

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 3A-40 as follows:

6 (5 ILCS 420/3A-40)

7 Sec. 3A-40. Appointees with expired terms; temporary and
8 acting appointees.

9 (a) A person who is nominated by the Governor on or after
10 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~
11 ~~amendatory Act of the 97th General Assembly~~ for any affected
12 office to which appointment requires the advice and consent of
13 the Senate, who is appointed pursuant to that advice and
14 consent, and whose term of office expires on or after August
15 26, 2011 shall not continue in office longer than 60 calendar
16 days after the expiration of that term of office. After that
17 60th day, each such office is considered vacant and shall be
18 filled only pursuant to the law applicable to making
19 appointments to that office, subject to the provisions of this
20 Section.

21 A person who has been nominated by the Governor before
22 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~
23 ~~amendatory Act of the 97th General Assembly~~ for any affected

1 office to which appointment requires the advice and consent of
2 the Senate, who has been appointed pursuant to that advice and
3 consent, and whose term of office has expired ~~before that~~
4 ~~effective date~~ shall not continue in office longer than 60
5 calendar days after the date upon which his or her term of
6 office has expired ~~that effective date~~. After that 60 days,
7 each such office is considered vacant and shall be filled only
8 pursuant to the law applicable to making appointments to that
9 office, subject to the provisions of this Section. If the term
10 of office of a person who is subject to this paragraph expires
11 more than 60 calendar days prior to the effective date of this
12 amendatory Act of the 97th General Assembly, then that office
13 is considered vacant on the effective date of this amendatory
14 Act of the 97th General Assembly, and that vacancy shall be
15 filled only pursuant to the law applicable to making
16 appointments to that office. For the purposes of this
17 subsection (a), "affected office" means (i) an office in which
18 one receives any form of compensation, including salary or per
19 diem, but not including expense reimbursement, or (ii)
20 membership on the board of trustees of a public university.

21 (b) A person who is appointed by the Governor on or after
22 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~
23 ~~amendatory Act of the 97th General Assembly~~ to serve as a
24 temporary appointee, pursuant to Article V, Section 9(b) of the
25 Illinois Constitution or any other applicable statute, to any
26 office to which appointment requires the advice and consent of

1 the Senate shall not continue in office after the next meeting
2 of the Senate unless the Governor has filed a message with the
3 Secretary of the Senate nominating that person to fill that
4 office on or before that meeting date. After that meeting date,
5 each such office is considered vacant and shall be filled only
6 pursuant to the law applicable to making appointments to that
7 office, subject to the provisions of this Section.

8 A person who has been appointed by the Governor before
9 August 26, 2011 (the effective date of Public Act 97-582)~~this~~
10 ~~amendatory Act of the 97th General Assembly~~ to serve as a
11 temporary appointee, pursuant to Article V, Section 9(b) of the
12 Illinois Constitution or any other applicable statute, to any
13 office to which appointment requires the advice and consent of
14 the Senate shall not continue in office after August 26, 2011
15 ~~that effective date~~ or the next meeting of the Senate after
16 August 26, 2011 ~~that effective date~~, as applicable, unless the
17 Governor has filed a message with the Secretary of the Senate
18 nominating that person to fill that office on or before the
19 next meeting of the Senate after that temporary appointment was
20 made. After that effective date or meeting date, as applicable,
21 each such office is considered vacant and shall be filled only
22 pursuant to the law applicable to making appointments to that
23 office, subject to the provisions of this Section.

24 For the purposes of this subsection (b), a meeting of the
25 Senate does not include a perfunctory session day as designated
26 by the Senate under its rules.

1 (c) A person who is designated by the Governor on or after
2 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~
3 ~~amendatory Act of the 97th General Assembly~~ to serve as an
4 acting appointee to any office to which appointment requires
5 the advice and consent of the Senate shall not continue in
6 office more than 60 calendar days unless the Governor files a
7 message with the Secretary of the Senate nominating that person
8 to fill that office within that 60 days. After that 60 days,
9 each such office is considered vacant and shall be filled only
10 pursuant to the law applicable to making appointments to that
11 office, subject to the provisions of this Section. No person
12 who has been designated by the Governor to serve as an acting
13 appointee to any office to which appointment requires the
14 advice and consent of the Senate shall, except at the Senate's
15 request, be designated again as an acting appointee for that
16 office at the same session of that Senate, subject to the
17 provisions of this Section.

18 A person who has been designated by the Governor before
19 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~
20 ~~amendatory Act of the 97th General Assembly~~ to serve as an
21 acting appointee to any office to which appointment requires
22 the advice and consent of the Senate shall not continue in
23 office longer than 60 calendar days after August 26, 2011 ~~that~~
24 ~~effective date~~ unless the Governor has filed a message with the
25 Secretary of the Senate nominating that person to fill that
26 office on or before that 60 days. After that 60 days, each such

1 office is considered vacant and shall be filled only pursuant
2 to the law applicable to making appointments to that office,
3 subject to the provisions of this Section. No person who has
4 been designated by the Governor to serve as an acting appointee
5 to any office to which appointment requires the advice and
6 consent of the Senate shall, except at the Senate's request, be
7 designated again as an acting appointee for that office at the
8 same session of that Senate, subject to the provisions of this
9 Section.

