

1 AN ACT concerning workers' compensation.

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 Sections 7 and 8 as follows:

6 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

7 Sec. 7. The amount of compensation which shall be paid
8 for an accidental injury to the employee resulting in death
9 is:

10 (a) If the employee leaves surviving a widow, widower,
11 child or children, the applicable weekly compensation rate
12 computed in accordance with subparagraph 2 of paragraph (b)
13 of Section 8, shall be payable during the life of the widow
14 or widower and if any surviving child or children shall not
15 be physically or mentally incapacitated then until the death
16 of the widow or widower or until the youngest child shall
17 reach the age of 18, whichever shall come later; provided
18 that if such child or children shall be enrolled as a full
19 time student in any accredited educational institution, the
20 payments shall continue until such child has attained the age
21 of 25. In the event any surviving child or children shall be
22 physically or mentally incapacitated, the payments shall
23 continue for the duration of such incapacity.

24 The term "child" means a child whom the deceased employee
25 left surviving, including a posthumous child, a child legally
26 adopted, a child whom the deceased employee was legally
27 obligated to support or a child to whom the deceased employee
28 stood in loco parentis. The term "children" means the plural
29 of "child".

30 The term "physically or mentally incapacitated child or
31 children" means a child or children incapable of engaging in

1 regular and substantial gainful employment.

2 In the event of the remarriage of a widow or widower,
3 where the decedent did not leave surviving any child or
4 children who, at the time of such remarriage, are entitled to
5 compensation benefits under this Act, the surviving spouse
6 shall be paid a lump sum equal to 2 years compensation
7 benefits and all further rights of such widow or widower
8 shall be extinguished.

9 If the employee leaves surviving any child or children
10 under 18 years of age who at the time of death shall be
11 entitled to compensation under this paragraph (a) of this
12 Section, the weekly compensation payments herein provided for
13 such child or children shall in any event continue for a
14 period of not less than 6 years.

15 Any beneficiary entitled to compensation under this
16 paragraph (a) of this Section shall receive from the special
17 fund provided in paragraph (f) of this Section, in addition
18 to the compensation herein provided, supplemental benefits in
19 accordance with paragraph (g) of Section 8.

20 (b) If no compensation is payable under paragraph (a) of
21 this Section and the employee leaves surviving a parent or
22 parents who at the time of the accident were totally
23 dependent upon the earnings of the employee then weekly
24 payments equal to the compensation rate payable in the case
25 where the employee leaves surviving a widow or widower, shall
26 be paid to such parent or parents for the duration of their
27 lives, and in the event of the death of either, for the life
28 of the survivor.

29 (c) If no compensation is payable under paragraphs (a)
30 or (b) of this Section and the employee leaves surviving any
31 child or children who are not entitled to compensation under
32 the foregoing paragraph (a) but who at the time of the
33 accident were nevertheless in any manner dependent upon the
34 earnings of the employee, or leaves surviving a parent or

1 parents who at the time of the accident were partially
2 dependent upon the earnings of the employee, then there shall
3 be paid to such dependent or dependents for a period of 8
4 years weekly compensation payments at such proportion of the
5 applicable rate if the employee had left surviving a widow or
6 widower as such dependency bears to total dependency. In the
7 event of the death of any such beneficiary the share of such
8 beneficiary shall be divided equally among the surviving
9 beneficiaries and in the event of the death of the last such
10 beneficiary all the rights under this paragraph shall be
11 extinguished.

12 (d) If no compensation is payable under paragraphs (a),
13 (b) or (c) of this Section and the employee leaves surviving
14 any grandparent, grandparents, grandchild or grandchildren or
15 collateral heirs dependent upon the employee's earnings to
16 the extent of 50% or more of total dependency, then there
17 shall be paid to such dependent or dependents for a period of
18 5 years weekly compensation payments at such proportion of
19 the applicable rate if the employee had left surviving a
20 widow or widower as such dependency bears to total
21 dependency. In the event of the death of any such
22 beneficiary the share of such beneficiary shall be divided
23 equally among the surviving beneficiaries and in the event of
24 the death of the last such beneficiary all rights hereunder
25 shall be extinguished.

26 (e) The compensation to be paid for accidental injury
27 which results in death, as provided in this Section, shall be
28 paid to the persons who form the basis for determining the
29 amount of compensation to be paid by the employer, the
30 respective shares to be in the proportion of their respective
31 dependency at the time of the accident on the earnings of the
32 deceased. The Commission or an Arbitrator thereof may, in
33 its or his discretion, order or award the payment to the
34 parent or grandparent of a child for the latter's support the

1 amount of compensation which but for such order or award
2 would have been paid to such child as its share of the
3 compensation payable, which order or award may be modified
4 from time to time by the Commission in its discretion with
5 respect to the person to whom shall be paid the amount of the
6 order or award remaining unpaid at the time of the
7 modification.

8 The payments of compensation by the employer in
9 accordance with the order or award of the Commission
10 discharges such employer from all further obligation as to
11 such compensation.

12 (f) The sum of \$4200 for burial expenses shall be paid
13 by the employer to the widow or widower, other dependent,
14 next of kin or to the person or persons incurring the expense
15 of burial.

16 In the event the employer failed to provide necessary
17 first aid, medical, surgical or hospital service, he shall
18 pay the cost thereof to the person or persons entitled to
19 compensation under paragraphs (a), (b), (c) or (d) of this
20 Section, or to the person or persons incurring the obligation
21 therefore, or providing the same.

22 On January 15 and July 15, 1981, and on January 15 and
23 July 15 of each year thereafter the Commission shall assess
24 all employers in the aggregate a total employer-shall--within
25 60--days--pay--a sum equal to 1/8 of 1% of all compensation
26 payments made by employers him after July 1, 1980, either
27 under this Act or the Workers' Occupational Diseases Act,
28 whether by lump sum settlement or weekly compensation
29 payments, but not including hospital, surgical or
30 rehabilitation payments, made during the first 6 months and
31 during the second 6 months respectively of the fiscal year
32 next preceding the date of the payments, into a special fund
33 which shall be designated the "Second Injury Fund", of which
34 the State Treasurer is ex-officio custodian, such special

1 fund to be held and disbursed for the purposes hereinafter
2 stated in paragraphs (f) and (g) of Section 8, either upon
3 the order of the Commission or of a competent court. Said
4 special fund shall be deposited the same as are State funds
5 and any interest accruing thereon shall be added thereto
6 every 6 months. It is subject to audit the same as State
7 funds and accounts and is protected by the General bond given
8 by the State Treasurer. It is considered always appropriated
9 for the purposes of disbursements as provided in Section 8,
10 paragraph (f), of this Act, and shall be paid out and
11 disbursed as therein provided and shall not at any time be
12 appropriated or diverted to any other use or purpose.

13 The assessment for the Second Injury Fund shall be
14 allocated between self-insured employers and insured
15 employers based on compensation payments for the preceding
16 fiscal year, as provided in this Section. Compensation
17 payments shall include all payments made either under this
18 Act or the Workers' Occupational Diseases Act, whether by
19 lump sum settlement or weekly compensation payments, but not
20 including hospital, surgical, or rehabilitation payments.
21 The method of assessing self-insured employers shall be based
22 on compensation payments. The method of assessing insured
23 employers shall be a surcharge based on premium as set forth
24 in this Section.

