



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4082

Introduced 5/10/2023, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

820 ILCS 305/1
820 ILCS 305/8

from Ch. 48, par. 138.1
from Ch. 48, par. 138.8

Amends the Workers' Compensation Act. Provides that an injury arises out of and in the course of employment only if the accident significantly caused or contributed to both the resulting condition and the disability. Provides that an injury does not arise out of and in the course of employment if (1) the hazard or risk was not incidental to employment and was a hazard or risk to which the general public is also exposed, (2) the injury did not occur at a time and place and under circumstances reasonably required by the employment, or (3) the disability resulted from a personal risk. Limits conditions under which repetitive or cumulative trauma is compensable. Provides that gradual deterioration or progressive degeneration of the body caused by aging is not compensable as repetitive or cumulative trauma. Makes changes to the compensation periods for accidental injuries resulting in the loss of or the permanent and complete loss of use of the thumb, fingers, or toes; the amputation of an arm, foot, or leg; the enucleation of an eye; and other injuries to reduce the compensation to the amounts in effect for injuries occurring before February 1, 2006. Provides that accidental injuries sustained while traveling to or from work do not arise out of and in the course of employment, except under specified circumstances. Provides that the injury may arise out of and in the course of employment if, at the time of the injury, the employee was performing acts the employer instructed the employee to perform, acts that the employee had a common law or statutory duty to perform while performing duties for his or her employer, or acts that the employee might be reasonably expected to perform incident to his or her assigned duties. Provides that, for purposes of awarding compensation for injuries, an injury to the shoulder shall be considered an injury to a part of the arm and an injury to the hip shall be considered an injury to a part of the leg. Provides that, in computing the compensation to be paid to an employee who, before the accident for which the employee claims compensation, had before that time sustained an injury resulting in a permanency award or settlement, the award or settlement shall be deducted from any award made for the subsequent injury. Effective immediately.

LRB103 32158 SPS 61247 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Workers' Compensation Act is amended by
5 changing Sections 1 and 8 as follows:

6 (820 ILCS 305/1) (from Ch. 48, par. 138.1)

7 Sec. 1. This Act may be cited as the Workers' Compensation
8 Act.

9 (a) The term "employer" as used in this Act means:

10 1. The State and each county, city, town, township,
11 incorporated village, school district, body politic, or
12 municipal corporation therein.

13 2. Every person, firm, public or private corporation,
14 including hospitals, public service, eleemosynary, religious
15 or charitable corporations or associations who has any person
16 in service or under any contract for hire, express or implied,
17 oral or written, and who is engaged in any of the enterprises
18 or businesses enumerated in Section 3 of this Act, or who at or
19 prior to the time of the accident to the employee for which
20 compensation under this Act may be claimed, has in the manner
21 provided in this Act elected to become subject to the
22 provisions of this Act, and who has not, prior to such
23 accident, effected a withdrawal of such election in the manner

1 provided in this Act.

2 3. Any one engaging in any business or enterprise referred
3 to in subsections 1 and 2 of Section 3 of this Act who
4 undertakes to do any work enumerated therein, is liable to pay
5 compensation to his own immediate employees in accordance with
6 the provisions of this Act, and in addition thereto if he
7 directly or indirectly engages any contractor whether
8 principal or sub-contractor to do any such work, he is liable
9 to pay compensation to the employees of any such contractor or
10 sub-contractor unless such contractor or sub-contractor has
11 insured, in any company or association authorized under the
12 laws of this State to insure the liability to pay compensation
13 under this Act, or guaranteed his liability to pay such
14 compensation. With respect to any time limitation on the
15 filing of claims provided by this Act, the timely filing of a
16 claim against a contractor or subcontractor, as the case may
17 be, shall be deemed to be a timely filing with respect to all
18 persons upon whom liability is imposed by this paragraph.

19 In the event any such person pays compensation under this
20 subsection he may recover the amount thereof from the
21 contractor or sub-contractor, if any, and in the event the
22 contractor pays compensation under this subsection he may
23 recover the amount thereof from the sub-contractor, if any.

24 This subsection does not apply in any case where the
25 accident occurs elsewhere than on, in or about the immediate
26 premises on which the principal has contracted that the work

1 be done.

2 4. Where an employer operating under and subject to the
3 provisions of this Act loans an employee to another such
4 employer and such loaned employee sustains a compensable
5 accidental injury in the employment of such borrowing employer
6 and where such borrowing employer does not provide or pay the
7 benefits or payments due such injured employee, such loaning
8 employer is liable to provide or pay all benefits or payments
9 due such employee under this Act and as to such employee the
10 liability of such loaning and borrowing employers is joint and
11 several, provided that such loaning employer is in the absence
12 of agreement to the contrary entitled to receive from such
13 borrowing employer full reimbursement for all sums paid or
14 incurred pursuant to this paragraph together with reasonable
15 attorneys' fees and expenses in any hearings before the
16 Illinois Workers' Compensation Commission or in any action to
17 secure such reimbursement. Where any benefit is provided or
18 paid by such loaning employer the employee has the duty of
19 rendering reasonable cooperation in any hearings, trials or
20 proceedings in the case, including such proceedings for
21 reimbursement.

22 Where an employee files an Application for Adjustment of
23 Claim with the Illinois Workers' Compensation Commission
24 alleging that his claim is covered by the provisions of the
25 preceding paragraph, and joining both the alleged loaning and
26 borrowing employers, they and each of them, upon written

1 demand by the employee and within 7 days after receipt of such
2 demand, shall have the duty of filing with the Illinois
3 Workers' Compensation Commission a written admission or denial
4 of the allegation that the claim is covered by the provisions
5 of the preceding paragraph and in default of such filing or if
6 any such denial be ultimately determined not to have been bona
7 fide then the provisions of Paragraph K of Section 19 of this
8 Act shall apply.

9 An employer whose business or enterprise or a substantial
10 part thereof consists of hiring, procuring or furnishing
11 employees to or for other employers operating under and
12 subject to the provisions of this Act for the performance of
13 the work of such other employers and who pays such employees
14 their salary or wages notwithstanding that they are doing the
15 work of such other employers shall be deemed a loaning
16 employer within the meaning and provisions of this Section.

