



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3452

Introduced 2/23/2005, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

820 ILCS 305/24.1 new

Amends the Workers' Compensation Act. Provides that an employer or group of employers and the representative of its employees may agree to establish binding obligations and procedures relating to workers' compensation. Provides that the agreement must be limited to, but need not include: an alternative dispute resolution system to supplement, modify, or replace the procedural or dispute resolution provisions of the Act; a list of providers of medical treatment that may be the exclusive source of all medical and related treatment; a list of providers which may be the exclusive source of impartial medical examinations; creation of a transitional or modified return to work program; a list of individuals and companies for the provision of vocational rehabilitation or retraining programs; the establishment of safety committees and safety procedures; and the adoption of a 24 hour health care coverage plan. Provides that a copy of the agreement shall be filed with the Illinois Workers' Compensation Commission. Provides that the new provisions do not allow any agreement that diminishes an employee's entitlement to benefits under the Act, an agreement does not diminish an employee's entitlement to benefits, and an agreement that diminishes the employee's entitlement to benefits is void. Provides that an employer insured under the Act shall provide notice to its insurance carrier of its intent to enter into an agreement with its employees and obtain consent from its insurance carrier to enter into an agreement. Effective immediately.

LRB094 11220 WGH 41941 b

1 AN ACT concerning employment.

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

4 Section 5. The Workers' Compensation Act is amended by
5 adding Section 24.1 as follows:

6 (820 ILCS 305/24.1 new)

7 Sec. 24.1. Collective bargaining agreements.

8 (a) Any employer or group of employers, and the recognized
9 or certified and exclusive representative of its employees, may
10 agree to establish certain binding obligations and procedures
11 relating to workers' compensation. This agreement must be
12 limited to the following, but need not include all of the
13 following:

14 (1) An alternative dispute resolution system to
15 supplement, modify, or replace the procedural or dispute
16 resolution provisions of this Act. The system may include
17 mediation, arbitration, or other dispute resolution
18 proceedings, the results of which may be final and binding
19 upon the parties.

20 (2) A list of providers of medical treatment that may
21 be the exclusive source of all medical and related
22 treatment provided under this Act.

23 (3) A list of providers which may be the exclusive
24 source of impartial medical (physical or mental)
25 examinations under this Act.

26 (4) The creation of a transitional or modified return
27 to work program.

28 (5) A list of individuals and companies for the
29 provision of vocational rehabilitation or retraining
30 programs.

31 (6) The establishment of safety committees and safety
32 procedures.

1 (7) The adoption of a 24 hour health care coverage
2 plan.

3 (b) A copy of the agreement identifying the employer or the
4 group of employers and the local union, district, or council
5 shall be filed with the Illinois Workers' Compensation
6 Commission. Upon filing, the agreement shall be valid and
7 binding.

8 (c) Nothing in this Section shall allow any agreement that
9 diminishes an employee's entitlement to benefits as otherwise
10 set forth in this Act. For the purposes of this Section, the
11 procedural rights and dispute resolution agreements under
12 paragraphs (1) through (7) of subsection (a) are not agreements
13 that diminish an employee's entitlement to benefits. Any
14 agreement that diminishes the employee's entitlement to
15 benefits as set forth in this Act is null and void.

16 (d) If the employer is insured under this Act, it shall, in
17 the manner provided in the insurance contract, provide notice
18 to its insurance carrier of its intent to enter into an
19 agreement as provided in this Section with its employees and
20 obtain consent from its insurance carrier to enter into an
21 agreement as provided in this Section.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.