25 The portion of the total aggregate amount that shall be
26 collected from self-insured employers shall be a sum equal to
27 that proportion of the total compensation payments for the
28 preceding fiscal year which the total compensation payments
29 of all self-insured employers bore to the total compensation
30 payments made by all self-insured employers and insured
31 employers during the preceding fiscal year. The portion of
32 the total aggregate amount that shall be collected from
33 insured employers shall be a sum equal to that proportion of
34 the total compensation payments for the preceding fiscal year

1 which the total compensation payments on behalf of all
2 insured employers bore to the total compensation payments
3 made by all self-insured employers and insured employers
4 during the preceding fiscal year. An employer who has ceased
5 to be a self-insurer shall continue to be liable for any
6 assessments based on compensation payments made by the
7 employer in the preceding fiscal year.

8 Insurers shall collect such assessments from their
9 policyholders through a surcharge based on premium.
10 Assessments when collected shall not constitute an element of
11 loss for the purpose of establishing rates for workers'
12 compensation insurance, but, for the purpose of collection,
13 shall be treated as separate costs imposed upon insured
14 employers. The premium surcharge shall be excluded from the
15 definition of premium for all purposes, including computation
16 of agents' commissions or premium taxes, provided, an insurer
17 may cancel a workers' compensation policy for non-payment of
18 the premium surcharge.

19 Assessments on self-insured employers and insured
20 employers shall be sent on January 15 and July 15 of each
21 year after the effective date of this amendatory Act of the
22 92nd General Assembly. Self-insured employers shall report
23 and remit payment and insurers shall report and remit premium
24 surcharges 60 days after the assessment.

25 On January 15, 1991, the employer shall further pay a sum
26 equal to one half of 1% of all compensation payments made by
27 him from January 1, 1990 through June 30, 1990 either under
28 this Act or under the Workers' Occupational Diseases Act,
29 whether by lump sum settlement or weekly compensation
30 payments, but not including hospital, surgical or
31 rehabilitation payments, into an additional Special Fund
32 which shall be designated as the "Rate Adjustment Fund". On
33 March 15, 1991, the employer shall pay into the Rate
34 Adjustment Fund a sum equal to one half of 1% of all such

1 compensation payments made from July 1, 1990 through December
2 31, 1990. Within 60 days after July 15, 1991, the employer
3 shall pay into the Rate Adjustment Fund a sum equal to one
4 half of 1% of all such compensation payments made from
5 January 1, 1991 through June 30, 1991. Within 60 days after
6 January 15 of 1992 and each subsequent year through 1996, the
7 employer shall pay into the Rate Adjustment Fund a sum equal
8 to one half of 1% of all such compensation payments made in
9 the last 6 months of the preceding calendar year. Within 60
10 days after July 15 of 1992 and each subsequent year through
11 1995, the employer shall pay into the Rate Adjustment Fund a
12 sum equal to one half of 1% of all such compensation payments
13 made in the first 6 months of the same calendar year. Within
14 60 days after January 15 of 1997 and each subsequent year,
15 the employer shall pay into the Rate Adjustment Fund a sum
16 equal to three-fourths of 1% of all such compensation
17 payments made in the last 6 months of the preceding calendar
18 year. Within 60 days after July 15 of 1996 and each
19 subsequent year, the employer shall pay into the Rate
20 Adjustment Fund a sum equal to three-fourths of 1% of all
21 such compensation payments made in the first 6 months of the
22 same calendar year. On January 15 and July 15 of each year
23 following the effective date of this amendatory Act of the
24 92nd General Assembly, the Commission shall assess all
25 employers in the aggregate a total sum equal to
26 three-fourths of 1% of all such compensation payments made in
27 the first 6 months of the same calendar year by all
28 employers. Self-insured employers shall report and remit
29 payment and insurers shall report and remit premium
30 surcharges 60 days after the assessment. The assessment for
31 the Rate Adjustment Fund shall be allocated between
32 self-insured employers and insured employers based on
33 compensation payments for the preceding fiscal year, as
34 provided in this Section. Compensation payments shall

1 include all payments made either under this Act or the
2 Workers' Occupational Diseases Act, whether by lump sum
3 settlement or weekly compensation payments, but not including
4 hospital, surgical, or rehabilitation payments. The method
5 of assessing self-insured employers shall be based on
6 compensation payments. The method of assessing insured
7 employers shall be a surcharge based on premium as set forth
8 in this Section.

9 The portion of the total aggregate amount that shall be
10 collected from self-insured employers shall be a sum equal to
11 that proportion of the total compensation payments for the
12 preceding fiscal year which the total compensation payments
13 of all self-insured employers bore to the total compensation
14 payments made by all self-insured employers and insured
15 employers during the preceding fiscal year. The portion of
16 the total aggregate amount that shall be collected from
17 insured employers shall be a sum equal to that proportion of
18 the total compensation payments for the preceding fiscal year
19 which the total compensation payments on behalf of all
20 insured employers bore to the total compensation payments
21 made by all self-insured employers and insured employers
22 during the preceding fiscal year. An employer who has ceased
23 to be a self-insurer shall continue to be liable for any
24 assessments based on compensation payments made by the
25 employer in the preceding fiscal year.

26 Insurers shall collect such assessments from their
27 policyholders through a surcharge based on premium.
28 Assessments when collected shall not constitute an element of
29 loss for the purpose of establishing rates for workers'
30 compensation insurance, but, for the purpose of collection,
31 shall be treated as separate costs imposed upon insured
32 employers. The premium surcharge shall be excluded from the
33 definition of premium for all purposes, including computation
34 of agents' commissions or premium taxes, provided, an insurer

1 may cancel a workers' compensation policy for non-payment of
2 the premium surcharge. The administrative costs of collecting
3 assessments from employers for the Rate Adjustment Fund shall
4 be paid from the Rate Adjustment Fund. The cost of an
5 actuarial audit of the Fund shall be paid from the Rate
6 Adjustment Fund and the audit shall be completed no later
7 than July 1, 1997. The State Treasurer is ex officio
8 custodian of such Special Fund and the same shall be held and
9 disbursed for the purposes hereinafter stated in paragraphs
10 (f) and (g) of Section 8 upon the order of the Commission or
11 of a competent court. The Rate Adjustment Fund shall be
12 deposited the same as are State funds and any interest
13 accruing thereon shall be added thereto every 6 months. It
14 shall be subject to audit the same as State funds and
15 accounts and shall be protected by the general bond given by
16 the State Treasurer. It is considered always appropriated
17 for the purposes of disbursements as provided in paragraphs
18 (f) and (g) of Section 8 of this Act and shall be paid out
19 and disbursed as therein provided and shall not at any time
20 be appropriated or diverted to any other use or purpose.
21 Within 5 days after the effective date of this amendatory Act
22 of 1990, the Comptroller and the State Treasurer shall
23 transfer \$1,000,000 from the General Revenue Fund to the Rate
24 Adjustment Fund. By February 15, 1991, the Comptroller and
25 the State Treasurer shall transfer \$1,000,000 from the Rate
26 Adjustment Fund to the General Revenue Fund. From the
27 effective date of this amendatory Act of 1993 to October 1,
28 1997, the Comptroller and Treasurer are authorized to make
29 transfers at the request of the Chairman up to a total of
30 \$7,000,000 from the Second Injury Fund, the General Revenue
31 Fund, and the Workers' Compensation Benefit Trust Fund to the
32 Rate Adjustment Fund to the extent that there is insufficient
33 money in the Rate Adjustment Fund to pay claims and
34 obligations. Amounts may be transferred from the General

