



Rep. Jay Hoffman

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10100HB4151ham001

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1 AMENDMENT TO HOUSE BILL 4151

2 AMENDMENT NO. _____. Amend House Bill 4151 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Workers' Compensation Act is amended by
5 changing Sections 4a-2, 4a-4, 4a-5, 4a-6.1, 4a-7, 13, and 14 as
6 follows:

7 (820 ILCS 305/4a-2) (from Ch. 48, par. 138.4a-2)

8 Sec. 4a-2. As used in Sections 4a-1 through 4a-9:

9 (a) "Board" means the Self-Insurers Advisory Board created
10 by Section 4a-1.

11 (b) "Chairman" means the Chairman of the Illinois Workers'
12 Compensation Commission.

13 (c) "Private self-insurer" means a private employer that
14 has been authorized to self-insure its payment of workers'
15 compensation benefits pursuant to subsection (a) of Section 4
16 of this Act or to self-insure its payment of occupational

1 disease benefits pursuant to subsection (a) of Section 4 of the
2 Workers' Occupational Diseases Act but does not include group
3 self-insured employers under Section 4a of this Act or Section
4 4a of the Workers' Occupational Diseases Act or the State of
5 Illinois, any political subdivision of the State, unit of local
6 government or school district, or any other public authorities
7 or quasi-governmental bodies including any subunits of the
8 foregoing entities.

9 (d) "Insolvent self-insurer" means a private self-insurer
10 financially unable to pay compensation due under this Act,
11 which (i) has filed either prior to or after the effective date
12 of this Section or (ii) is the subject party in any proceeding
13 under the Federal Bankruptcy Reform Act of 1978, or is the
14 subject party in any proceeding in which a receiver, custodian,
15 liquidator, rehabilitator, sequestrator, trustee or similar
16 officer has been appointed by any Court to act in lieu of or on
17 behalf of that self-insurer.

18 (e) "Fund" means the Self-Insurers Security Fund
19 established by Section 4a-5.

20 (f) "Trustee" means a member of the Self-Insurers Advisory
21 Board.

22 (g) (Blank). ~~"Self-Insurers Administration Fund" means the~~
23 ~~Fund established by Section 4a-6.1.~~

24 (h) "Application fee" means the application fee provided
25 for in Section 4a-4.

26 (Source: P.A. 93-721, eff. 1-1-05.)

1 (820 ILCS 305/4a-4) (from Ch. 48, par. 138.4a-4)

2 Sec. 4a-4. The Self-Insurers Advisory Board shall possess
3 all powers necessary and convenient to accomplish the objects
4 prescribed by this Act, including but not limited to the
5 following:

6 (a) The Board shall make such bylaws, rules, regulations
7 and resolutions as are necessary to carry out its
8 responsibilities. The Board may carry out its responsibilities
9 directly or by contract or other instrument, and may purchase
10 such services and collect and borrow such funds as it deems
11 necessary to effectuate its activities and protect the members
12 of the Board and its employees. The Board shall appoint, retain
13 and employ such persons as it deems necessary to achieve the
14 purposes of the Board. The Chairman shall be the chief
15 administrative officer of the Board, and he or she shall have
16 general supervisory authority over all employees of the Board.
17 Designated employees shall be subject to the Illinois Personnel
18 Code. All expenses incurred pursuant to this provision shall be
19 paid from the Self-Insurers Security Administration Fund. Each
20 private self-insurer applying for self-insurance and for
21 renewal of the self-insurance privilege shall pay with its
22 application a non-refundable application fee in the amount of
23 \$500, which shall be deposited upon receipt by the Commission
24 into the Self-Insurers Security Administration Fund and used
25 only for the purposes set forth in Sections 4a-1 through 4a-9

1 ~~this Section~~. An application fee shall be required of each
2 corporation and each and every corporate subsidiary.

3 (b) The Board shall meet no less than quarterly and shall
4 meet at other times upon the call of the Chairman, issued to
5 the Trustees in writing no less than 48 hours prior to the day
6 and hour of the meeting, or upon a request for a meeting
7 presented in writing to the Chairman no less than 72 hours
8 prior to the proposed day and hour of the meeting and signed by
9 at least a majority of the Trustees, whereupon the Chairman
10 shall provide notice issued in writing to the Trustees no less
11 than 48 hours prior to the meeting and shall convene the
12 meeting at the time and place stated in the request.

