

# HB2395



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2395

by Rep. Keith P. Sommer

#### SYNOPSIS AS INTRODUCED:

820 ILCS 305/10

from Ch. 48, par. 138.10

Amends the Workers' Compensation Act. Provides that, in computing the compensation to be paid by an employer having 50 or fewer employees, "average weekly wage" does not include benefit pay for holidays or for sick, personal, or vacation days.

LRB098 05819 WGH 35858 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Workers' Compensation Act is amended by  
5 changing Section 10 as follows:

6 (820 ILCS 305/10) (from Ch. 48, par. 138.10)

7 Sec. 10. The basis for computing the compensation provided  
8 for in Sections 7 and 8 of the Act shall be as follows:

9 The compensation shall be computed on the basis of the  
10 "Average weekly wage" which shall mean the actual earnings of  
11 the employee in the employment in which he was working at the  
12 time of the injury during the period of 52 weeks ending with  
13 the last day of the employee's last full pay period immediately  
14 preceding the date of injury, illness or disablement excluding  
15 overtime, and bonus divided by 52; but if the injured employee  
16 lost 5 or more calendar days during such period, whether or not  
17 in the same week, then the earnings for the remainder of such  
18 52 weeks shall be divided by the number of weeks and parts  
19 thereof remaining after the time so lost has been deducted.  
20 Where the employment prior to the injury extended over a period  
21 of less than 52 weeks, the method of dividing the earnings  
22 during that period by the number of weeks and parts thereof  
23 during which the employee actually earned wages shall be

1 followed. Where by reason of the shortness of the time during  
2 which the employee has been in the employment of his employer  
3 or of the casual nature or terms of the employment, it is  
4 impractical to compute the average weekly wages as above  
5 defined, regard shall be had to the average weekly amount which  
6 during the 52 weeks previous to the injury, illness or  
7 disablement was being or would have been earned by a person in  
8 the same grade employed at the same work for each of such 52  
9 weeks for the same number of hours per week by the same  
10 employer. In the case of volunteer firemen, police and civil  
11 defense members or trainees, the income benefits shall be based  
12 on the average weekly wage in their regular employment. When  
13 the employee is working concurrently with two or more employers  
14 and the respondent employer has knowledge of such employment  
15 prior to the injury, his wages from all such employers shall be  
16 considered as if earned from the employer liable for  
17 compensation.

18 In computing the compensation to be paid by an employer  
19 having 50 or fewer employees, "average weekly wage" shall not  
20 include benefit pay for holidays, or for sick, personal, or  
21 vacation days.

22 (Source: P.A. 81-1482.)