1 Revenue Fund only if the funds in the Second Injury Fund or
2 the Workers' Compensation Benefit Trust Fund are insufficient
3 to pay claims and obligations of the Rate Adjustment Fund.
4 All amounts transferred from the Second Injury Fund, the
5 General Revenue Fund, and the Workers' Compensation Benefit
6 Trust Fund shall be repaid from the Rate Adjustment Fund
7 within 270 days of a transfer, together with interest at the
8 rate earned by moneys on deposit in the Fund or Funds from
9 which the moneys were transferred.

10 Upon a finding by the Commission, after reasonable notice
11 and hearing, that any employer has willfully and knowingly
12 failed to pay the proper amounts into the Second Injury Fund
13 or the Rate Adjustment Fund required by this Section or if
14 such payments are not made within the time periods prescribed
15 by this Section, the employer shall, in addition to such
16 payments, pay a penalty of 20% of the amount required to be
17 paid or \$2,500, whichever is greater, for each year or part
18 thereof of such failure to pay. This penalty shall only
19 apply to obligations of an employer to the Second Injury Fund
20 or the Rate Adjustment Fund accruing after the effective date
21 of this amendatory Act of 1989. All or part of such a penalty
22 may be waived by the Commission for good cause shown.

23 Any obligations of an employer to the Second Injury Fund
24 and Rate Adjustment Fund accruing prior to the effective date
25 of this amendatory Act of 1989 shall be paid in full by such
26 employer within 5 years of the effective date of this
27 amendatory Act of 1989, with at least one-fifth of such
28 obligation to be paid during each year following the
29 effective date of this amendatory Act of 1989. If the
30 Commission finds, following reasonable notice and hearing,
31 that an employer has failed to make timely payment of any
32 obligation accruing under the preceding sentence, the
33 employer shall, in addition to all other payments required by
34 this Section, be liable for a penalty equal to 20% of the

1 overdue obligation or \$2,500, whichever is greater, for each
2 year or part thereof that obligation is overdue. All or part
3 of such a penalty may be waived by the Commission for good
4 cause shown.

5 The Chairman of the Industrial Commission shall,
6 annually, furnish to the Director of the Department of
7 Insurance a list of the amounts paid into the Second Injury
8 Fund and the Rate Adjustment Fund by each insurance company
9 on behalf of their insured employers. The Director shall
10 verify to the Chairman that the amounts paid by each
11 insurance company are accurate as best as the Director can
12 determine from the records available to the Director. The
13 Chairman shall verify that the amounts paid by each
14 self-insurer are accurate as best as the Chairman can
15 determine from records available to the Chairman. The
16 Chairman may require each self-insurer to provide information
17 concerning the total compensation payments made upon which
18 contributions to the Second Injury Fund and the Rate
19 Adjustment Fund are predicated and any additional information
20 establishing that such payments have been made into these
21 funds. Any deficiencies in payments noted by the Director or
22 Chairman shall be subject to the penalty provisions of this
23 Act.

24 The State Treasurer, or his duly authorized
25 representative, shall be named as a party to all proceedings
26 in all cases involving claim for the loss of, or the
27 permanent and complete loss of the use of one eye, one foot,
28 one leg, one arm or one hand.

29 The State Treasurer or his duly authorized agent shall
30 have the same rights as any other party to the proceeding,
31 including the right to petition for review of any award. The
32 reasonable expenses of litigation, such as medical
33 examinations, testimony, and transcript of evidence, incurred
34 by the State Treasurer or his duly authorized representative,

1 shall be borne by the Second Injury Fund.

2 If the award is not paid within 30 days after the date
3 the award has become final, the Commission shall proceed to
4 take judgment thereon in its own name as is provided for
5 other awards by paragraph (g) of Section 19 of this Act and
6 take the necessary steps to collect the award.

7 Any person, corporation or organization who has paid or
8 become liable for the payment of burial expenses of the
9 deceased employee may in his or its own name institute
10 proceedings before the Commission for the collection thereof.

11 For the purpose of administration, receipts and
12 disbursements, the Special Fund provided for in paragraph (f)
13 of this Section shall be administered jointly with the
14 Special Fund provided for in Section 7, paragraph (f) of the
15 Workers' Occupational Diseases Act.

16 (g) All compensation, except for burial expenses
17 provided in this Section to be paid in case accident results
18 in death, shall be paid in installments equal to the
19 percentage of the average earnings as provided for in Section
20 8, paragraph (b) of this Act, at the same intervals at which
21 the wages or earnings of the employees were paid. If this is
22 not feasible, then the installments shall be paid weekly.
23 Such compensation may be paid in a lump sum upon petition as
24 provided in Section 9 of this Act. However, in addition to
25 the benefits provided by Section 9 of this Act where
26 compensation for death is payable to the deceased's widow,
27 widower or to the deceased's widow, widower and one or more
28 children, and where a partial lump sum is applied for by such
29 beneficiary or beneficiaries within 18 months after the
30 deceased's death, the Commission may, in its discretion,
31 grant a partial lump sum of not to exceed 100 weeks of the
32 compensation capitalized at their present value upon the
33 basis of interest calculated at 3% per annum with annual
34 rests, upon a showing that such partial lump sum is for the

1 best interest of such beneficiary or beneficiaries.

2 (h) In case the injured employee is under 16 years of
3 age at the time of the accident and is illegally employed,
4 the amount of compensation payable under paragraphs (a), (b),
5 (c), (d) and (f) of this Section shall be increased 50%.

6 Nothing herein contained repeals or amends the provisions
7 of the Child Labor Law relating to the employment of minors
8 under the age of 16 years.

9 However, where an employer has on file an employment
10 certificate issued pursuant to the Child Labor Law or work
11 permit issued pursuant to the Federal Fair Labor Standards
12 Act, as amended, or a birth certificate properly and duly
13 issued, such certificate, permit or birth certificate is
14 conclusive evidence as to the age of the injured minor
15 employee for the purposes of this Section only.

16 (i) Whenever the dependents of a deceased employee are
17 aliens not residing in the United States, Mexico or Canada,
18 the amount of compensation payable is limited to the
19 beneficiaries described in paragraphs (a), (b) and (c) of
20 this Section and is 50% of the compensation provided in
21 paragraphs (a), (b) and (c) of this Section, except as
22 otherwise provided by treaty.