17 (b) The term "employee" as used in this Act means:

18 1. Every person in the service of the State, including
19 members of the General Assembly, members of the Commerce
20 Commission, members of the Illinois Workers' Compensation
21 Commission, and all persons in the service of the University
22 of Illinois, county, including deputy sheriffs and assistant
23 state's attorneys, city, town, township, incorporated village
24 or school district, body politic, or municipal corporation
25 therein, whether by election, under appointment or contract of
26 hire, express or implied, oral or written, including all

1 members of the Illinois National Guard while on active duty in
2 the service of the State, and all probation personnel of the
3 Juvenile Court appointed pursuant to Article VI of the
4 Juvenile Court Act of 1987, and including any official of the
5 State, any county, city, town, township, incorporated village,
6 school district, body politic or municipal corporation therein
7 except any duly appointed member of a police department in any
8 city whose population exceeds 500,000 according to the last
9 Federal or State census, and except any member of a fire
10 insurance patrol maintained by a board of underwriters in this
11 State. A duly appointed member of a fire department in any
12 city, the population of which exceeds 500,000 according to the
13 last federal or State census, is an employee under this Act
14 only with respect to claims brought under paragraph (c) of
15 Section 8.

16 One employed by a contractor who has contracted with the
17 State, or a county, city, town, township, incorporated
18 village, school district, body politic or municipal
19 corporation therein, through its representatives, is not
20 considered as an employee of the State, county, city, town,
21 township, incorporated village, school district, body politic
22 or municipal corporation which made the contract.

23 2. Every person in the service of another under any
24 contract of hire, express or implied, oral or written,
25 including persons whose employment is outside of the State of
26 Illinois where the contract of hire is made within the State of

1 Illinois, persons whose employment results in fatal or
2 non-fatal injuries within the State of Illinois where the
3 contract of hire is made outside of the State of Illinois, and
4 persons whose employment is principally localized within the
5 State of Illinois, regardless of the place of the accident or
6 the place where the contract of hire was made, and including
7 noncitizens, and minors who, for the purpose of this Act are
8 considered the same and have the same power to contract,
9 receive payments and give quittances therefor, as adult
10 employees.

11 3. Every sole proprietor and every partner of a business
12 may elect to be covered by this Act.

13 An employee or his dependents under this Act who shall
14 have a cause of action by reason of any injury, disablement or
15 death arising out of and in the course of his employment may
16 elect to pursue his remedy in the State where injured or
17 disabled, or in the State where the contract of hire is made,
18 or in the State where the employment is principally localized.

19 However, any employer may elect to provide and pay
20 compensation to any employee other than those engaged in the
21 usual course of the trade, business, profession or occupation
22 of the employer by complying with Sections 2 and 4 of this Act.
23 Employees are not included within the provisions of this Act
24 when excluded by the laws of the United States relating to
25 liability of employers to their employees for personal
26 injuries where such laws are held to be exclusive.

1 The term "employee" does not include persons performing
2 services as real estate broker, broker-salesman, or salesman
3 when such persons are paid by commission only.

4 (c) "Commission" means the Industrial Commission created
5 by Section 5 of "The Civil Administrative Code of Illinois",
6 approved March 7, 1917, as amended, or the Illinois Workers'
7 Compensation Commission created by Section 13 of this Act.

8 (d) 1. To obtain compensation under this Act, an employee
9 bears the burden of showing, by a preponderance of credible
10 ~~the~~ evidence, that he or she has sustained accidental injuries
11 arising out of and in the course of the employment.

12 Accidental injuries shall be considered to be arising out
13 of and in the course of employment only if the accident
14 significantly caused or contributed to both the resulting
15 condition and disability.

16 Accidental injuries shall not be considered to be arising
17 out of and in the course of employment if: (i) the accident
18 resulted from a hazard or risk that was not incidental to the
19 employment or the accident resulted from a hazard or risk to
20 which the general public is also exposed; (ii) the accident
21 did not occur at a time and place and under circumstances
22 reasonably required by the employment; or (iii) the medical
23 condition or disability for which compensation is being sought
24 resulted from a personal risk.

25 2. An injury due to repetitive or cumulative trauma is
26 compensable only if the repetitive or cumulative trauma

1 significantly caused or contributed to both the resulting
2 medical condition and disability. Ordinary, gradual
3 deterioration or progressive degeneration of the body caused
4 by aging or by the normal activities of day-to-day living
5 shall not be compensable.

6 If the duration of the repetitive or cumulative trauma
7 which is found to be the cause of the injury is for a period of
8 fewer than 3 months and the evidence demonstrates that the
9 exposure to the repetitive or cumulative trauma with the
10 immediate prior employer significantly caused or contributed
11 to both the resulting medical condition and the disability,
12 the prior employer shall be liable for the injury.

13 3. An injury, its occupational cause, and any resulting
14 manifestations of disability must be established to a
15 reasonable degree of medical certainty, based on objective
16 relevant medical evidence.

17 4. Except as provided in subsection (e), accidental
18 injuries sustained while traveling to or from work do not
19 arise out of and in the course of employment.

20 (e) An accidental injury arises out of and in the course of
21 employment if it is sustained by an employee who is required by
22 the employer to travel away from the employer's premises in
23 order to perform his or her job and the conduct in which the
24 employee was engaged at the time of the accidental injury was:
25 (1) acts the employer instructed the employee to perform; (2)
26 acts that the employee had a common law or statutory duty to

1 perform while performing duties for his or her employer; or
2 (3) acts that the employee might be reasonably expected to
3 perform incident to his or her assigned duties.

4 Notwithstanding the foregoing, an accidental injury
5 sustained by an employee while traveling away from the
6 employer's premises does not arise out of and in the course of
7 employment if: (1) the accidental injury is sustained during
8 the employee's commute to and from his or her domicile,
9 residence, or place where the employee currently lives and his
10 or her primary or current place of employment; (2) the
11 accidental injury is sustained during a personal deviation or
12 personal errand; or (3) the accidental injury, or the medical
13 condition or impairment for which compensation is sought,
14 resulted from a personal risk.

15 In determining whether an employee is required to travel
16 away from the employer's premises in order to perform his or
17 her job, the following factors shall be considered:

18 (1) whether the employee's course or method of travel
19 was determined by the demands and exigencies of the job;

20 (2) whether the employer reimbursed the employee for
21 travel expenses or time spent traveling; and

22 (3) whether the employer directed the employee's
23 travel or required the employee to take a certain route to
24 perform his or her duties.

25 (Source: P.A. 102-1030, eff. 5-27-22.)

