, personal representative or beneficiary without
7 first obtaining the approval of the Illinois Workers'
8 Compensation ~~Industrial~~ Commission as aforesaid shall be
9 barred from raising the defense of limitation in any
10 proceedings subsequently brought by such employee, personal
11 representative or beneficiary.

12 A minor death beneficiary, by parent or grandparent as next
13 friend, may compromise disputes and may enter into and submit a
14 settlement contract or lump sum petition, and upon approval by
15 the Illinois Workers' Compensation ~~Industrial~~ Commission such
16 settlement contract or lump sum order shall have the same force
17 and effect as though such minor had been an adult.

18 (Source: P.A. 79-78.)

19 (820 ILCS 310/26) (from Ch. 48, par. 172.61)

20 Sec. 26. No repeal of any Act or part thereof herein
21 contained shall extinguish or in any way affect any right of
22 action thereunder, existing at the time this Act takes effect.
23 No employer shall be liable for compensation or damages under
24 this Act in any case in which the disablement on which claim is
25 predicated shall have occurred prior to the date this Act
26 becomes effective. Any claims, disagreement or controversy
27 existing or arising under "An Act to promote the general
28 welfare of the people of this state by providing remedies for
29 injuries suffered or death resulting from occupational
30 diseases incurred in the course of employment; providing for
31 enforcement and administration thereof, and to repeal an Act
32 and a part of a certain Act herein named", approved March 16,
33 1936, as amended, shall be adjusted in accordance with the
34 provisions of said Act, notwithstanding the repeal thereof, or
35 may by agreement of the parties be adjusted in accordance with

1 the method of procedure provided in this Act for the adjustment
2 of differences, jurisdiction to adjust such differences so
3 submitted by the parties being hereby conferred upon the
4 Commission. Nothing in this section shall affect any case in
5 which exposure as defined in this Act shall have taken place
6 after the effective date of this Act.

7 The Attorney General and the State's Attorney of each
8 county, upon request of the Illinois Workers' Compensation
9 ~~Industrial~~ Commission, shall enforce any penalties set forth in
10 this Act.

11 (Source: P.A. 83-1125.)

12 Section 80. The Unemployment Insurance Act is amended by
13 changing Section 1900 as follows:

14 (820 ILCS 405/1900) (from Ch. 48, par. 640)

15 Sec. 1900. Disclosure of information.

16 A. Except as provided in this Section, information obtained
17 from any individual or employing unit during the administration
18 of this Act shall:

19 1. be confidential,

20 2. not be published or open to public inspection,

21 3. not be used in any court in any pending action or
22 proceeding,

23 4. not be admissible in evidence in any action or
24 proceeding other than one arising out of this Act.

25 B. No finding, determination, decision, ruling or order
26 (including any finding of fact, statement or conclusion made
27 therein) issued pursuant to this Act shall be admissible or
28 used in evidence in any action other than one arising out of
29 this Act, nor shall it be binding or conclusive except as
30 provided in this Act, nor shall it constitute res judicata,
31 regardless of whether the actions were between the same or
32 related parties or involved the same facts.

33 C. Any officer or employee of this State, any officer or
34 employee of any entity authorized to obtain information

1 pursuant to this Section, and any agent of this State or of
2 such entity who, except with authority of the Director under
3 this Section, shall disclose information shall be guilty of a
4 Class B misdemeanor and shall be disqualified from holding any
5 appointment or employment by the State.

6 D. An individual or his duly authorized agent may be
7 supplied with information from records only to the extent
8 necessary for the proper presentation of his claim for benefits
9 or with his existing or prospective rights to benefits.
10 Discretion to disclose this information belongs solely to the
11 Director and is not subject to a release or waiver by the
12 individual. Notwithstanding any other provision to the
13 contrary, an individual or his or her duly authorized agent may
14 be supplied with a statement of the amount of benefits paid to
15 the individual during the 18 months preceding the date of his
16 or her request.

17 E. An employing unit may be furnished with information,
18 only if deemed by the Director as necessary to enable it to
19 fully discharge its obligations or safeguard its rights under
20 the Act. Discretion to disclose this information belongs solely
21 to the Director and is not subject to a release or waiver by
22 the employing unit.