23 In a case where any of the persons who would be entitled
24 to compensation is living at any place outside of the United
25 States, then payment shall be made to the personal
26 representative of the deceased employee. The distribution by
27 such personal representative to the persons entitled shall be
28 made to such persons and in such manner as the Commission
29 orders.

30 (Source: P.A. 88-672, eff. 12-14-94; 89-470, eff. 6-13-96.)

31 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

32 Sec. 8. The amount of compensation which shall be paid
33 to the employee for an accidental injury not resulting in

1 death is:

2 (a) The employer shall provide and pay for all the
3 necessary first aid, medical and surgical services, and all
4 necessary medical, surgical and hospital services thereafter
5 incurred, limited, however, to that which is reasonably
6 required to cure or relieve from the effects of the
7 accidental injury. The employer shall also pay for treatment,
8 instruction and training necessary for the physical, mental
9 and vocational rehabilitation of the employee, including all
10 maintenance costs and expenses incidental thereto. If as a
11 result of the injury the employee is unable to be
12 self-sufficient the employer shall further pay for such
13 maintenance or institutional care as shall be required.

14 The employee may at any time elect to secure his own
15 physician, surgeon and hospital services at the employer's
16 expense, or,

17 Upon agreement between the employer and the employees, or
18 the employees' exclusive representative, and subject to the
19 approval of the Industrial Commission, the employer shall
20 maintain a list of physicians, to be known as a Panel of
21 Physicians, who are accessible to the employees. The employer
22 shall post this list in a place or places easily accessible
23 to his employees. The employee shall have the right to make
24 an alternative choice of physician from such Panel if he is
25 not satisfied with the physician first selected. If, due to
26 the nature of the injury or its occurrence away from the
27 employer's place of business, the employee is unable to make
28 a selection from the Panel, the selection process from the
29 Panel shall not apply. The physician selected from the Panel
30 may arrange for any consultation, referral or other
31 specialized medical services outside the Panel at the
32 employer's expense. Provided that, in the event the
33 Commission shall find that a doctor selected by the employee
34 is rendering improper or inadequate care, the Commission may

1 order the employee to select another doctor certified or
2 qualified in the medical field for which treatment is
3 required. If the employee refuses to make such change the
4 Commission may relieve the employer of his obligation to pay
5 the doctor's charges from the date of refusal to the date of
6 compliance.

7 Every hospital, physician, surgeon or other person
8 rendering treatment or services in accordance with the
9 provisions of this Section shall upon written request furnish
10 full and complete reports thereof to, and permit their
11 records to be copied by, the employer, the employee or his
12 dependents, as the case may be, or any other party to any
13 proceeding for compensation before the Commission, or their
14 attorneys.

15 Notwithstanding the foregoing, the employer's liability
16 to pay for such medical services selected by the employee
17 shall be limited to:

- 18 (1) all first aid and emergency treatment; plus
- 19 (2) all medical, surgical and hospital services
20 provided by the physician, surgeon or hospital initially
21 chosen by the employee or by any other physician,
22 consultant, expert, institution or other provider of
23 services recommended by said initial service provider or
24 any subsequent provider of medical services in the chain
25 of referrals from said initial service provider; plus
- 26 (3) all medical, surgical and hospital services
27 provided by any second physician, surgeon or hospital
28 subsequently chosen by the employee or by any other
29 physician, consultant, expert, institution or other
30 provider of services recommended by said second service
31 provider or any subsequent provider of medical services
32 in the chain of referrals from said second service
33 provider. Thereafter the employer shall select and pay
34 for all necessary medical, surgical and hospital

1 treatment and the employee may not select a provider of
2 medical services at the employer's expense unless the
3 employer agrees to such selection. At any time the
4 employee may obtain any medical treatment he desires at
5 his own expense. This paragraph shall not affect the duty
6 to pay for rehabilitation referred to above.

7 When an employer and employee so agree in writing,
8 nothing in this Act prevents an employee whose injury or
9 disability has been established under this Act, from relying
10 in good faith, on treatment by prayer or spiritual means
11 alone, in accordance with the tenets and practice of a
12 recognized church or religious denomination, by a duly
13 accredited practitioner thereof, and having nursing services
14 appropriate therewith, without suffering loss or diminution
15 of the compensation benefits under this Act. However, the
16 employee shall submit to all physical examinations required
17 by this Act. The cost of such treatment and nursing care
18 shall be paid by the employee unless the employer agrees to
19 make such payment.

20 Where the accidental injury results in the amputation of
21 an arm, hand, leg or foot, or the enucleation of an eye, or
22 the loss of any of the natural teeth, the employer shall
23 furnish an artificial of any such members lost or damaged in
24 accidental injury arising out of and in the course of
25 employment, and shall also furnish the necessary braces in
26 all proper and necessary cases. In cases of the loss of a
27 member or members by amputation, the employer shall, whenever
28 necessary, maintain in good repair, refit or replace the
29 artificial limbs during the lifetime of the employee. Where
30 the accidental injury accompanied by physical injury results
31 in damage to a denture, eye glasses or contact eye lenses, or
32 where the accidental injury results in damage to an
33 artificial member, the employer shall replace or repair such
34 denture, glasses, lenses, or artificial member.

1 The furnishing by the employer of any such services or
2 appliances is not an admission of liability on the part of
3 the employer to pay compensation.

4 The furnishing of any such services or appliances or the
5 servicing thereof by the employer is not the payment of
6 compensation.

7 (b) If the period of temporary total incapacity for work
8 lasts more than 3 working days, weekly compensation as
9 hereinafter provided shall be paid beginning on the 4th day
10 of such temporary total incapacity and continuing as long as
11 the total temporary incapacity lasts. In cases where the
12 temporary total incapacity for work continues for a period of
13 14 days or more from the day of the accident compensation
14 shall commence on the day after the accident.

15 1. The compensation rate for temporary total
16 incapacity under this paragraph (b) of this Section shall
17 be equal to 66 2/3% of the employee's average weekly wage
18 computed in accordance with Section 10, provided that it
19 shall be not less than the following amounts in the
20 following cases:

- 21 \$100.90 in case of a single person;
- 22 \$105.50 in case of a married person with no
23 children;
- 24 \$108.30 in case of one child;
- 25 \$113.40 in case of 2 children;
- 26 \$117.40 in case of 3 children;
- 27 \$124.30 in case of 4 or more children;

28 nor exceed the employee's average weekly wage computed in
29 accordance with the provisions of Section 10, whichever
30 is less.

31 2. The compensation rate in all cases other than
32 for temporary total disability under this paragraph (b),
33 and other than for serious and permanent disfigurement
34 under paragraph (c) and other than for permanent partial

1 disability under subparagraph (2) of paragraph (d) or
 2 under paragraph (e), of this Section shall be equal to 66
 3 2/3% of the employee's average weekly wage computed in
 4 accordance with the provisions of Section 10, provided
 5 that it shall be not less than the following amounts in
 6 the following cases:

7 \$80.90 in case of a single person;

8 \$83.20 in case of a married person with no
 9 children;

10 \$86.10 in case of one child;

11 \$88.90 in case of 2 children;

12 \$91.80 in case of 3 children;

13 \$96.90 in case of 4 or more children;

14 nor exceed the employee's average weekly wage computed in
 15 accordance with the provisions of Section 10, whichever
 16 is less.

