



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2510

Introduced 2/15/2008, by Sen. William E. Peterson

#### 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 that 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 or increases an employee's entitlement to benefits under the Act, an agreement does not diminish or increase an employee's entitlement to benefits, and an agreement that diminishes or increases 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. Provides that the new provisions do not require an employee, an employee group, or an employer to negotiate or be a party to any such agreement. Effective immediately.

LRB095 19216 AMC 45471 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 that may be the exclusive

1 source of impartial medical (physical or mental)  
2 examinations under this Act.

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

5 (5) A list of individuals and companies for the  
6 provision of vocational rehabilitation or retraining  
7 programs.

8 (6) The establishment of safety committees and safety  
9 procedures.

10 (7) The adoption of a 24-hour health care coverage  
11 plan.

12 (b) A copy of the agreement identifying the employer or the  
13 group of employers and the local union, district, or council  
14 shall be filed with the Illinois Workers' Compensation  
15 Commission. Upon filing, the agreement shall be valid and  
16 binding.

17 (c) Nothing in this Section shall allow any agreement that  
18 diminishes or increases an employee's entitlement to benefits  
19 as otherwise set forth in this Act. For the purposes of this  
20 Section, the procedural rights and dispute resolution  
21 agreements under paragraphs (1) through (7) of subsection (a)  
22 are not agreements that diminish or increase an employee's  
23 entitlement to benefits. Any agreement that diminishes or  
24 increases the employee's entitlement to benefits as set forth  
25 in this Act is null and void.

26 (d) If the employer is insured under this Act, it shall, in

1 the manner provided in the insurance contract, provide notice  
2 to its insurance carrier of its intent to enter into an  
3 agreement as provided in this Section with its employees and  
4 obtain consent from its insurance carrier to enter into an  
5 agreement as provided in this Section.

6 (e) Nothing in this Section shall require an employee, an  
7 employee group, or an employer to negotiate or be a party to  
8 any such agreement.

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