1 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

2 Sec. 8. The amount of compensation which shall be paid to
3 the employee for an accidental injury not resulting in death
4 is:

5 (a) The employer shall provide and pay the negotiated
6 rate, if applicable, or the lesser of the health care
7 provider's actual charges or according to a fee schedule,
8 subject to Section 8.2, in effect at the time the service was
9 rendered for all the necessary first aid, medical and surgical
10 services, and all necessary medical, surgical and hospital
11 services thereafter incurred, limited, however, to that which
12 is reasonably required to cure or relieve from the effects of
13 the accidental injury, even if a health care provider sells,
14 transfers, or otherwise assigns an account receivable for
15 procedures, treatments, or services covered under this Act. If
16 the employer does not dispute payment of first aid, medical,
17 surgical, and hospital services, the employer shall make such
18 payment to the provider on behalf of the employee. The
19 employer shall also pay for treatment, instruction and
20 training necessary for the physical, mental and vocational
21 rehabilitation of the employee, including all maintenance
22 costs and expenses incidental thereto. If as a result of the
23 injury the employee is unable to be self-sufficient the
24 employer shall further pay for such maintenance or
25 institutional care as shall be required.

26 The employee may at any time elect to secure his own

1 physician, surgeon and hospital services at the employer's
2 expense, or,

3 Upon agreement between the employer and the employees, or
4 the employees' exclusive representative, and subject to the
5 approval of the Illinois Workers' Compensation Commission, the
6 employer shall maintain a list of physicians, to be known as a
7 Panel of Physicians, who are accessible to the employees. The
8 employer shall post this list in a place or places easily
9 accessible to his employees. The employee shall have the right
10 to make an alternative choice of physician from such Panel if
11 he is not satisfied with the physician first selected. If, due
12 to the nature of the injury or its occurrence away from the
13 employer's place of business, the employee is unable to make a
14 selection from the Panel, the selection process from the Panel
15 shall not apply. The physician selected from the Panel may
16 arrange for any consultation, referral or other specialized
17 medical services outside the Panel at the employer's expense.
18 Provided that, in the event the Commission shall find that a
19 doctor selected by the employee is rendering improper or
20 inadequate care, the Commission may order the employee to
21 select another doctor certified or qualified in the medical
22 field for which treatment is required. If the employee refuses
23 to make such change the Commission may relieve the employer of
24 his obligation to pay the doctor's charges from the date of
25 refusal to the date of compliance.

26 Any vocational rehabilitation counselors who provide

1 service under this Act shall have appropriate certifications
2 which designate the counselor as qualified to render opinions
3 relating to vocational rehabilitation. Vocational
4 rehabilitation may include, but is not limited to, counseling
5 for job searches, supervising a job search program, and
6 vocational retraining including education at an accredited
7 learning institution. The employee or employer may petition to
8 the Commission to decide disputes relating to vocational
9 rehabilitation and the Commission shall resolve any such
10 dispute, including payment of the vocational rehabilitation
11 program by the employer.

12 The maintenance benefit shall not be less than the
13 temporary total disability rate determined for the employee.
14 In addition, maintenance shall include costs and expenses
15 incidental to the vocational rehabilitation program.

16 When the employee is working light duty on a part-time
17 basis or full-time basis and earns less than he or she would be
18 earning if employed in the full capacity of the job or jobs,
19 then the employee shall be entitled to temporary partial
20 disability benefits. Temporary partial disability benefits
21 shall be equal to two-thirds of the difference between the
22 average amount that the employee would be able to earn in the
23 full performance of his or her duties in the occupation in
24 which he or she was engaged at the time of accident and the
25 gross amount which he or she is earning in the modified job
26 provided to the employee by the employer or in any other job

1 that the employee is working.

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

9 Notwithstanding the foregoing, the employer's liability to
10 pay for such medical services selected by the employee shall
11 be limited to:

12 (1) all first aid and emergency treatment; plus

13 (2) all medical, surgical and hospital services
14 provided by the physician, surgeon or hospital initially
15 chosen by the employee or by any other physician,
16 consultant, expert, institution or other provider of
17 services recommended by said initial service provider or
18 any subsequent provider of medical services in the chain
19 of referrals from said initial service provider; plus

20 (3) all medical, surgical and hospital services
21 provided by any second physician, surgeon or hospital
22 subsequently chosen by the employee or by any other
23 physician, consultant, expert, institution or other
24 provider of services recommended by said second service
25 provider or any subsequent provider of medical services in
26 the chain of referrals from said second service provider.

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

9 (4) The following shall apply for injuries occurring
10 on or after June 28, 2011 (the effective date of Public Act
11 97-18) and only when an employer has an approved preferred
12 provider program pursuant to Section 8.1a on the date the
13 employee sustained his or her accidental injuries:

14 (A) The employer shall, in writing, on a form
15 promulgated by the Commission, inform the employee of
16 the preferred provider program;

17 (B) Subsequent to the report of an injury by an
18 employee, the employee may choose in writing at any
19 time to decline the preferred provider program, in
20 which case that would constitute one of the two
21 choices of medical providers to which the employee is
22 entitled under subsection (a) (2) or (a) (3); and

23 (C) Prior to the report of an injury by an
24 employee, when an employee chooses non-emergency
25 treatment from a provider not within the preferred
26 provider program, that would constitute the employee's

1 one choice of medical providers to which the employee
2 is entitled under subsection (a) (2) or (a) (3).

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

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

1 injury results in damage to an artificial member, the employer
2 shall replace or repair such denture, glasses, lenses, or
3 artificial member.

4 The furnishing by the employer of any such services or
5 appliances is not an admission of liability on the part of the
6 employer to pay compensation.

7 The furnishing of any such services or appliances or the
8 servicing thereof by the employer is not the payment of
9 compensation.

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

18 1. The compensation rate for temporary total
19 incapacity under this paragraph (b) of this Section shall
20 be equal to 66 2/3% of the employee's average weekly wage
21 computed in accordance with Section 10, provided that it
22 shall be not less than 66 2/3% of the sum of the Federal
23 minimum wage under the Fair Labor Standards Act, or the
24 Illinois minimum wage under the Minimum Wage Law,
25 whichever is more, multiplied by 40 hours. This percentage
26 rate shall be increased by 10% for each spouse and child,

1 not to exceed 100% of the total minimum wage calculation,
2 nor exceed the employee's average weekly wage computed in
3 accordance with the provisions of Section 10, whichever is
4 less.

5 2. The compensation rate in all cases other than for
6 temporary total disability under this paragraph (b), and
7 other than for serious and permanent disfigurement under
8 paragraph (c) and other than for permanent partial
9 disability under subparagraph (2) of paragraph (d) or
10 under paragraph (e), of this Section shall be equal to 66
11 2/3% of the employee's average weekly wage computed in
12 accordance with the provisions of Section 10, provided
13 that it shall be not less than 66 2/3% of the sum of the
14 Federal minimum wage under the Fair Labor Standards Act,
15 or the Illinois minimum wage under the Minimum Wage Law,
16 whichever is more, multiplied by 40 hours. This percentage
17 rate shall be increased by 10% for each spouse and child,
18 not to exceed 100% of the total minimum wage calculation,
19 nor exceed the employee's average weekly wage computed in
20 accordance with the provisions of Section 10, whichever is
21 less.