17 2.1. The compensation rate in all cases of serious
 18 and permanent disfigurement under paragraph (c) and of
 19 permanent partial disability under subparagraph (2) of
 20 paragraph (d) or under paragraph (e) of this Section
 21 shall be equal to 60% of the employee's average weekly
 22 wage computed in accordance with the provisions of
 23 Section 10, provided that it shall be not less than the
 24 following amounts in the following cases:

25 \$80.90 in case of a single person;

26 \$83.20 in case of a married person with no
 27 children;

28 \$86.10 in case of one child;

29 \$88.90 in case of 2 children;

30 \$91.80 in case of 3 children;

31 \$96.90 in case of 4 or more children;

32 nor exceed the employee's average weekly wage computed in
 33 accordance with the provisions of Section 10, whichever
 34 is less.

1 3. As used in this Section the term "child" means a
2 child of the employee including any child legally adopted
3 before the accident or whom at the time of the accident
4 the employee was under legal obligation to support or to
5 whom the employee stood in loco parentis, and who at the
6 time of the accident was under 18 years of age and not
7 emancipated. The term "children" means the plural of
8 "child".

9 4. All weekly compensation rates provided under
10 subparagraphs 1, 2 and 2.1 of this paragraph (b) of this
11 Section shall be subject to the following limitations:

12 The maximum weekly compensation rate from July 1,
13 1975, except as hereinafter provided, shall be 100% of
14 the State's average weekly wage in covered industries
15 under the Unemployment Insurance Act, that being the wage
16 that most closely approximates the State's average weekly
17 wage.

18 The maximum weekly compensation rate, for the period
19 July 1, 1984, through June 30, 1987, except as
20 hereinafter provided, shall be \$293.61. Effective July 1,
21 1987 and on July 1 of each year thereafter the maximum
22 weekly compensation rate, except as hereinafter provided,
23 shall be determined as follows: if during the preceding
24 12 month period there shall have been an increase in the
25 State's average weekly wage in covered industries under
26 the Unemployment Insurance Act, the weekly compensation
27 rate shall be proportionately increased by the same
28 percentage as the percentage of increase in the State's
29 average weekly wage in covered industries under the
30 Unemployment Insurance Act during such period.

31 The maximum weekly compensation rate, for the period
32 January 1, 1981 through December 31, 1983, except as
33 hereinafter provided, shall be 100% of the State's
34 average weekly wage in covered industries under the

1 Unemployment Insurance Act in effect on January 1, 1981.
2 Effective January 1, 1984 and on January 1, of each year
3 thereafter the maximum weekly compensation rate, except
4 as hereinafter provided, shall be determined as follows:
5 if during the preceding 12 month period there shall have
6 been an increase in the State's average weekly wage in
7 covered industries under the Unemployment Insurance Act,
8 the weekly compensation rate shall be proportionately
9 increased by the same percentage as the percentage of
10 increase in the State's average weekly wage in covered
11 industries under the Unemployment Insurance Act during
12 such period.

13 From July 1, 1977 and thereafter such maximum weekly
14 compensation rate in death cases under Section 7, and
15 permanent total disability cases under paragraph (f) or
16 subparagraph 18 of paragraph (3) of this Section and for
17 temporary total disability under paragraph (b) of this
18 Section and for amputation of a member or enucleation of
19 an eye under paragraph (e) of this Section shall be
20 increased to 133-1/3% of the State's average weekly wage
21 in covered industries under the Unemployment Insurance
22 Act.

23 4.1. Any provision herein to the contrary
24 notwithstanding, the weekly compensation rate for
25 compensation payments under subparagraph 18 of paragraph
26 (e) of this Section and under paragraph (f) of this
27 Section and under paragraph (a) of Section 7, shall in no
28 event be less than 50% of the State's average weekly wage
29 in covered industries under the Unemployment Insurance
30 Act.

31 4.2. Any provision to the contrary notwithstanding,
32 the total compensation payable under Section 7 shall not
33 exceed the greater of \$250,000 or 20 years.

34 5. For the purpose of this Section this State's

1 average weekly wage in covered industries under the
2 Unemployment Insurance Act on July 1, 1975 is hereby
3 fixed at \$228.16 per week and the computation of
4 compensation rates shall be based on the aforesaid
5 average weekly wage until modified as hereinafter
6 provided.

7 6. The Department of Employment Security of the
8 State shall on or before the first day of December, 1977,
9 and on or before the first day of June, 1978, and on the
10 first day of each December and June of each year
11 thereafter, publish the State's average weekly wage in
12 covered industries under the Unemployment Insurance Act
13 and the Industrial Commission shall on the 15th day of
14 January, 1978 and on the 15th day of July, 1978 and on
15 the 15th day of each January and July of each year
16 thereafter, post and publish the State's average weekly
17 wage in covered industries under the Unemployment
18 Insurance Act as last determined and published by the
19 Department of Employment Security. The amount when so
20 posted and published shall be conclusive and shall be
21 applicable as the basis of computation of compensation
22 rates until the next posting and publication as
23 aforesaid.

24 7. The payment of compensation by an employer or
25 his insurance carrier to an injured employee shall not
26 constitute an admission of the employer's liability to
27 pay compensation.

28 (c) For any serious and permanent disfigurement to the
29 hand, head, face, neck, arm, leg below the knee or the chest
30 above the axillary line, the employee is entitled to
31 compensation for such disfigurement, the amount determined by
32 agreement at any time or by arbitration under this Act, at a
33 hearing not less than 6 months after the date of the
34 accidental injury, which amount shall not exceed 150 weeks at

1 the applicable rate provided in subparagraph 2.1 of paragraph
2 (b) of this Section.

3 No compensation is payable under this paragraph where
4 compensation is payable under paragraphs (d), (e) or (f) of
5 this Section.

6 A duly appointed member of a fire department in a city,
7 the population of which exceeds 200,000 according to the last
8 federal or State census, is eligible for compensation under
9 this paragraph only where such serious and permanent
10 disfigurement results from burns.

11 (d) 1. If, after the accidental injury has been
12 sustained, the employee as a result thereof becomes partially
13 incapacitated from pursuing his usual and customary line of
14 employment, he shall, except in cases compensated under the
15 specific schedule set forth in paragraph (e) of this Section,
16 receive compensation for the duration of his disability,
17 subject to the limitations as to maximum amounts fixed in
18 paragraph (b) of this Section, equal to 66-2/3% of the
19 difference between the average amount which he would be able
20 to earn in the full performance of his duties in the
21 occupation in which he was engaged at the time of the
22 accident and the average amount which he is earning or is
23 able to earn in some suitable employment or business after
24 the accident.