13 (c) Four Trustees shall constitute a quorum to transact
14 business at any meeting, and the affirmative vote of four
15 Trustees shall be necessary for any action taken by the Board.
16 No vacancy shall otherwise impair the rights of the remaining
17 Trustees to exercise all of the powers of the Board.

18 (d) The Board shall serve without compensation, but each
19 member shall be entitled to be reimbursed for necessary and
20 actual expenses incurred in the discharge of his official
21 duties.

22 (e) The Board shall have the right to sue and be sued in
23 the name of the Commission.

24 (Source: P.A. 85-1385.)

25 (820 ILCS 305/4a-5) (from Ch. 48, par. 138.4a-5)

1 Sec. 4a-5. There is hereby created a Self-Insurers Security
2 Fund. The State Treasurer shall be the ex officio ~~ex officio~~
3 custodian of the Self-Insurers Security Fund. Moneys in the
4 Fund shall be deposited in a separate account in the same
5 manner as are State Funds and any interest accruing thereon
6 shall be added thereto every 6 months. It shall be subject to
7 audit the same as State funds and accounts and shall be
8 protected by the general bond given by the State Treasurer. The
9 funds in the Self-Insurers Security Fund shall not be subject
10 to appropriation and shall be made available for the purposes
11 of compensating employees who are eligible to receive benefits
12 from their employers pursuant to the provisions of the Workers'
13 Compensation Act or Workers' Occupational Diseases Act, when,
14 pursuant to this Section, the Board has determined that a
15 private self-insurer has become an insolvent self-insurer and
16 is unable to pay compensation benefits due to financial
17 insolvency. Moneys in the Fund may be used to compensate any
18 type of injury or occupational disease which is compensable
19 under either Act, and all claims for related administrative
20 fees, operating costs of the Board, attorney's fees, and other
21 costs reasonably incurred by the Board. Moneys ~~At the~~
22 ~~discretion of the Chairman, moneys~~ in the Self-Insurers
23 Security Fund may also be used for paying the salaries and
24 benefits of the Self-Insurers Advisory Board employees and the
25 operating costs of the Board. Payment from the Self-Insurers
26 Security Fund shall be made by the Comptroller only upon the

1 authorization of the Chairman as evidenced by properly
2 certified vouchers of the Commission, upon the direction of the
3 Board.

4 (Source: P.A. 101-40, eff. 1-1-20; revised 8-6-19.)

5 (820 ILCS 305/4a-6.1) (from Ch. 48, par. 138.4a-6.1)

6 Sec. 4a-6.1. There is hereby created a Self-Insurers
7 Administration Fund. The State Treasurer shall be the
8 ex-officio custodian of the Self-Insurers Administration Fund.
9 Monies in the Self-Insurers Administration Fund shall be
10 deposited in a separate account in the same manner as are State
11 Funds, and any interest accruing thereon shall be added thereto
12 every 6 months. It shall be subject to audit the same as State
13 funds and accounts and shall be protected by the general bond
14 given by the State Treasurer. The funds in the Self-Insurers
15 Administration Fund shall not be subject to appropriation and
16 shall be made available only for paying the salaries and
17 benefits of the Self-Insurers Advisory Board employees and the
18 operating costs of the Board. Payment from the Self-Insurers
19 Administration Fund shall be made by the Comptroller only upon
20 the authorization of the Chairman as evidenced by properly
21 certified vouchers of the Commission. Within 60 days after the
22 effective date of this amendatory Act of the 101st General
23 Assembly, the Secretary of the Commission shall transfer all
24 remaining funds to the Self-Insurers Security Fund for use
25 consistent with the provisions of Section 4a-5. Prior to July

1 1, 2020, the State Treasurer shall dissolve the Self-Insurers
2 Administration Fund and close any related accounts.

3 (Source: P.A. 85-1385.)