22 2.1. The compensation rate in all cases of serious and
23 permanent disfigurement under paragraph (c) and of
24 permanent partial disability under subparagraph (2) of
25 paragraph (d) or under paragraph (e) of this Section shall
26 be equal to 60% of the employee's average weekly wage

1 computed in accordance with the provisions of Section 10,
2 provided that it shall be not less than 66 2/3% of the sum
3 of the Federal minimum wage under the Fair Labor Standards
4 Act, or the Illinois minimum wage under the Minimum Wage
5 Law, whichever is more, multiplied by 40 hours. This
6 percentage rate shall be increased by 10% for each spouse
7 and child, not to exceed 100% of the total minimum wage
8 calculation, nor exceed the employee's average weekly wage
9 computed in accordance with the provisions of Section 10,
10 whichever is less.

11 3. As used in this Section the term "child" means a
12 child of the employee including any child legally adopted
13 before the accident or whom at the time of the accident the
14 employee was under legal obligation to support or to whom
15 the employee stood in loco parentis, and who at the time of
16 the accident was under 18 years of age and not
17 emancipated. The term "children" means the plural of
18 "child".

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

22 The maximum weekly compensation rate from July 1,
23 1975, except as hereinafter provided, shall be 100% of the
24 State's average weekly wage in covered industries under
25 the Unemployment Insurance Act, that being the wage that
26 most closely approximates the State's average weekly wage.

1 The maximum weekly compensation rate, for the period
2 July 1, 1984, through June 30, 1987, except as hereinafter
3 provided, shall be \$293.61. Effective July 1, 1987 and on
4 July 1 of each year thereafter the maximum weekly
5 compensation rate, except as hereinafter provided, shall
6 be determined as follows: if during the preceding 12 month
7 period there shall have been an increase in the State's
8 average weekly wage in covered industries under the
9 Unemployment Insurance Act, the weekly compensation rate
10 shall be proportionately increased by the same percentage
11 as the percentage of increase in the State's average
12 weekly wage in covered industries under the Unemployment
13 Insurance Act during such period.

14 The maximum weekly compensation rate, for the period
15 January 1, 1981 through December 31, 1983, except as
16 hereinafter provided, shall be 100% of the State's average
17 weekly wage in covered industries under the Unemployment
18 Insurance Act in effect on January 1, 1981. Effective
19 January 1, 1984 and on January 1, of each year thereafter
20 the maximum weekly compensation rate, except as
21 hereinafter provided, shall be determined as follows: if
22 during the preceding 12 month period there shall have been
23 an increase in the State's average weekly wage in covered
24 industries under the Unemployment Insurance Act, the
25 weekly compensation rate shall be proportionately
26 increased by the same percentage as the percentage of

1 increase in the State's average weekly wage in covered
2 industries under the Unemployment Insurance Act during
3 such period.

4 From July 1, 1977 and thereafter such maximum weekly
5 compensation rate in death cases under Section 7, and
6 permanent total disability cases under paragraph (f) or
7 subparagraph 18 of paragraph (3) of this Section and for
8 temporary total disability under paragraph (b) of this
9 Section and for amputation of a member or enucleation of
10 an eye under paragraph (e) of this Section shall be
11 increased to 133-1/3% of the State's average weekly wage
12 in covered industries under the Unemployment Insurance
13 Act.

14 For injuries occurring on or after February 1, 2006,
15 the maximum weekly benefit under paragraph (d)1 of this
16 Section shall be 100% of the State's average weekly wage
17 in covered industries under the Unemployment Insurance
18 Act.

19 4.1. Any provision herein to the contrary
20 notwithstanding, the weekly compensation rate for
21 compensation payments under subparagraph 18 of paragraph
22 (e) of this Section and under paragraph (f) of this
23 Section and under paragraph (a) of Section 7 and for
24 amputation of a member or enucleation of an eye under
25 paragraph (e) of this Section, shall in no event be less
26 than 50% of the State's average weekly wage in covered

1 industries under the Unemployment Insurance Act.

2 4.2. Any provision to the contrary notwithstanding,
3 the total compensation payable under Section 7 shall not
4 exceed the greater of \$500,000 or 25 years.

5 5. For the purpose of this Section this State's
6 average weekly wage in covered industries under the
7 Unemployment Insurance Act on July 1, 1975 is hereby fixed
8 at \$228.16 per week and the computation of compensation
9 rates shall be based on the aforesaid average weekly wage
10 until modified as hereinafter provided.

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

1 7. The payment of compensation by an employer or his
2 insurance carrier to an injured employee shall not
3 constitute an admission of the employer's liability to pay
4 compensation.

5 (c) For any serious and permanent disfigurement to the
6 hand, head, face, neck, arm, leg below the knee or the chest
7 above the axillary line, the employee is entitled to
8 compensation for such disfigurement, the amount determined by
9 agreement at any time or by arbitration under this Act, at a
10 hearing not less than 6 months after the date of the accidental
11 injury, which amount shall not exceed 150 weeks (if the
12 accidental injury occurs on or after the effective date of
13 this amendatory Act of the 94th General Assembly but before
14 February 1, 2006) or 162 weeks (if the accidental injury
15 occurs on or after February 1, 2006) at the applicable rate
16 provided in subparagraph 2.1 of paragraph (b) of this Section.

17 No compensation is payable under this paragraph where
18 compensation is payable under paragraphs (d), (e) or (f) of
19 this Section.

20 A duly appointed member of a fire department in a city, the
21 population of which exceeds 500,000 according to the last
22 federal or State census, is eligible for compensation under
23 this paragraph only where such serious and permanent
24 disfigurement results from burns.

25 (d) 1. If, after the accidental injury has been sustained,
26 the employee as a result thereof becomes partially

1 incapacitated from pursuing his usual and customary line of
2 employment, he shall, except in cases compensated under the
3 specific schedule set forth in paragraph (e) of this Section,
4 receive compensation for the duration of his disability,
5 subject to the limitations as to maximum amounts fixed in
6 paragraph (b) of this Section, equal to 66-2/3% of the
7 difference between the average amount which he would be able
8 to earn in the full performance of his duties in the occupation
9 in which he was engaged at the time of the accident and the
10 average amount which he is earning or is able to earn in some
11 suitable employment or business after the accident. For
12 accidental injuries that occur on or after September 1, 2011,
13 an award for wage differential under this subsection shall be
14 effective only until the employee reaches the age of 67 or 5
15 years from the date the award becomes final, whichever is
16 later.