25 2. If, as a result of the accident, the employee
26 sustains serious and permanent injuries not covered by
27 paragraphs (c) and (e) of this Section or having sustained
28 injuries covered by the aforesaid paragraphs (c) and (e), he
29 shall have sustained in addition thereto other injuries which
30 injuries do not incapacitate him from pursuing the duties of
31 his employment but which would disable him from pursuing
32 other suitable occupations, or which have otherwise resulted
33 in physical impairment; or if such injuries partially
34 incapacitate him from pursuing the duties of his usual and

1 customary line of employment but do not result in an
2 impairment of earning capacity, or having resulted in an
3 impairment of earning capacity, the employee elects to waive
4 his right to recover under the foregoing subparagraph 1 of
5 paragraph (d) of this Section then in any of the foregoing
6 events, he shall receive in addition to compensation for
7 temporary total disability under paragraph (b) of this
8 Section, compensation at the rate provided in subparagraph
9 2.1 of paragraph (b) of this Section for that percentage of
10 500 weeks that the partial disability resulting from the
11 injuries covered by this paragraph bears to total disability.
12 If the employee shall have sustained a fracture of one or
13 more vertebra or fracture of the skull, the amount of
14 compensation allowed under this Section shall be not less
15 than 6 weeks for a fractured skull and 6 weeks for each
16 fractured vertebra, and in the event the employee shall have
17 sustained a fracture of any of the following facial bones:
18 nasal, lachrymal, vomer, zygoma, maxilla, palatine or
19 mandible, the amount of compensation allowed under this
20 Section shall be not less than 2 weeks for each such
21 fractured bone, and for a fracture of each transverse process
22 not less than 3 weeks. In the event such injuries shall
23 result in the loss of a kidney, spleen or lung, the amount of
24 compensation allowed under this Section shall be not less
25 than 10 weeks for each such organ. Compensation awarded
26 under this subparagraph 2 shall not take into consideration
27 injuries covered under paragraphs (c) and (e) of this Section
28 and the compensation provided in this paragraph shall not
29 affect the employee's right to compensation payable under
30 paragraphs (b), (c) and (e) of this Section for the
31 disabilities therein covered.

32 (e) For accidental injuries in the following schedule,
33 the employee shall receive compensation for the period of
34 temporary total incapacity for work resulting from such

1 accidental injury, under subparagraph 1 of paragraph (b) of
2 this Section, and shall receive in addition thereto
3 compensation for a further period for the specific loss
4 herein mentioned, but shall not receive any compensation
5 under any other provisions of this Act. The following
6 listed amounts apply to either the loss of or the permanent
7 and complete loss of use of the member specified, such
8 compensation for the length of time as follows:

- 9 1. Thumb-70 weeks.
- 10 2. First, or index finger-40 weeks.
- 11 3. Second, or middle finger-35 weeks.
- 12 4. Third, or ring finger-25 weeks.
- 13 5. Fourth, or little finger-20 weeks.
- 14 6. Great toe-35 weeks.
- 15 7. Each toe other than great toe-12 weeks.
- 16 8. The loss of the first or distal phalanx of the
17 thumb or of any finger or toe shall be considered to be
18 equal to the loss of one-half of such thumb, finger or
19 toe and the compensation payable shall be one-half of the
20 amount above specified. The loss of more than one
21 phalanx shall be considered as the loss of the entire
22 thumb, finger or toe. In no case shall the amount
23 received for more than one finger exceed the amount
24 provided in this schedule for the loss of a hand.
- 25 9. Hand-190 weeks. The loss of 2 or more digits,
26 or one or more phalanges of 2 or more digits, of a hand
27 may be compensated on the basis of partial loss of use of
28 a hand, provided, further, that the loss of 4 digits, or
29 the loss of use of 4 digits, in the same hand shall
30 constitute the complete loss of a hand.
- 31 10. Arm-235 weeks. Where an accidental injury
32 results in the amputation of an arm below the elbow, such
33 injury shall be compensated as a loss of an arm. Where
34 an accidental injury results in the amputation of an arm

1 above the elbow, compensation for an additional 15 weeks
2 shall be paid, except where the accidental injury results
3 in the amputation of an arm at the shoulder joint, or so
4 close to shoulder joint that an artificial arm cannot be
5 used, or results in the disarticulation of an arm at the
6 shoulder joint, in which case compensation for an
7 additional 65 weeks shall be paid.

8 11. Foot-155 weeks.

9 12. Leg-200 weeks. Where an accidental injury
10 results in the amputation of a leg below the knee, such
11 injury shall be compensated as loss of a leg. Where an
12 accidental injury results in the amputation of a leg
13 above the knee, compensation for an additional 25 weeks
14 shall be paid, except where the accidental injury results
15 in the amputation of a leg at the hip joint, or so close
16 to the hip joint that an artificial leg cannot be used,
17 or results in the disarticulation of a leg at the hip
18 joint, in which case compensation for an additional 75
19 weeks shall be paid.

20 13. Eye-150 weeks. Where an accidental injury
21 results in the enucleation of an eye, compensation for an
22 additional 10 weeks shall be paid.

23 14. Loss of hearing of one ear-50 weeks; total and
24 permanent loss of hearing of both ears-200 weeks.

25 15. Testicle-50 weeks; both testicles-150 weeks.

26 16. For the permanent partial loss of use of a
27 member or sight of an eye, or hearing of an ear,
28 compensation during that proportion of the number of
29 weeks in the foregoing schedule provided for the loss of
30 such member or sight of an eye, or hearing of an ear,
31 which the partial loss of use thereof bears to the total
32 loss of use of such member, or sight of eye, or hearing
33 of an ear.

34 (a) Loss of hearing for compensation purposes

1 shall be confined to the frequencies of 1,000, 2,000
2 and 3,000 cycles per second. Loss of hearing ability
3 for frequency tones above 3,000 cycles per second
4 are not to be considered as constituting disability
5 for hearing.

6 (b) The percent of hearing loss, for purposes
7 of the determination of compensation claims for
8 occupational deafness, shall be calculated as the
9 average in decibels for the thresholds of hearing
10 for the frequencies of 1,000, 2,000 and 3,000 cycles
11 per second. Pure tone air conduction audiometric
12 instruments, approved by nationally recognized
13 authorities in this field, shall be used for
14 measuring hearing loss. If the losses of hearing
15 average 30 decibels or less in the 3 frequencies,
16 such losses of hearing shall not then constitute any
17 compensable hearing disability. If the losses of
18 hearing average 85 decibels or more in the 3
19 frequencies, then the same shall constitute and be
20 total or 100% compensable hearing loss.

21 (c) In measuring hearing impairment, the
22 lowest measured losses in each of the 3 frequencies
23 shall be added together and divided by 3 to
24 determine the average decibel loss. For every
25 decibel of loss exceeding 30 decibels an allowance
26 of 1.82% shall be made up to the maximum of 100%
27 which is reached at 85 decibels.

28 (d) If a hearing loss is established to have
29 existed on July 1, 1975 by audiometric testing the
30 employer shall not be liable for the previous loss
31 so established nor shall he be liable for any loss
32 for which compensation has been paid or awarded.

