

HB3738



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3738

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

820 ILCS 305/10

from Ch. 48, par. 138.10

Amends the Workers' Compensation Act. Provides for the computation of compensation when there are multiple employers and when there is less than full-time work. Effective immediately.

LRB098 14511 OMW 49259 b

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 (1) 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 (2) Where the employment prior to the injury extended over
21 a period of less than 52 weeks, or the employment is
22 noncontinuous or less than full-time, or the employee lost one
23 or more calendar days during that period, the earnings earned

1 during that period shall be divided by the number of weeks
2 during which the employee worked, regardless of the number of
3 hours worked during that week ~~the method of dividing the~~
4 ~~earnings during that period by the number of weeks and parts~~
5 ~~thereof during which the employee actually earned wages shall~~
6 ~~be followed.~~

7 (3) When the employee is working concurrently with 2 or
8 more employers and the respondent employer has knowledge of
9 such additional employment prior to the injury, the employee's
10 wages from all such employers shall be considered as if earned
11 from the employer liable for compensation.

12 (4) Each week during which the employee earned wages counts
13 as one week for purposes of computation under subdivisions (1),
14 (2), and (3), regardless of the number of hours worked during
15 that week.

16 (5) Where by reason of the shortness of the time during
17 which the employee has been in the employment of his employer
18 or of the casual nature or terms of the employment, it is
19 impractical to compute the average weekly wages as above
20 defined, regard shall be had to the average weekly amount which
21 during the 52 weeks previous to the injury, illness or
22 disablement was being or would have been earned by a person in
23 the same grade employed at the same work for each of such 52
24 weeks for the same number of hours per week by the same
25 employer. In the case of volunteer firemen, police and civil
26 defense members or trainees, the income benefits shall be based

1 on the average weekly wage in their regular employment. ~~When~~
2 ~~the employee is working concurrently with two or more employers~~
3 ~~and the respondent employer has knowledge of such employment~~
4 ~~prior to the injury, his wages from all such employers shall be~~
5 ~~considered as if earned from the employer liable for~~
6 ~~compensation.~~

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

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