17 2. If, as a result of the accident, the employee sustains
18 serious and permanent injuries not covered by paragraphs (c)
19 and (e) of this Section or having sustained injuries covered
20 by the aforesaid paragraphs (c) and (e), he shall have
21 sustained in addition thereto other injuries which injuries do
22 not incapacitate him from pursuing the duties of his
23 employment but which would disable him from pursuing other
24 suitable occupations, or which have otherwise resulted in
25 physical impairment; or if such injuries partially
26 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 2.1
9 of paragraph (b) of this Section for that percentage of 500
10 weeks that the partial disability resulting from the injuries
11 covered by this paragraph bears to total disability. If the
12 employee shall have sustained a fracture of one or more
13 vertebra or fracture of the skull, the amount of compensation
14 allowed under this Section shall be not less than 6 weeks for a
15 fractured skull and 6 weeks for each fractured vertebra, and
16 in the event the employee shall have sustained a fracture of
17 any of the following facial bones: nasal, lachrymal, vomer,
18 zygoma, maxilla, palatine or mandible, the amount of
19 compensation allowed under this Section shall be not less than
20 2 weeks for each such fractured bone, and for a fracture of
21 each transverse process not less than 3 weeks. In the event
22 such injuries shall result in the loss of a kidney, spleen or
23 lung, the amount of compensation allowed under this Section
24 shall be not less than 10 weeks for each such organ.
25 Compensation awarded under this subparagraph 2 shall not take
26 into consideration injuries covered under paragraphs (c) and

1 (e) of this Section and the compensation provided in this
2 paragraph shall not affect the employee's right to
3 compensation payable under paragraphs (b), (c) and (e) of this
4 Section for the disabilities therein covered.

5 In computing the compensation to be paid to any employee
6 who, before the accident for which the employee claims
7 compensation, had before that time sustained an injury
8 resulting in an award or settlement for permanency given under
9 subparagraph 2 of this paragraph, such award shall be deducted
10 from any award made for the subsequent injury resulting in an
11 award or settlement for permanency given under this
12 subparagraph 2 of this paragraph.

13 (e) For accidental injuries in the following schedule, the
14 employee shall receive compensation for the period of
15 temporary total incapacity for work resulting from such
16 accidental injury, under subparagraph 1 of paragraph (b) of
17 this Section, and shall receive in addition thereto
18 compensation for a further period for the specific loss herein
19 mentioned, but shall not receive any compensation under any
20 other provisions of this Act. The following listed amounts
21 apply to either the loss of or the permanent and complete loss
22 of use of the member specified, such compensation for the
23 length of time as follows:

24 1. Thumb-

25 70 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 94th General Assembly but before February 1, 2006.

2 76 weeks if the accidental injury occurs on or
3 after February 1, 2006 but before the effective date
4 of this amendatory Act of the 103rd General Assembly.

5 70 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 103rd General Assembly.

8 2. First, or index finger-

9 40 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 43 weeks if the accidental injury occurs on or
13 after February 1, 2006 but before the effective date
14 of this amendatory Act of the 103rd General Assembly.

15 40 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 103rd General Assembly.

18 3. Second, or middle finger-

19 35 weeks if the accidental injury occurs on or
20 after the effective date of this amendatory Act of the
21 94th General Assembly but before February 1, 2006.

22 38 weeks if the accidental injury occurs on or
23 after February 1, 2006 but before the effective date
24 of this amendatory Act of the 103rd General Assembly.

25 35 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 103rd General Assembly.

2 4. Third, or ring finger-

3 25 weeks if the accidental injury occurs on or
4 after the effective date of this amendatory Act of the
5 94th General Assembly but before February 1, 2006.

6 27 weeks if the accidental injury occurs on or
7 after February 1, 2006 but before the effective date
8 of this amendatory Act of the 103rd General Assembly.

9 25 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 103rd General Assembly.

12 5. Fourth, or little finger-

13 20 weeks if the accidental injury occurs on or
14 after the effective date of this amendatory Act of the
15 94th General Assembly but before February 1, 2006.

16 22 weeks if the accidental injury occurs on or
17 after February 1, 2006 but before the effective date
18 of this amendatory Act of the 103rd General Assembly.

19 20 weeks if the accidental injury occurs on or
20 after the effective date of this amendatory Act of the
21 103rd General Assembly.

22 6. Great toe-

23 35 weeks if the accidental injury occurs on or
24 after the effective date of this amendatory Act of the
25 94th General Assembly but before February 1, 2006.

26 38 weeks if the accidental injury occurs on or

1 after February 1, 2006 but before the effective date
2 of this amendatory Act of the 103rd General Assembly.

3 35 weeks if the accidental injury occurs on or
4 after the effective date of this amendatory Act of the
5 103rd General Assembly.

6 7. Each toe other than great toe-

7 12 weeks if the accidental injury occurs on or
8 after the effective date of this amendatory Act of the
9 94th General Assembly but before February 1, 2006.

10 13 weeks if the accidental injury occurs on or
11 after February 1, 2006 but before the effective date
12 of this amendatory Act of the 103rd General Assembly.

13 12 weeks if the accidental injury occurs on or
14 after the effective date of this amendatory Act of the
15 103rd General Assembly.

16 8. The loss of the first or distal phalanx of the thumb
17 or of any finger or toe shall be considered to be equal to
18 the loss of one-half of such thumb, finger or toe and the
19 compensation payable shall be one-half of the amount above
20 specified. The loss of more than one phalanx shall be
21 considered as the loss of the entire thumb, finger or toe.
22 In no case shall the amount received for more than one
23 finger exceed the amount provided in this schedule for the
24 loss of a hand.

25 9. Hand-

26 190 weeks if the accidental injury occurs on or

1 after the effective date of this amendatory Act of the
2 94th General Assembly but before February 1, 2006.

3 205 weeks if the accidental injury occurs on or
4 after February 1, 2006 but before the effective date
5 of this amendatory Act of the 103rd General Assembly.

6 190 weeks if the accidental injury occurs on or
7 after the effective date of this amendatory Act of the
8 103rd General Assembly.

9 190 weeks if the accidental injury occurs on or
10 after June 28, 2011 (the effective date of Public Act
11 97-18) and if the accidental injury involves carpal
12 tunnel syndrome due to repetitive or cumulative
13 trauma, in which case the permanent partial disability
14 shall not exceed 15% loss of use of the hand, except
15 for cause shown by clear and convincing evidence and
16 in which case the award shall not exceed 30% loss of
17 use of the hand.

18 The loss of 2 or more digits, or one or more phalanges
19 of 2 or more digits, of a hand may be compensated on the
20 basis of partial loss of use of a hand, provided, further,
21 that the loss of 4 digits, or the loss of use of 4 digits,
22 in the same hand shall constitute the complete loss of a
23 hand.