4 (820 ILCS 305/4a-7) (from Ch. 48, par. 138.4a-7)

5 Sec. 4a-7. (a) The Commission may upon direction of the
6 Board from time to time assess each of the private
7 self-insurers a pro rata share of the funding reasonably
8 necessary to carry out its activities under Sections 4a-1
9 through 4a-9 ~~this Section~~. The prorations shall be made on the
10 basis of each self-insured's most recent payment into the rate
11 adjustment fund under Section 7(f) of this Act. In no event
12 shall a private self-insurer be assessed at one time in excess
13 of .6% of the compensation paid by that private self-insurer
14 during the previous calendar year for claims incurred as a
15 self-insurer. Total assessments against it in any calendar year
16 shall not exceed 1.2% of the compensation it has paid during
17 the previous calendar year as a self-insurer for claims
18 incurred. Funds obtained by such assessments shall be used only
19 for the purposes set forth in Sections 4a-1 through 4a-9 ~~this~~
20 ~~Section~~, and shall be deposited upon receipt by the Commission
21 into the Self-Insurers Security Fund. If payment of any
22 assessment made under this subsection is not made within 30
23 days of the sending of the notice to the private self-insurer,
24 the Commission at the direction of the Board shall proceed in
25 circuit court for judgment against that private self-insurer

1 which judgment shall include the amount of the assessment, the
2 costs of suit, interest and reasonable attorneys' fees.

3 (b) A private self-insurer which ceases to be a
4 self-insurer shall be liable for any and all assessments made
5 pursuant to this Section during the period following the date
6 its certificate of authority to self-insure is withdrawn,
7 revoked or surrendered until such time as it has discharged all
8 obligations to pay compensation which arose during the period
9 of time said former self-insurer was self-insured. Assessments
10 of such a former private self-insurer shall be based on the
11 compensation paid by the former private self-insurer during the
12 preceding calendar year on claims that arose during the period
13 of time said former private self-insurer was self-insured.

14 (c) The Board on behalf of the Commission shall annually
15 contract for an independent certified audit of the financial
16 activities of the Fund, and an annual report as of June 30
17 shall be submitted promptly by the Board to the Chairman of the
18 Illinois Workers' Compensation Commission and to each Trustee.
19 Written reports of all activities shall be submitted to the
20 Commission by the Board on a monthly basis.

21 (d) If there are monies remaining in the Fund after all
22 outstanding obligations of all insolvent self-insurers have
23 been satisfied and the costs of administration and defense have
24 been paid, such amounts shall be returned by the Commission
25 from the Fund as directed by the Board to the then private
26 self-insurers in that proportion which each said private

1 self-insurer has contributed to the Fund one year thereafter,
2 provided no outstanding liabilities remain against the Fund.

3 (e) Each private self-insurer shall be subject to the
4 direction of the Commission as provided in Sections 4a-1
5 through 4a-9 ~~this Section~~ as a condition of obtaining and
6 maintaining its certificate of authority to self-insure.

7 (Source: P.A. 93-721, eff. 1-1-05.)

8 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

9 Sec. 13. There is created an Illinois Workers' Compensation
10 Commission consisting of 10 members to be appointed by the
11 Governor, by and with the consent of the Senate, 3 of whom
12 shall be representative citizens of the employing class
13 operating under this Act and 3 of whom shall be from a labor
14 organization recognized under the National Labor Relations Act
15 or an attorney who has represented labor organizations or has
16 represented employees in workers' compensation cases, and 4 of
17 whom shall be representative citizens not identified with
18 either the employing or employee classes. Not more than 6
19 members of the Commission shall be of the same political party.
20 Each Commissioner appointed on or after the effective date of
21 this amendatory Act of the 101st General Assembly shall be
22 required to be authorized to practice law in this State by the
23 Illinois Supreme Court and to maintain this authorization
24 throughout his or her term of employment.

25 One of the members not identified with either the employing

1 or employee classes shall be designated by the Governor as
2 Chairman. The Chairman shall be the chief administrative and
3 executive officer of the Commission; and he or she shall have
4 general supervisory authority over all personnel of the
5 Commission, including arbitrators and Commissioners, and the
6 final authority in all administrative matters relating to the
7 Commissioners, including but not limited to the assignment and
8 distribution of cases and assignment of Commissioners to the
9 panels, except in the promulgation of procedural rules and
10 orders under Section 16 and in the determination of cases under
11 this Act.

12 Notwithstanding the general supervisory authority of the
13 Chairman, each Commissioner, except those assigned to the
14 temporary panel, shall have the authority to hire and supervise
15 2 staff attorneys each. Such staff attorneys shall report
16 directly to the individual Commissioner.