10 During the term of a General Assembly, the Governor may not
11 designate a person to serve as an acting appointee to any
12 office to which appointment requires the advice and consent of
13 the Senate if that person's nomination to serve as the
14 appointee for the same office was rejected by the Senate of the
15 same General Assembly.

16 For the purposes of this subsection (c), "acting appointee"
17 means a person designated by the Governor to serve as an acting
18 director or acting secretary pursuant to Section 5-605 of the
19 Civil Administrative Code of Illinois. "Acting appointee" also
20 means a person designated by the Governor pursuant to any other
21 statute to serve as an acting holder of any office, to execute
22 the duties and functions of any office, or both.

23 (d) The provisions of this Section apply notwithstanding
24 any law to the contrary. However, the provisions of this
25 Section do not apply to appointments made under Article 1A of
26 the Election Code or to the appointment of any person to serve

1 as Director of the Illinois Power Agency.

2 (Source: P.A. 97-582, eff. 8-26-11.)

3 Section 10. The Workers' Compensation Act is amended by
4 changing Section 14 as follows:

5 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

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

11 Each arbitrator appointed after November 22, 1977 shall be
12 required to demonstrate in writing and in accordance with the
13 rules and regulations of the Illinois Department of Central
14 Management Services his or her knowledge of and expertise in
15 the law of and judicial processes of the Workers' Compensation
16 Act and the Occupational Diseases Act.

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

20 (a) substantive and procedural aspects of the
21 arbitrator position;

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

24 (c) medical lectures by specialists in areas such as

1 orthopedics, ophthalmology, psychiatry, rehabilitation
2 counseling;

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

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

8 (f) the use of hypothetical cases requiring the trainee
9 to issue judgments as a means to evaluating knowledge and
10 writing ability;

11 (g) writing skills;

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

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

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

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

26 A formal and ongoing professional development program

1 including, but not limited to, the above-noted areas shall be
2 implemented to keep arbitrators informed of recent
3 developments and issues and to assist them in maintaining and
4 enhancing their professional competence. Each arbitrator shall
5 complete 20 hours of training in the above-noted areas during
6 every 2 years such arbitrator shall remain in office.

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

21 Notwithstanding any other provision of this Section, the
22 term of all arbitrators serving on the effective date of this
23 amendatory Act of the 97th General Assembly, including any
24 arbitrators on administrative leave, shall terminate at the
25 close of business on July 1, 2011, but the incumbents shall
26 continue to exercise all of their duties until they are

1 reappointed or their successors are appointed.

2 On and after the effective date of this amendatory Act of
3 the 97th General Assembly, arbitrators shall be appointed to
4 3-year terms ~~by the full Commission, except that initial~~
5 ~~appointments made on and after the effective date of this~~
6 ~~amendatory Act of the 97th General Assembly shall be made as~~
7 follows:

8 (1) All appointments shall be made by the Governor with
9 the advice and consent of the Senate.

10 (2) For their initial appointments, 12 arbitrators
11 shall be appointed to terms expiring July 1, 2012; 12
12 arbitrators shall be appointed to terms expiring July 1,
13 2013; and all additional arbitrators shall be appointed to
14 terms expiring July 1, 2014. Thereafter, all arbitrators
15 shall be appointed to 3-year terms.

16 Upon the expiration of a term, the Chairman shall evaluate
17 the performance of the arbitrator and may recommend to the
18 Governor that he or she be reappointed to a second or
19 subsequent term by the Governor with the advice and consent of
20 the Senate ~~the full Commission.~~

21 Each arbitrator appointed on or after the effective date of
22 this amendatory Act of the 97th General Assembly and who has
23 not previously served as an arbitrator for the Commission shall
24 be required to be authorized to practice law in this State by
25 the Supreme Court, and to maintain this authorization
26 throughout his or her term of employment.

1 All arbitrators shall be subject to the provisions of the
2 Personnel Code, and the performance of all arbitrators shall be
3 reviewed by the Chairman on an annual basis. The changes made
4 to this Section by this amendatory Act of the 97th General
5 Assembly shall prevail over any conflict with the Personnel
6 Code. The Chairman shall allow input from the Commissioners in
7 all such reviews.

8 The Commission shall assign no fewer than 3 arbitrators to
9 each hearing site. The Commission shall establish a procedure
10 to ensure that the arbitrators assigned to each hearing site
11 are assigned cases on a random basis. No arbitrator shall hear
12 cases in any county, other than Cook County, for more than 2
13 years in each 3-year term.

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

18 The members of the Commission, Arbitrators and other
19 employees whose duties require them to travel, shall have
20 reimbursed to them their actual traveling expenses and
21 disbursements made or incurred by them in the discharge of
22 their official duties while away from their place of residence
23 in the performance of their duties.

24 The Commission shall provide itself with a seal for the
25 authentication of its orders, awards and proceedings upon which
26 shall be inscribed the name of the Commission and the words

1 "Illinois--Seal".

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

17 (Source: P.A. 97-18, eff. 6-28-11.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.