



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3829

Introduced 2/11/2010, by Sen. Terry Link

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.

LRB096 20378 WGH 36019 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

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 an employee's entitlement to benefits as otherwise
19 set forth in this Act. For the purposes of this Section, the
20 procedural rights and dispute resolution agreements under
21 paragraphs (1) through (7) of subsection (a) are not agreements
22 that diminish an employee's entitlement to benefits. Any
23 agreement that diminishes the employee's entitlement to
24 benefits as set forth in this Act is null and void.

25 (d) If the employer is insured under this Act, it shall, in
26 the manner provided in the insurance contract, provide notice

1 to its insurance carrier of its intent to enter into an
2 agreement as provided in this Section with its employees and
3 obtain consent from its insurance carrier to enter into an
4 agreement as provided in this Section.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.