17 A formal training program for newly-appointed
18 Commissioners shall be implemented. The training program shall
19 include the following:

20 (a) substantive and procedural aspects of the office of
21 Commissioner;

22 (b) current issues in workers' compensation law and
23 practice;

24 (c) medical lectures by specialists in areas such as
25 orthopedics, ophthalmology, psychiatry, rehabilitation
26 counseling;

1 (d) orientation to each operational unit of the
2 Illinois Workers' Compensation Commission;

3 (e) observation of experienced arbitrators and
4 Commissioners conducting hearings of cases, combined with
5 the opportunity to discuss evidence presented and rulings
6 made;

7 (f) the use of hypothetical cases requiring the
8 newly-appointed Commissioner to issue judgments as a means
9 to evaluating knowledge and writing ability;

10 (g) writing skills;

11 (h) professional and ethical standards pursuant to
12 Section 1.1 of this Act;

13 (i) detection of workers' compensation fraud and
14 reporting obligations of Commission employees and
15 appointees;

16 (j) standards of evidence-based medical treatment and
17 best practices for measuring and improving quality and
18 health care outcomes in the workers' compensation system,
19 including but not limited to the use of the American
20 Medical Association's "Guides to the Evaluation of
21 Permanent Impairment" and the practice of utilization
22 review; and

23 (k) substantive and procedural aspects of coal
24 workers' pneumoconiosis (black lung) cases.

25 A formal and ongoing professional development program
26 including, but not limited to, the above-noted areas shall be

1 implemented to keep Commissioners informed of recent
2 developments and issues and to assist them in maintaining and
3 enhancing their professional competence. Each Commissioner
4 shall complete 20 hours of training in the above-noted areas
5 during every 2 years such Commissioner shall remain in office.

6 ~~The Commissioner candidates, other than the Chairman, must~~
7 ~~meet one of the following qualifications: (a) licensed to~~
8 ~~practice law in the State of Illinois; or (b) served as an~~
9 ~~arbitrator at the Illinois Workers' Compensation Commission~~
10 ~~for at least 3 years; or (c) has at least 4 years of~~
11 ~~professional labor relations experience.~~ The Chairman
12 candidate must have public or private sector management and
13 budget experience, as determined by the Governor.

14 Each Commissioner shall devote full time to his duties and
15 any Commissioner who is an attorney-at-law shall not engage in
16 the practice of law, nor shall any Commissioner hold any other
17 office or position of profit under the United States or this
18 State or any municipal corporation or political subdivision of
19 this State, nor engage in any other business, employment, or
20 vocation.

21 The term of office of each member of the Commission holding
22 office on the effective date of this amendatory Act of 1989 is
23 abolished, but the incumbents shall continue to exercise all of
24 the powers and be subject to all of the duties of Commissioners
25 until their respective successors are appointed and qualified.

26 The Illinois Workers' Compensation Commission shall

1 administer this Act.

2 In the promulgation of procedural rules, the determination
3 of cases heard en banc, and other matters determined by the
4 full Commission, the Chairman's vote shall break a tie in the
5 event of a tie vote.

6 The members shall be appointed by the Governor, with the
7 advice and consent of the Senate, as follows:

8 (a) After the effective date of this amendatory Act of
9 1989, 3 members, at least one of each political party, and
10 one of whom shall be a representative citizen of the
11 employing class operating under this Act, one of whom shall
12 be a representative citizen of the class of employees
13 covered under this Act, and one of whom shall be a
14 representative citizen not identified with either the
15 employing or employee classes, shall be appointed to hold
16 office until the third Monday in January of 1993, and until
17 their successors are appointed and qualified, and 4
18 members, one of whom shall be a representative citizen of
19 the employing class operating under this Act, one of whom
20 shall be a representative citizen of the class of employees
21 covered in this Act, and two of whom shall be
22 representative citizens not identified with either the
23 employing or employee classes, one of whom shall be
24 designated by the Governor as Chairman (at least one of
25 each of the two major political parties) shall be appointed
26 to hold office until the third Monday of January in 1991,

1 and until their successors are appointed and qualified.

2 (a-5) Notwithstanding any other provision of this
3 Section, the term of each member of the Commission who was
4 appointed by the Governor and is in office on June 30, 2003
5 shall terminate at the close of business on that date or
6 when all of the successor members to be appointed pursuant
7 to this amendatory Act of the 93rd General Assembly have
8 been appointed by the Governor, whichever occurs later. As
9 soon as possible, the Governor shall appoint persons to
10 fill the vacancies created by this amendatory Act. Of the
11 initial commissioners appointed pursuant to this
12 amendatory Act of the 93rd General Assembly, 3 shall be
13 appointed for terms ending on the third Monday in January,
14 2005, and 4 shall be appointed for terms ending on the
15 third Monday in January, 2007.