23 F. The Director may furnish any information that he may
24 deem proper to any public officer or public agency of this or
25 any other State or of the federal government dealing with:

- 26 1. the administration of relief,
- 27 2. public assistance,
- 28 3. unemployment compensation,
- 29 4. a system of public employment offices,
- 30 5. wages and hours of employment, or
- 31 6. a public works program.

32 The Director may make available to the Illinois Workers'
33 Compensation ~~Industrial~~ Commission information regarding
34 employers for the purpose of verifying the insurance coverage
35 required under the Workers' Compensation Act and Workers'
36 Occupational Diseases Act.

1 G. The Director may disclose information submitted by the
2 State or any of its political subdivisions, municipal
3 corporations, instrumentalities, or school or community
4 college districts, except for information which specifically
5 identifies an individual claimant.

6 H. The Director shall disclose only that information
7 required to be disclosed under Section 303 of the Social
8 Security Act, as amended, including:

9 1. any information required to be given the United
10 States Department of Labor under Section 303(a)(6); and

11 2. the making available upon request to any agency of
12 the United States charged with the administration of public
13 works or assistance through public employment, the name,
14 address, ordinary occupation and employment status of each
15 recipient of unemployment compensation, and a statement of
16 such recipient's right to further compensation under such
17 law as required by Section 303(a)(7); and

18 3. records to make available to the Railroad Retirement
19 Board as required by Section 303(c)(1); and

20 4. information that will assure reasonable cooperation
21 with every agency of the United States charged with the
22 administration of any unemployment compensation law as
23 required by Section 303(c)(2); and

24 5. information upon request and on a reimbursable basis
25 to the United States Department of Agriculture and to any
26 State food stamp agency concerning any information
27 required to be furnished by Section 303(d); and

28 6. any wage information upon request and on a
29 reimbursable basis to any State or local child support
30 enforcement agency required by Section 303(e); and

31 7. any information required under the income
32 eligibility and verification system as required by Section
33 303(f); and

34 8. information that might be useful in locating an
35 absent parent or that parent's employer, establishing
36 paternity or establishing, modifying, or enforcing child

1 support orders for the purpose of a child support
2 enforcement program under Title IV of the Social Security
3 Act upon the request of and on a reimbursable basis to the
4 public agency administering the Federal Parent Locator
5 Service as required by Section 303(h); and

6 9. information, upon request, to representatives of
7 any federal, State or local governmental public housing
8 agency with respect to individuals who have signed the
9 appropriate consent form approved by the Secretary of
10 Housing and Urban Development and who are applying for or
11 participating in any housing assistance program
12 administered by the United States Department of Housing and
13 Urban Development as required by Section 303(i).

14 I. The Director, upon the request of a public agency of
15 Illinois, of the federal government or of any other state
16 charged with the investigation or enforcement of Section 10-5
17 of the Criminal Code of 1961 (or a similar federal law or
18 similar law of another State), may furnish the public agency
19 information regarding the individual specified in the request
20 as to:

21 1. the current or most recent home address of the
22 individual, and

23 2. the names and addresses of the individual's
24 employers.

25 J. Nothing in this Section shall be deemed to interfere
26 with the disclosure of certain records as provided for in
27 Section 1706 or with the right to make available to the
28 Internal Revenue Service of the United States Department of the
29 Treasury, or the Department of Revenue of the State of
30 Illinois, information obtained under this Act.

31 K. The Department shall make available to the Illinois
32 Student Assistance Commission, upon request, information in
33 the possession of the Department that may be necessary or
34 useful to the Commission in the collection of defaulted or
35 delinquent student loans which the Commission administers.

36 L. The Department shall make available to the State

1 Employees' Retirement System, the State Universities
2 Retirement System, and the Teachers' Retirement System of the
3 State of Illinois, upon request, information in the possession
4 of the Department that may be necessary or useful to the System
5 for the purpose of determining whether any recipient of a
6 disability benefit from the System is gainfully employed.

7 M. This Section shall be applicable to the information
8 obtained in the administration of the State employment service,
9 except that the Director may publish or release general labor
10 market information and may furnish information that he may deem
11 proper to an individual, public officer or public agency of
12 this or any other State or the federal government (in addition
13 to those public officers or public agencies specified in this
14 Section) as he prescribes by Rule.