33 (e) No consideration shall be given to the
34 question of whether or not the ability of an

1 employee to understand speech is improved by the use
2 of a hearing aid.

3 (f) No claim for loss of hearing due to
4 industrial noise shall be brought against an
5 employer or allowed unless the employee has been
6 exposed for a period of time sufficient to cause
7 permanent impairment to noise levels in excess of
8 the following:

9	Sound Level DBA	
10	Slow Response	Hours Per Day
11	90	8
12	92	6
13	95	4
14	97	3
15	100	2
16	102	1-1/2
17	105	1
18	110	1/2
19	115	1/4

20 This subparagraph (f) shall not be applied in cases
21 of hearing loss resulting from trauma or explosion.

22 17. In computing the compensation to be paid to any
23 employee who, before the accident for which he claims
24 compensation, had before that time sustained an injury
25 resulting in the loss by amputation or partial loss by
26 amputation of any member, including hand, arm, thumb or
27 fingers, leg, foot or any toes, such loss or partial loss
28 of any such member shall be deducted from any award made
29 for the subsequent injury. For the permanent loss of use
30 or the permanent partial loss of use of any such member
31 or the partial loss of sight of an eye, for which
32 compensation has been paid, then such loss shall be taken
33 into consideration and deducted from any award for the
34 subsequent injury.

1 18. The specific case of loss of both hands, both
2 arms, or both feet, or both legs, or both eyes, or of any
3 two thereof, or the permanent and complete loss of the
4 use thereof, constitutes total and permanent disability,
5 to be compensated according to the compensation fixed by
6 paragraph (f) of this Section. These specific cases of
7 total and permanent disability do not exclude other
8 cases.

9 Any employee who has previously suffered the loss or
10 permanent and complete loss of the use of any of such
11 members, and in a subsequent independent accident loses
12 another or suffers the permanent and complete loss of the
13 use of any one of such members the employer for whom the
14 injured employee is working at the time of the last
15 independent accident is liable to pay compensation only
16 for the loss or permanent and complete loss of the use of
17 the member occasioned by the last independent accident.

18 19. In a case of specific loss and the subsequent
19 death of such injured employee from other causes than
20 such injury leaving a widow, widower, or dependents
21 surviving before payment or payment in full for such
22 injury, then the amount due for such injury is payable to
23 the widow or widower and, if there be no widow or
24 widower, then to such dependents, in the proportion which
25 such dependency bears to total dependency.

26 Beginning July 1, 1980, and every 6 months thereafter,
27 the Commission shall examine the Second Injury Fund and when,
28 after deducting all advances or loans made to such Fund, the
29 amount therein is \$500,000 then the total aggregate amount
30 required to be paid by employers pursuant to paragraph (f) of
31 Section 7 shall be reduced by one-half. When the Second
32 Injury Fund reaches the sum of \$600,000 then the payments
33 shall cease entirely. However, when the Second Injury Fund
34 has been reduced to \$400,000, payment of one-half of the

1 amounts required by paragraph (f) of Section 7 shall be
2 resumed, in the manner herein provided, and when the Second
3 Injury Fund has been reduced to \$300,000, payment of the full
4 amounts required by paragraph (f) of Section 7 shall be
5 resumed, in the manner herein provided. The Commission shall
6 make the changes in payment effective by general order, and
7 the changes in payment become immediately effective for all
8 cases coming before the Commission thereafter either by
9 settlement agreement or final order, irrespective of the date
10 of the accidental injury.

11 On August 1, 1996 and on February 1 and August 1 of each
12 subsequent year, the Commission shall examine the special
13 fund designated as the "Rate Adjustment Fund" and when, after
14 deducting all advances or loans made to said fund, the amount
15 therein is \$4,000,000, the amount required to be paid by
16 employers pursuant to paragraph (f) of Section 7 shall be
17 reduced by one-half. When the Rate Adjustment Fund reaches
18 the sum of \$5,000,000 the payment therein shall cease
19 entirely. However, when said Rate Adjustment Fund has been
20 reduced to \$3,000,000 the amounts required by paragraph (f)
21 of Section 7 shall be resumed in the manner herein provided.

22 (f) In case of complete disability, which renders the
23 employee wholly and permanently incapable of work, or in the
24 specific case of total and permanent disability as provided
25 in subparagraph 18 of paragraph (e) of this Section,
26 compensation shall be payable at the rate provided in
27 subparagraph 2 of paragraph (b) of this Section for life.

28 An employee entitled to benefits under paragraph (f) of
29 this Section shall also be entitled to receive from the Rate
30 Adjustment Fund provided in paragraph (f) of Section 7 of the
31 supplementary benefits provided in paragraph (g) of this
32 Section 8.

33 If any employee who receives an award under this
34 paragraph afterwards returns to work or is able to do so, and

1 earns or is able to earn as much as before the accident,
2 payments under such award shall cease. If such employee
3 returns to work, or is able to do so, and earns or is able to
4 earn part but not as much as before the accident, such award
5 shall be modified so as to conform to an award under
6 paragraph (d) of this Section. If such award is terminated
7 or reduced under the provisions of this paragraph, such
8 employees have the right at any time within 30 months after
9 the date of such termination or reduction to file petition
10 with the Commission for the purpose of determining whether
11 any disability exists as a result of the original accidental
12 injury and the extent thereof.

13 Disability as enumerated in subdivision 18, paragraph (e)
14 of this Section is considered complete disability.

15 If an employee who had previously incurred loss or the
16 permanent and complete loss of use of one member, through the
17 loss or the permanent and complete loss of the use of one
18 hand, one arm, one foot, one leg, or one eye, incurs
19 permanent and complete disability through the loss or the
20 permanent and complete loss of the use of another member, he
21 shall receive, in addition to the compensation payable by the
22 employer and after such payments have ceased, an amount from
23 the Second Injury Fund provided for in paragraph (f) of
24 Section 7, which, together with the compensation payable from
25 the employer in whose employ he was when the last accidental
26 injury was incurred, will equal the amount payable for
27 permanent and complete disability as provided in this
28 paragraph of this Section.

29 The custodian of the Second Injury Fund provided for in
30 paragraph (f) of Section 7 shall be joined with the employer
31 as a party respondent in the application for adjustment of
32 claim. The application for adjustment of claim shall state
33 briefly and in general terms the approximate time and place
34 and manner of the loss of the first member.

1 In its award the Commission or the Arbitrator shall
2 specifically find the amount the injured employee shall be
3 weekly paid, the number of weeks compensation which shall be
4 paid by the employer, the date upon which payments begin out
5 of the Second Injury Fund provided for in paragraph (f) of
6 Section 7 of this Act, the length of time the weekly payments
7 continue, the date upon which the pension payments commence
8 and the monthly amount of the payments. The Commission shall
9 30 days after the date upon which payments out of the Second
10 Injury Fund have begun as provided in the award, and every
11 month thereafter, prepare and submit to the State Comptroller
12 a voucher for payment for all compensation accrued to that
13 date at the rate fixed by the Commission. The State
14 Comptroller shall draw a warrant to the injured employee
15 along with a receipt to be executed by the injured employee
16 and returned to the Commission. The endorsed warrant and
17 receipt is a full and complete acquittance to the Commission
18 for the payment out of the Second Injury Fund. No other
19 appropriation or warrant is necessary for payment out of the
20 Second Injury Fund. The Second Injury Fund is appropriated
21 for the purpose of making payments according to the terms of
22 the awards.