16 (a-10) After the effective date of this amendatory Act
17 of the 94th General Assembly, the Commission shall be
18 increased to 10 members. As soon as possible after the
19 effective date of this amendatory Act of the 94th General
20 Assembly, the Governor shall appoint, by and with the
21 consent of the Senate, the 3 members added to the
22 Commission under this amendatory Act of the 94th General
23 Assembly, one of whom shall be a representative citizen of
24 the employing class operating under this Act, one of whom
25 shall be a representative of the class of employees covered
26 under this Act, and one of whom shall be a representative

1 citizen not identified with either the employing or
2 employee classes. Of the members appointed under this
3 amendatory Act of the 94th General Assembly, one shall be
4 appointed for a term ending on the third Monday in January,
5 2007, and 2 shall be appointed for terms ending on the
6 third Monday in January, 2009, and until their successors
7 are appointed and qualified.

8 (b) Members shall thereafter be appointed to hold
9 office for terms of 4 years from the third Monday in
10 January of the year of their appointment, and until their
11 successors are appointed and qualified. All such
12 appointments shall be made so that the composition of the
13 Commission is in accordance with the provisions of the
14 first paragraph of this Section.

15 The Chairman shall receive an annual salary of \$42,500, or
16 a salary set by the Compensation Review Board, whichever is
17 greater, and each other member shall receive an annual salary
18 of \$38,000, or a salary set by the Compensation Review Board,
19 whichever is greater.

20 After the effective date of this amendatory Act of the
21 101st General Assembly, each Commissioner shall receive an
22 annual salary of 70% of a Circuit Court Judge in the Judicial
23 Court constituted by the First Judicial District under the
24 Salaries Act and the Chairman shall receive an annual salary of
25 5% more than the other Commissioners.

26 In case of a vacancy in the office of a Commissioner during

1 the recess of the Senate, the Governor shall make a temporary
2 appointment until the next meeting of the Senate, when he shall
3 nominate some person to fill such office. Any person so
4 nominated who is confirmed by the Senate shall hold office
5 during the remainder of the term and until his successor is
6 appointed and qualified.

7 The Illinois Workers' Compensation Commission created by
8 this amendatory Act of 1989 shall succeed to all the rights,
9 powers, duties, obligations, records and other property and
10 employees of the Industrial Commission which it replaces as
11 modified by this amendatory Act of 1989 and all applications
12 and reports to actions and proceedings of such prior Industrial
13 Commission shall be considered as applications and reports to
14 actions and proceedings of the Illinois Workers' Compensation
15 Commission created by this amendatory Act of 1989.

16 Notwithstanding any other provision of this Act, in the
17 event the Chairman shall make a finding that a member is or
18 will be unavailable to fulfill the responsibilities of his or
19 her office, the Chairman shall advise the Governor and the
20 member in writing and shall designate a certified arbitrator to
21 serve as acting Commissioner. The certified arbitrator shall
22 act as a Commissioner until the member resumes the duties of
23 his or her office or until a new member is appointed by the
24 Governor, by and with the consent of the Senate, if a vacancy
25 occurs in the office of the Commissioner, but in no event shall
26 a certified arbitrator serve in the capacity of Commissioner

1 for more than 6 months from the date of appointment by the
2 Chairman. A finding by the Chairman that a member is or will be
3 unavailable to fulfill the responsibilities of his or her
4 office shall be based upon notice to the Chairman by a member
5 that he or she will be unavailable or facts and circumstances
6 made known to the Chairman which lead him to reasonably find
7 that a member is unavailable to fulfill the responsibilities of
8 his or her office. The designation of a certified arbitrator to
9 act as a Commissioner shall be considered representative of
10 citizens not identified with either the employing or employee
11 classes and the arbitrator shall serve regardless of his or her
12 political affiliation. A certified arbitrator who serves as an
13 acting Commissioner shall have all the rights and powers of a
14 Commissioner, including salary.