15 N. The Director may require such safeguards as he deems
16 proper to insure that information disclosed pursuant to this
17 Section is used only for the purposes set forth in this
18 Section.

19 O. (Blank).

20 P. Within 30 days after the effective date of this
21 amendatory Act of 1993 and annually thereafter, the Department
22 shall provide to the Department of Financial Institutions a
23 list of individuals or entities that, for the most recently
24 completed calendar year, report to the Department as paying
25 wages to workers. The lists shall be deemed confidential and
26 may not be disclosed to any other person.

27 Q. The Director shall make available to an elected federal
28 official the name and address of an individual or entity that
29 is located within the jurisdiction from which the official was
30 elected and that, for the most recently completed calendar
31 year, has reported to the Department as paying wages to
32 workers, where the information will be used in connection with
33 the official duties of the official and the official requests
34 the information in writing, specifying the purposes for which
35 it will be used. For purposes of this subsection, the use of
36 information in connection with the official duties of an

1 official does not include use of the information in connection
2 with the solicitation of contributions or expenditures, in
3 money or in kind, to or on behalf of a candidate for public or
4 political office or a political party or with respect to a
5 public question, as defined in Section 1-3 of the Election
6 Code, or in connection with any commercial solicitation. Any
7 elected federal official who, in submitting a request for
8 information covered by this subsection, knowingly makes a false
9 statement or fails to disclose a material fact, with the intent
10 to obtain the information for a purpose not authorized by this
11 subsection, shall be guilty of a Class B misdemeanor.

12 R. The Director may provide to any State or local child
13 support agency, upon request and on a reimbursable basis,
14 information that might be useful in locating an absent parent
15 or that parent's employer, establishing paternity, or
16 establishing, modifying, or enforcing child support orders.

17 S. The Department shall make available to a State's
18 Attorney of this State or a State's Attorney's investigator,
19 upon request, the current address or, if the current address is
20 unavailable, current employer information, if available, of a
21 victim of a felony or a witness to a felony or a person against
22 whom an arrest warrant is outstanding.

23 (Source: P.A. 93-311, eff. 1-1-04.)

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Statutes amended in order of appearance

3	5 ILCS 220/6	from Ch. 127, par. 746
4	5 ILCS 420/2-104	from Ch. 127, par. 602-104
5	15 ILCS 15/3.1	from Ch. 127, par. 1803.1
6	20 ILCS 415/4c	from Ch. 127, par. 63b104c
7	20 ILCS 415/4d	from Ch. 127, par. 63b104d
8	20 ILCS 415/11	from Ch. 127, par. 63b111
9	30 ILCS 105/5.454	
10	30 ILCS 105/8.3	from Ch. 127, par. 144.3
11	30 ILCS 260/0.01	from Ch. 127, par. 179.9
12	30 ILCS 260/3	from Ch. 127, par. 180
13	30 ILCS 260/4	from Ch. 127, par. 181
14	35 ILCS 5/917	from Ch. 120, par. 9-917
15	40 ILCS 5/9-159	from Ch. 108 1/2, par. 9-159
16	40 ILCS 5/12-141	from Ch. 108 1/2, par. 12-141
17	40 ILCS 5/13-309	from Ch. 108 1/2, par. 13-309
18	40 ILCS 5/14-123	from Ch. 108 1/2, par. 14-123
19	40 ILCS 5/14-123.1	from Ch. 108 1/2, par. 14-123.1
20	40 ILCS 5/14-128	from Ch. 108 1/2, par. 14-128
21	40 ILCS 5/14-129	from Ch. 108 1/2, par. 14-129
22	40 ILCS 5/16-149.1	from Ch. 108 1/2, par. 16-149.1
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35	820 ILCS 305/7	from Ch. 48, par. 138.7

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10	820 ILCS 310/1	from Ch. 48, par. 172.36
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15	820 ILCS 310/13	from Ch. 48, par. 172.48
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18	820 ILCS 310/23	from Ch. 48, par. 172.58
19	820 ILCS 310/26	from Ch. 48, par. 172.61
20	820 ILCS 405/1900	from Ch. 48, par. 640