24 10. Arm-

25 235 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 94th General Assembly but before February 1, 2006.

2 253 weeks if the accidental injury occurs on or
3 after February 1, 2006 but before the effective date
4 of this amendatory Act of the 103rd General Assembly.

5 235 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 103rd General Assembly.

8 Where an accidental injury results in the amputation
9 of an arm below the elbow, such injury shall be
10 compensated as a loss of an arm. Where an accidental
11 injury results in the amputation of an arm above the
12 elbow, compensation for an additional 15 weeks (if the
13 accidental injury occurs on or after the effective date of
14 this amendatory Act of the 94th General Assembly but
15 before February 1, 2006) or an additional 17 weeks (if the
16 accidental injury occurs on or after February 1, 2006 but
17 before the effective date of this amendatory Act of the
18 103rd General Assembly) or an additional 15 weeks (if the
19 accidental injury occurs on or after the effective date of
20 this amendatory Act of the 103rd General Assembly) shall
21 be paid, except where the accidental injury results in the
22 amputation of an arm at the shoulder joint, or so close to
23 shoulder joint that an artificial arm cannot be used, or
24 results in the disarticulation of an arm at the shoulder
25 joint, in which case compensation for an additional 65
26 weeks (if the accidental injury occurs on or after the

1 effective date of this amendatory Act of the 94th General
2 Assembly but before February 1, 2006) or an additional 70
3 weeks (if the accidental injury occurs on or after
4 February 1, 2006 but before the effective date of this
5 amendatory Act of the 103rd General Assembly) or an
6 additional 65 weeks (if the accidental injury occurs on or
7 after the effective date of this amendatory Act of the
8 103rd General Assembly) shall be paid.

9 For purposes of awards under this subparagraph 10,
10 injuries to the shoulder shall be considered injuries to
11 part of the arm. The change made by this amendatory Act of
12 the 103rd General Assembly to this subparagraph 10 is
13 declarative of existing law and is not a new enactment.

14 11. Foot-

15 155 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 167 weeks if the accidental injury occurs on or
19 after February 1, 2006 but before the effective date
20 of this amendatory Act of the 103rd General Assembly.

21 155 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 103rd General Assembly.

24 12. Leg-

25 200 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 94th General Assembly but before February 1, 2006.

2 215 weeks if the accidental injury occurs on or
3 after February 1, 2006 but before the effective date
4 of this amendatory Act of the 103rd General Assembly.

5 200 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 103rd General Assembly.

8 Where an accidental injury results in the amputation
9 of a leg below the knee, such injury shall be compensated
10 as loss of a leg. Where an accidental injury results in the
11 amputation of a leg above the knee, compensation for an
12 additional 25 weeks (if the accidental injury occurs on or
13 after the effective date of this amendatory Act of the
14 94th General Assembly but before February 1, 2006) or an
15 additional 27 weeks (if the accidental injury occurs on or
16 after February 1, 2006 but before the effective date of
17 this amendatory Act of the 103rd General Assembly) or an
18 additional 25 weeks (if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 103rd General Assembly) shall be paid, except where the
21 accidental injury results in the amputation of a leg at
22 the hip joint, or so close to the hip joint that an
23 artificial leg cannot be used, or results in the
24 disarticulation of a leg at the hip joint, in which case
25 compensation for an additional 75 weeks (if the accidental
26 injury occurs on or after the effective date of this

1 amendatory Act of the 94th General Assembly but before
2 February 1, 2006) or an additional 81 weeks (if the
3 accidental injury occurs on or after February 1, 2006 but
4 before the effective date of this amendatory Act of the
5 103rd General Assembly) or an additional 75 weeks (if the
6 accidental injury occurs on or after the effective date of
7 this amendatory Act of the 103rd General Assembly) shall
8 be paid.

9 For purposes of awards under this subparagraph 12,
10 injuries to the hip shall be considered injuries to part
11 of the leg. The change made by this amendatory Act of the
12 103rd General Assembly to this subparagraph 12 is
13 declarative of existing law and it not a new enactment.

14 13. Eye-

15 150 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 162 weeks if the accidental injury occurs on or
19 after February 1, 2006 but before the effective date
20 of this amendatory Act of the 103rd General Assembly.

21 150 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 103rd General Assembly.

24 Where an accidental injury results in the enucleation
25 of an eye, compensation for an additional 10 weeks (if the
26 accidental injury occurs on or after the effective date of

1 this amendatory Act of the 94th General Assembly but
2 before February 1, 2006) or an additional 11 weeks (if the
3 accidental injury occurs on or after February 1, 2006 but
4 before the effective date of this amendatory Act of the
5 103rd General Assembly) or an additional 10 weeks (if the
6 accidental injury occurs on or after the effective date of
7 this amendatory Act of the 103rd General Assembly) shall
8 be paid.

9 14. Loss of hearing of one ear-

10 50 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 94th General Assembly but before February 1, 2006.

13 54 weeks if the accidental injury occurs on or
14 after February 1, 2006 but before the effective date
15 of this amendatory Act of the 103rd General Assembly.

16 50 weeks if the accidental injury occurs on or
17 after the effective date of this amendatory Act of the
18 103rd General Assembly.

19 Total and permanent loss of hearing of both ears-

20 200 weeks if the accidental injury occurs on or
21 after the effective date of this amendatory Act of the
22 94th General Assembly but before February 1, 2006.

23 215 weeks if the accidental injury occurs on or
24 after February 1, 2006 but before the effective date
25 of this amendatory Act of the 103rd General Assembly.

26 200 weeks if the accidental injury occurs on or

1 after the effective date of this amendatory Act of the
2 103rd General Assembly.

3 15. Testicle-

4 50 weeks if the accidental injury occurs on or
5 after the effective date of this amendatory Act of the
6 94th General Assembly but before February 1, 2006.

7 54 weeks if the accidental injury occurs on or
8 after February 1, 2006 but before the effective date
9 of this amendatory Act of the 103rd General Assembly.

10 50 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 103rd General Assembly.

13 Both testicles-

14 150 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 94th General Assembly but before February 1, 2006.

17 162 weeks if the accidental injury occurs on or
18 after February 1, 2006 but before the effective date
19 of this amendatory Act of the 103rd General Assembly.

20 150 weeks if the accidental injury occurs on or
21 after the effective date of this amendatory Act of the
22 103rd General Assembly.

23 16. For the permanent partial loss of use of a member
24 or sight of an eye, or hearing of an ear, compensation
25 during that proportion of the number of weeks in the
26 foregoing schedule provided for the loss of such member or

1 sight of an eye, or hearing of an ear, which the partial
2 loss of use thereof bears to the total loss of use of such
3 member, or sight of eye, or hearing of an ear.