15 Notwithstanding any other provision of this Act, the
16 Governor shall appoint a special panel of Commissioners
17 comprised of 3 members who shall be chosen by the Governor, by
18 and with the consent of the Senate, from among the current
19 ranks of certified arbitrators. Three members shall hold office
20 until the Commission in consultation with the Governor
21 determines that the caseload on review has been reduced
22 sufficiently to allow cases to proceed in a timely manner or
23 for a term of 18 months from the effective date of their
24 appointment by the Governor, whichever shall be earlier. The 3
25 members shall be considered representative of citizens not
26 identified with either the employing or employee classes and

1 shall serve regardless of political affiliation. Each of the 3
2 members shall have only such rights and powers of a
3 Commissioner necessary to dispose of those cases assigned to
4 the special panel. Each of the 3 members appointed to the
5 special panel shall receive the same salary as other
6 Commissioners for the duration of the panel.

7 The Commission may have an Executive Director; if so, the
8 Executive Director shall be appointed by the Governor with the
9 advice and consent of the Senate. The salary and duties of the
10 Executive Director shall be fixed by the Commission.

11 On the effective date of this amendatory Act of the 93rd
12 General Assembly, the name of the Industrial Commission is
13 changed to the Illinois Workers' Compensation Commission.
14 References in any law, appropriation, rule, form, or other
15 document: (i) to the Industrial Commission are deemed, in
16 appropriate contexts, to be references to the Illinois Workers'
17 Compensation Commission for all purposes; (ii) to the
18 Industrial Commission Operations Fund are deemed, in
19 appropriate contexts, to be references to the Illinois Workers'
20 Compensation Commission Operations Fund for all purposes;
21 (iii) to the Industrial Commission Operations Fund Fee are
22 deemed, in appropriate contexts, to be references to the
23 Illinois Workers' Compensation Commission Operations Fund Fee
24 for all purposes; and (iv) to the Industrial Commission
25 Operations Fund Surcharge are deemed, in appropriate contexts,
26 to be references to the Illinois Workers' Compensation

1 Commission Operations Fund Surcharge for all purposes.

2 (Source: P.A. 101-384, eff. 1-1-20.)

3 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

4 Sec. 14. The Commission shall appoint a secretary and an
5 assistant secretary, ~~and arbitrators~~ and shall employ such
6 assistants and clerical help as may be necessary. Arbitrators
7 shall be appointed pursuant to this Section, notwithstanding
8 any provision of the Personnel Code.

9 Each arbitrator appointed after June 28, 2011 shall be
10 required to demonstrate in writing his or her knowledge of and
11 expertise in the law of and judicial processes of the Workers'
12 Compensation Act and the Workers' Occupational Diseases Act.

13 A formal training program for newly-hired arbitrators
14 shall be implemented. The training program shall include the
15 following:

16 (a) substantive and procedural aspects of the
17 arbitrator position;

18 (b) current issues in workers' compensation law and
19 practice;

20 (c) medical lectures by specialists in areas such as
21 orthopedics, ophthalmology, psychiatry, rehabilitation
22 counseling;

23 (d) orientation to each operational unit of the
24 Illinois Workers' Compensation Commission;

25 (e) observation of experienced arbitrators conducting

1 hearings of cases, combined with the opportunity to discuss
2 evidence presented and rulings made;

3 (f) the use of hypothetical cases requiring the trainee
4 to issue judgments as a means to evaluating knowledge and
5 writing ability;

6 (g) writing skills;

7 (h) professional and ethical standards pursuant to
8 Section 1.1 of this Act;

9 (i) detection of workers' compensation fraud and
10 reporting obligations of Commission employees and
11 appointees;

12 (j) standards of evidence-based medical treatment and
13 best practices for measuring and improving quality and
14 health care outcomes in the workers' compensation system,
15 including but not limited to the use of the American
16 Medical Association's "Guides to the Evaluation of
17 Permanent Impairment" and the practice of utilization
18 review; and

19 (k) substantive and procedural aspects of coal
20 workers' pneumoconiosis (black lung) cases.

21 A formal and ongoing professional development program
22 including, but not limited to, the above-noted areas shall be
23 implemented to keep arbitrators informed of recent
24 developments and issues and to assist them in maintaining and
25 enhancing their professional competence. Each arbitrator shall
26 complete 20 hours of training in the above-noted areas during

1 every 2 years such arbitrator shall remain in office.