23 As of July 1, 1980 to July 1, 1982, all claims against
24 and obligations of the Second Injury Fund shall become claims
25 against and obligations of the Rate Adjustment Fund to the
26 extent there is insufficient money in the Second Injury Fund
27 to pay such claims and obligations. In that case, all
28 references to "Second Injury Fund" in this Section shall also
29 include the Rate Adjustment Fund.

30 (g) Every award for permanent total disability entered
31 by the Commission on and after July 1, 1965 under which
32 compensation payments shall become due and payable after the
33 effective date of this amendatory Act, and every award for
34 death benefits or permanent total disability entered by the

1 Commission on and after the effective date of this amendatory
2 Act shall be subject to annual adjustments as to the amount
3 of the compensation rate therein provided. Such adjustments
4 shall first be made on July 15, 1977, and all awards made and
5 entered prior to July 1, 1975 and on July 15 of each year
6 thereafter. In all other cases such adjustment shall be made
7 on July 15 of the second year next following the date of the
8 entry of the award and shall further be made on July 15
9 annually thereafter. If during the intervening period from
10 the date of the entry of the award, or the last periodic
11 adjustment, there shall have been an increase in the State's
12 average weekly wage in covered industries under the
13 Unemployment Insurance Act, the weekly compensation rate
14 shall be proportionately increased by the same percentage as
15 the percentage of increase in the State's average weekly wage
16 in covered industries under the Unemployment Insurance Act.
17 The increase in the compensation rate under this paragraph
18 shall in no event bring the total compensation rate to an
19 amount greater than the prevailing maximum rate. Such
20 increase shall be paid in the same manner as herein provided
21 for payments under the Second Injury Fund to the injured
22 employee, or his dependents, as the case may be, out of the
23 Rate Adjustment Fund provided in paragraph (f) of Section 7
24 of this Act. Payments shall be made at the same intervals as
25 provided in the award or, at the option of the Commission,
26 may be made in quarterly payment on the 15th day of January,
27 April, July and October of each year. In the event of a
28 decrease in such average weekly wage there shall be no change
29 in the then existing compensation rate. The within paragraph
30 shall not apply to cases where there is disputed liability
31 and in which a compromise lump sum settlement between the
32 employer and the injured employee, or his dependents, as the
33 case may be, has been duly approved by the Industrial
34 Commission.

1 Provided, that in cases of awards entered by the
2 Commission for injuries occurring before July 1, 1975, the
3 increases in the compensation rate adjusted under the
4 foregoing provision of this paragraph (g) shall be limited to
5 increases in the State's average weekly wage in covered
6 industries under the Unemployment Insurance Act occurring
7 after July 1, 1975.

8 (h) In case death occurs from any cause before the total
9 compensation to which the employee would have been entitled
10 has been paid, then in case the employee leaves any widow,
11 widower, child, parent (or any grandchild, grandparent or
12 other lineal heir or any collateral heir dependent at the
13 time of the accident upon the earnings of the employee to the
14 extent of 50% or more of total dependency) such compensation
15 shall be paid to the beneficiaries of the deceased employee
16 and distributed as provided in paragraph (g) of Section 7.

17 (h-1) In case an injured employee is under legal
18 disability at the time when any right or privilege accrues to
19 him or her under this Act, a guardian may be appointed
20 pursuant to law, and may, on behalf of such person under
21 legal disability, claim and exercise any such right or
22 privilege with the same effect as if the employee himself or
23 herself had claimed or exercised the right or privilege. No
24 limitations of time provided by this Act run so long as the
25 employee who is under legal disability is without a
26 conservator or guardian.

27 (i) In case the injured employee is under 16 years of
28 age at the time of the accident and is illegally employed,
29 the amount of compensation payable under paragraphs (b), (c),
30 (d), (e) and (f) of this Section is increased 50%.

31 However, where an employer has on file an employment
32 certificate issued pursuant to the Child Labor Law or work
33 permit issued pursuant to the Federal Fair Labor Standards
34 Act, as amended, or a birth certificate properly and duly

1 issued, such certificate, permit or birth certificate is
2 conclusive evidence as to the age of the injured minor
3 employee for the purposes of this Section.

4 Nothing herein contained repeals or amends the provisions
5 of the Child Labor Law relating to the employment of minors
6 under the age of 16 years.

7 (j) 1. In the event the injured employee receives
8 benefits, including medical, surgical or hospital benefits
9 under any group plan covering non-occupational disabilities
10 contributed to wholly or partially by the employer, which
11 benefits should not have been payable if any rights of
12 recovery existed under this Act, then such amounts so paid to
13 the employee from any such group plan as shall be consistent
14 with, and limited to, the provisions of paragraph 2 hereof,
15 shall be credited to or against any compensation payment for
16 temporary total incapacity for work or any medical, surgical
17 or hospital benefits made or to be made under this Act. In
18 such event, the period of time for giving notice of
19 accidental injury and filing application for adjustment of
20 claim does not commence to run until the termination of such
21 payments. This paragraph does not apply to payments made
22 under any group plan which would have been payable
23 irrespective of an accidental injury under this Act. Any
24 employer receiving such credit shall keep such employee safe
25 and harmless from any and all claims or liabilities that may
26 be made against him by reason of having received such
27 payments only to the extent of such credit.

28 Any excess benefits paid to or on behalf of a State
29 employee by the State Employees' Retirement System under
30 Article 14 of the Illinois Pension Code on a death claim or
31 disputed disability claim shall be credited against any
32 payments made or to be made by the State of Illinois to or on
33 behalf of such employee under this Act, except for payments
34 for medical expenses which have already been incurred at the

1 time of the award. The State of Illinois shall directly
2 reimburse the State Employees' Retirement System to the
3 extent of such credit.

4 2. Nothing contained in this Act shall be construed to
5 give the employer or the insurance carrier the right to
6 credit for any benefits or payments received by the employee
7 other than compensation payments provided by this Act, and
8 where the employee receives payments other than compensation
9 payments, whether as full or partial salary, group insurance
10 benefits, bonuses, annuities or any other payments, the
11 employer or insurance carrier shall receive credit for each
12 such payment only to the extent of the compensation that
13 would have been payable during the period covered by such
14 payment.

15 3. The extension of time for the filing of an
16 Application for Adjustment of Claim as provided in paragraph
17 1 above shall not apply to those cases where the time for
18 such filing had expired prior to the date on which payments
19 or benefits enumerated herein have been initiated or resumed.
20 Provided however that this paragraph 3 shall apply only to
21 cases wherein the payments or benefits hereinabove enumerated
22 shall be received after July 1, 1969.

23 (Source: P.A. 89-470, eff. 6-13-96.)