4 (a) Loss of hearing for compensation purposes
5 shall be confined to the frequencies of 1,000, 2,000
6 and 3,000 cycles per second. Loss of hearing ability
7 for frequency tones above 3,000 cycles per second are
8 not to be considered as constituting disability for
9 hearing.

10 (b) The percent of hearing loss, for purposes of
11 the determination of compensation claims for
12 occupational deafness, shall be calculated as the
13 average in decibels for the thresholds of hearing for
14 the frequencies of 1,000, 2,000 and 3,000 cycles per
15 second. Pure tone air conduction audiometric
16 instruments, approved by nationally recognized
17 authorities in this field, shall be used for measuring
18 hearing loss. If the losses of hearing average 30
19 decibels or less in the 3 frequencies, such losses of
20 hearing shall not then constitute any compensable
21 hearing disability. If the losses of hearing average
22 85 decibels or more in the 3 frequencies, then the same
23 shall constitute and be total or 100% compensable
24 hearing loss.

25 (c) In measuring hearing impairment, the lowest
26 measured losses in each of the 3 frequencies shall be

1 added together and divided by 3 to determine the
 2 average decibel loss. For every decibel of loss
 3 exceeding 30 decibels an allowance of 1.82% shall be
 4 made up to the maximum of 100% which is reached at 85
 5 decibels.

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

11 (e) No consideration shall be given to the
 12 question of whether or not the ability of an employee
 13 to understand speech is improved by the use of a
 14 hearing aid.

15 (f) No claim for loss of hearing due to industrial
 16 noise shall be brought against an employer or allowed
 17 unless the employee has been exposed for a period of
 18 time sufficient to cause permanent impairment to noise
 19 levels in excess of the following:

20 Sound Level DBA

21	Slow Response	Hours Per Day
22	90	8
23	92	6
24	95	4
25	97	3
26	100	2

1	102	1-1/2
2	105	1
3	110	1/2
4	115	1/4

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

7 17. In computing the compensation to be paid to any
8 employee who, before the accident for which he claims
9 compensation, had before that time sustained an injury
10 resulting in any permanency award or settlement,
11 including, without limitation, the loss by amputation or
12 partial loss by amputation of any member, including hand,
13 arm, thumb or fingers, leg, foot or any toes, the partial
14 loss of sight of an eye, or a permanency award or
15 settlement given under subparagraph 2 of paragraph (d),
16 such award or settlement ~~loss or partial loss of any such~~
17 ~~member~~ shall be deducted from any award made for the
18 subsequent injury. If an employee received an award or
19 settlement under subparagraph 2 of paragraph (d) for a
20 shoulder injury between 2012 and the effective date of
21 this amendatory Act of the 103rd General Assembly, then
22 the award or settlement shall be converted to the
23 appropriate number of weeks for an arm and the credit
24 taken against any award or settlement shall be taken on
25 the arm. ~~For the permanent loss of use or the permanent~~
26 ~~partial loss of use of any such member or the partial loss~~

1 ~~of sight of an eye, for which compensation has been paid,~~
2 ~~then such loss shall be taken into consideration and~~
3 ~~deducted from any award for the subsequent injury.~~

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

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

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

1 to total dependency.

2 Beginning July 1, 1980, and every 6 months thereafter, the
3 Commission shall examine the Second Injury Fund and when,
4 after deducting all advances or loans made to such Fund, the
5 amount therein is \$500,000 then the amount required to be paid
6 by employers pursuant to paragraph (f) of Section 7 shall be
7 reduced by one-half. When the Second Injury Fund reaches the
8 sum of \$600,000 then the payments shall cease entirely.
9 However, when the Second Injury Fund has been reduced to
10 \$400,000, payment of one-half of the amounts required by
11 paragraph (f) of Section 7 shall be resumed, in the manner
12 herein provided, and when the Second Injury Fund has been
13 reduced to \$300,000, payment of the full amounts required by
14 paragraph (f) of Section 7 shall be resumed, in the manner
15 herein provided. The Commission shall make the changes in
16 payment effective by general order, and the changes in payment
17 become immediately effective for all cases coming before the
18 Commission thereafter either by settlement agreement or final
19 order, irrespective of the date of the accidental injury.

20 On August 1, 1996 and on February 1 and August 1 of each
21 subsequent year, the Commission shall examine the special fund
22 designated as the "Rate Adjustment Fund" and when, after
23 deducting all advances or loans made to said fund, the amount
24 therein is \$4,000,000, the amount required to be paid by
25 employers pursuant to paragraph (f) of Section 7 shall be
26 reduced by one-half. When the Rate Adjustment Fund reaches the

1 sum of \$5,000,000 the payment therein shall cease entirely.
2 However, when said Rate Adjustment Fund has been reduced to
3 \$3,000,000 the amounts required by paragraph (f) of Section 7
4 shall be resumed in the manner herein provided.

5 (f) In case of complete disability, which renders the
6 employee wholly and permanently incapable of work, or in the
7 specific case of total and permanent disability as provided in
8 subparagraph 18 of paragraph (e) of this Section, compensation
9 shall be payable at the rate provided in subparagraph 2 of
10 paragraph (b) of this Section for life.

11 An employee entitled to benefits under paragraph (f) of
12 this Section shall also be entitled to receive from the Rate
13 Adjustment Fund provided in paragraph (f) of Section 7 of the
14 supplementary benefits provided in paragraph (g) of this
15 Section 8.

16 If any employee who receives an award under this paragraph
17 afterwards returns to work or is able to do so, and earns or is
18 able to earn as much as before the accident, payments under
19 such award shall cease. If such employee returns to work, or is
20 able to do so, and earns or is able to earn part but not as
21 much as before the accident, such award shall be modified so as
22 to conform to an award under paragraph (d) of this Section. If
23 such award is terminated or reduced under the provisions of
24 this paragraph, such employees have the right at any time
25 within 30 months after the date of such termination or
26 reduction to file petition with the Commission for the purpose

1 of determining whether any disability exists as a result of
2 the original accidental injury and the extent thereof.

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

5 If an employee who had previously incurred loss or the
6 permanent and complete loss of use of one member, through the
7 loss or the permanent and complete loss of the use of one hand,
8 one arm, one foot, one leg, or one eye, incurs permanent and
9 complete disability through the loss or the permanent and
10 complete loss of the use of another member, he shall receive,
11 in addition to the compensation payable by the employer and
12 after such payments have ceased, an amount from the Second
13 Injury Fund provided for in paragraph (f) of Section 7, which,
14 together with the compensation payable from the employer in
15 whose employ he was when the last accidental injury was
16 incurred, will equal the amount payable for permanent and
17 complete disability as provided in this paragraph of this
18 Section.