2 Each arbitrator shall devote full time to his or her duties
3 and shall serve when assigned as an acting Commissioner when a
4 Commissioner is unavailable in accordance with the provisions
5 of Section 13 of this Act. Any arbitrator who is an
6 attorney-at-law shall not engage in the practice of law, nor
7 shall any arbitrator hold any other office or position of
8 profit under the United States or this State or any municipal
9 corporation or political subdivision of this State.
10 Notwithstanding any other provision of this Act to the
11 contrary, an arbitrator who serves as an acting Commissioner in
12 accordance with the provisions of Section 13 of this Act shall
13 continue to serve in the capacity of Commissioner until a
14 decision is reached in every case heard by that arbitrator
15 while serving as an acting Commissioner.

16 Notwithstanding any other provision of this Section, the
17 term of all arbitrators serving on June 28, 2011 (the effective
18 date of Public Act 97-18), including any arbitrators on
19 administrative leave, shall terminate at the close of business
20 on July 1, 2011, but the incumbents shall continue to exercise
21 all of their duties until they are reappointed or their
22 successors are appointed.

23 On and after June 28, 2011 (the effective date of Public
24 Act 97-18), arbitrators shall be appointed to 3-year terms as
25 follows:

26 (1) All appointments shall be made by the Governor with

1 the advice and consent of the Senate.

2 (2) For their initial appointments, 12 arbitrators
3 shall be appointed to terms expiring July 1, 2012; 12
4 arbitrators shall be appointed to terms expiring July 1,
5 2013; and all additional arbitrators shall be appointed to
6 terms expiring July 1, 2014. Thereafter, all arbitrators
7 shall be appointed to 3-year terms.

8 Upon the expiration of a term, the Chairman shall evaluate
9 the performance of the arbitrator and may recommend to the
10 Governor that he or she be reappointed to a second or
11 subsequent term by the Governor with the advice and consent of
12 the Senate.

13 Each arbitrator appointed on or after June 28, 2011 (the
14 effective date of Public Act 97-18) and who has not previously
15 served as an arbitrator for the Commission shall be required to
16 be authorized to practice law in this State by the Supreme
17 Court, and to maintain this authorization throughout his or her
18 term of employment.

19 The performance of all arbitrators shall be reviewed by the
20 Chairman every other year, or more at the discretion of the
21 Chairman ~~on an annual basis~~. The Chairman shall allow input
22 from the Commissioners in all such reviews.

23 The Commission shall assign no fewer than 3 arbitrators to
24 each hearing site. The Commission shall establish a procedure
25 to ensure that the arbitrators assigned to each hearing site
26 are assigned cases on a random basis. No arbitrator shall hear

1 cases in any county, other than Cook County, for more than 4 ~~2~~
2 years consecutively ~~in each 3-year term~~.

3 The Secretary and each arbitrator shall receive a per annum
4 salary of 5% ~~\$4,000~~ less than the per annum salary of members
5 of The Illinois Workers' Compensation Commission as provided in
6 Section 13 of this Act, payable in equal monthly installments.

7 On and after the effective date of this amendatory Act of
8 the 101st General Assembly, the Secretary and each arbitrator
9 shall receive a per annum salary of 5% less than the per annum
10 salary of members of the Illinois Workers' Compensation
11 Commission as provided in Section 13 of this Act, payable in
12 equal monthly installments.

13 The members of the Commission, Arbitrators and other
14 employees whose duties require them to travel, shall have
15 reimbursed to them their actual traveling expenses and
16 disbursements made or incurred by them in the discharge of
17 their official duties while away from their place of residence
18 in the performance of their duties.

19 The Commission shall provide itself with a seal for the
20 authentication of its orders, awards and proceedings upon which
21 shall be inscribed the name of the Commission and the words
22 "Illinois--Seal".

23 The Secretary or Assistant Secretary, under the direction
24 of the Commission, shall have charge and custody of the seal of
25 the Commission and also have charge and custody of all records,
26 files, orders, proceedings, decisions, awards and other

1 documents on file with the Commission. He shall furnish
2 certified copies, under the seal of the Commission, of any such
3 records, files, orders, proceedings, decisions, awards and
4 other documents on file with the Commission as may be required.
5 Certified copies so furnished by the Secretary or Assistant
6 Secretary shall be received in evidence before the Commission
7 or any Arbitrator thereof, and in all courts, provided that the
8 original of such certified copy is otherwise competent and
9 admissible in evidence. The Secretary or Assistant Secretary
10 shall perform such other duties as may be prescribed from time
11 to time by the Commission.

12 (Source: P.A. 98-40, eff. 6-28-13; 99-642, eff. 7-28-16.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."