19 The custodian of the Second Injury Fund provided for in
20 paragraph (f) of Section 7 shall be joined with the employer as
21 a party respondent in the application for adjustment of claim.
22 The application for adjustment of claim shall state briefly
23 and in general terms the approximate time and place and manner
24 of the loss of the first member.

25 In its award the Commission or the Arbitrator shall
26 specifically find the amount the injured employee shall be

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

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

1 (g) Every award for permanent total disability entered by
2 the Commission on and after July 1, 1965 under which
3 compensation payments shall become due and payable after the
4 effective date of this amendatory Act, and every award for
5 death benefits or permanent total disability entered by the
6 Commission on and after the effective date of this amendatory
7 Act shall be subject to annual adjustments as to the amount of
8 the compensation rate therein provided. Such adjustments shall
9 first be made on July 15, 1977, and all awards made and entered
10 prior to July 1, 1975 and on July 15 of each year thereafter.
11 In all other cases such adjustment shall be made on July 15 of
12 the second year next following the date of the entry of the
13 award and shall further be made on July 15 annually
14 thereafter. If during the intervening period from the date of
15 the entry of the award, or the last periodic adjustment, there
16 shall have been an increase in the State's average weekly wage
17 in covered industries under the Unemployment Insurance Act,
18 the weekly compensation rate shall be proportionately
19 increased by the same percentage as the percentage of increase
20 in the State's average weekly wage in covered industries under
21 the Unemployment Insurance Act. The increase in the
22 compensation rate under this paragraph shall in no event bring
23 the total compensation rate to an amount greater than the
24 prevailing maximum rate at the time that the annual adjustment
25 is made. Such increase shall be paid in the same manner as
26 herein provided for payments under the Second Injury Fund to

1 the injured employee, or his dependents, as the case may be,
2 out of the Rate Adjustment Fund provided in paragraph (f) of
3 Section 7 of this Act. Payments shall be made at the same
4 intervals as provided in the award or, at the option of the
5 Commission, may be made in quarterly payment on the 15th day of
6 January, April, July and October of each year. In the event of
7 a decrease in such average weekly wage there shall be no change
8 in the then existing compensation rate. The within paragraph
9 shall not apply to cases where there is disputed liability and
10 in which a compromise lump sum settlement between the employer
11 and the injured employee, or his dependents, as the case may
12 be, has been duly approved by the Illinois Workers'
13 Compensation Commission.

14 Provided, that in cases of awards entered by the
15 Commission for injuries occurring before July 1, 1975, the
16 increases in the compensation rate adjusted under the
17 foregoing provision of this paragraph (g) shall be limited to
18 increases in the State's average weekly wage in covered
19 industries under the Unemployment Insurance Act occurring
20 after July 1, 1975.

21 For every accident occurring on or after July 20, 2005 but
22 before the effective date of this amendatory Act of the 94th
23 General Assembly (Senate Bill 1283 of the 94th General
24 Assembly), the annual adjustments to the compensation rate in
25 awards for death benefits or permanent total disability, as
26 provided in this Act, shall be paid by the employer. The

1 adjustment shall be made by the employer on July 15 of the
2 second year next following the date of the entry of the award
3 and shall further be made on July 15 annually thereafter. If
4 during the intervening period from the date of the entry of the
5 award, or the last periodic adjustment, there shall have been
6 an increase in the State's average weekly wage in covered
7 industries under the Unemployment Insurance Act, the employer
8 shall increase the weekly compensation rate proportionately by
9 the same percentage as the percentage of increase in the
10 State's average weekly wage in covered industries under the
11 Unemployment Insurance Act. The increase in the compensation
12 rate under this paragraph shall in no event bring the total
13 compensation rate to an amount greater than the prevailing
14 maximum rate at the time that the annual adjustment is made. In
15 the event of a decrease in such average weekly wage there shall
16 be no change in the then existing compensation rate. Such
17 increase shall be paid by the employer in the same manner and
18 at the same intervals as the payment of compensation in the
19 award. This paragraph shall not apply to cases where there is
20 disputed liability and in which a compromise lump sum
21 settlement between the employer and the injured employee, or
22 his or her dependents, as the case may be, has been duly
23 approved by the Illinois Workers' Compensation Commission.

24 The annual adjustments for every award of death benefits
25 or permanent total disability involving accidents occurring
26 before July 20, 2005 and accidents occurring on or after the

1 effective date of this amendatory Act of the 94th General
2 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
3 continue to be paid from the Rate Adjustment Fund pursuant to
4 this paragraph and Section 7(f) of this Act.

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

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

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

1 However, where an employer has on file an employment
2 certificate issued pursuant to the Child Labor Law or work
3 permit issued pursuant to the Federal Fair Labor Standards
4 Act, as amended, or a birth certificate properly and duly
5 issued, such certificate, permit or birth certificate is
6 conclusive evidence as to the age of the injured minor
7 employee for the purposes of this Section.

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

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

1 injury under this Act. Any employer receiving such credit
2 shall keep such employee safe and harmless from any and all
3 claims or liabilities that may be made against him by reason of
4 having received such payments only to the extent of such
5 credit.

6 Any excess benefits paid to or on behalf of a State
7 employee by the State Employees' Retirement System under
8 Article 14 of the Illinois Pension Code on a death claim or
9 disputed disability claim shall be credited against any
10 payments made or to be made by the State of Illinois to or on
11 behalf of such employee under this Act, except for payments
12 for medical expenses which have already been incurred at the
13 time of the award. The State of Illinois shall directly
14 reimburse the State Employees' Retirement System to the extent
15 of such credit.

16 2. Nothing contained in this Act shall be construed to
17 give the employer or the insurance carrier the right to credit
18 for any benefits or payments received by the employee other
19 than compensation payments provided by this Act, and where the
20 employee receives payments other than compensation payments,
21 whether as full or partial salary, group insurance benefits,
22 bonuses, annuities or any other payments, the employer or
23 insurance carrier shall receive credit for each such payment
24 only to the extent of the compensation that would have been
25 payable during the period covered by such payment.

26 3. The extension of time for the filing of an Application

1 for Adjustment of Claim as provided in paragraph 1 above shall
2 not apply to those cases where the time for such filing had
3 expired prior to the date on which payments or benefits
4 enumerated herein have been initiated or resumed. Provided
5 however that this paragraph 3 shall apply only to cases
6 wherein the payments or benefits hereinabove enumerated shall
7 be received after July 1, 1969.

8 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11;
9 97-813, eff. 7-13-12.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.