



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1427

by Rep. John E. Bradley

#### 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. Increases the city population floor limiting the ability of police officers and fire fighters to be considered "employees" under the Act. Provides that a member of a police department in any city whose population exceeds 500,000 is not considered an "employee" under the act. Provides that a member of a fire department in any city whose population exceeds 500,000 is considered an "employee" under the Act only with respect to claims for any serious and permanent disfigurement. Further provides that members of a fire department in a city whose population exceeds 500,000 are eligible for compensation for serious and permanent disfigurement only where the disfigurement results from burns. Effective immediately.

LRB097 05066 AEK 45107 b

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 filing  
15 of claims provided by this Act, the timely filing of a claim  
16 against a contractor or subcontractor, as the case may be,  
17 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 be

1 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 demand

1 by the employee and within 7 days after receipt of such demand,  
2 shall have the duty of filing with the Illinois Workers'  
3 Compensation Commission a written admission or denial of the  
4 allegation that the claim is covered by the provisions of the  
5 preceding paragraph and in default of such filing or if any  
6 such denial be ultimately determined not to have been bona fide  
7 then the provisions of Paragraph K of Section 19 of this Act  
8 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 subject  
12 to the provisions of this Act for the performance of the work  
13 of such other employers and who pays such employees their  
14 salary or wages notwithstanding that they are doing the work of  
15 such other employers shall be deemed a loaning employer within  
16 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 of  
22 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 Juvenile  
4 Court Act of 1987, and including any official of the State, any  
5 county, city, town, township, incorporated village, school  
6 district, body politic or municipal corporation therein except  
7 any duly appointed member of a police department in any city  
8 whose population exceeds 500,000 ~~200,000~~ 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 ~~200,000~~ according  
13 to the last federal or State census, is an employee under this  
14 Act 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 village,  
18 school district, body politic or municipal corporation  
19 therein, through its representatives, is not considered as an  
20 employee of the State, county, city, town, township,  
21 incorporated village, school district, body politic or  
22 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 aliens, 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 have  
14 a cause of action by reason of any injury, disablement or death  
15 arising out of and in the course of his employment may elect to  
16 pursue his remedy in the State where injured or disabled, or in  
17 the State where the contract of hire is made, or in the State  
18 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 injuries  
26 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           (Source: P.A. 93-721, eff. 1-1-05.)

9           (820 ILCS 305/8) (from Ch. 48, par. 138.8)

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

13          (a) The employer shall provide and pay the negotiated rate,  
14 if applicable, or the lesser of the health care provider's  
15 actual charges or according to a fee schedule, subject to  
16 Section 8.2, in effect at the time the service was rendered for  
17 all the necessary first aid, medical and surgical services, and  
18 all necessary medical, surgical and hospital services  
19 thereafter incurred, limited, however, to that which is  
20 reasonably required to cure or relieve from the effects of the  
21 accidental injury. If the employer does not dispute payment of  
22 first aid, medical, surgical, and hospital services, the  
23 employer shall make such payment to the provider on behalf of  
24 the employee. The employer shall also pay for treatment,  
25 instruction and training necessary for the physical, mental and



1 vocational rehabilitation of the employee, including all  
2 maintenance costs and expenses incidental thereto. If as a  
3 result of the injury the employee is unable to be  
4 self-sufficient the employer shall further pay for such  
5 maintenance or institutional care as shall be required.

6 The employee may at any time elect to secure his own  
7 physician, surgeon and hospital services at the employer's  
8 expense, or,

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

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

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

18 The maintenance benefit shall not be less than the  
19 temporary total disability rate determined for the employee. In  
20 addition, maintenance shall include costs and expenses  
21 incidental to the vocational rehabilitation program.

22 When the employee is working light duty on a part-time  
23 basis or full-time basis and earns less than he or she would be  
24 earning if employed in the full capacity of the job or jobs,  
25 then the employee shall be entitled to temporary partial  
26 disability benefits. Temporary partial disability benefits

1 shall be equal to two-thirds of the difference between the  
2 average amount that the employee would be able to earn in the  
3 full performance of his or her duties in the occupation in  
4 which he or she was engaged at the time of accident and the net  
5 amount which he or she is earning in the modified job provided  
6 to the employee by the employer or in any other job that the  
7 employee is working.

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

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

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

19 (2) all medical, surgical and hospital services  
20 provided by the physician, surgeon or hospital initially  
21 chosen by the employee or by any other physician,  
22 consultant, expert, institution or other provider of  
23 services recommended by said initial service provider or  
24 any subsequent provider of medical services in the chain of  
25 referrals from said initial service provider; plus

26 (3) all medical, surgical and hospital services

1 provided by any second physician, surgeon or hospital  
2 subsequently chosen by the employee or by any other  
3 physician, consultant, expert, institution or other  
4 provider of services recommended by said second service  
5 provider or any subsequent provider of medical services in  
6 the chain of referrals from said second service provider.  
7 Thereafter the employer shall select and pay for all  
8 necessary medical, surgical and hospital treatment and the  
9 employee may not select a provider of medical services at  
10 the employer's expense unless the employer agrees to such  
11 selection. At any time the employee may obtain any medical  
12 treatment he desires at his own expense. This paragraph  
13 shall not affect the duty to pay for rehabilitation  
14 referred to above.

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

1           Where the accidental injury results in the amputation of an  
2 arm, hand, leg or foot, or the enucleation of an eye, or the  
3 loss of any of the natural teeth, the employer shall furnish an  
4 artificial of any such members lost or damaged in accidental  
5 injury arising out of and in the course of employment, and  
6 shall also furnish the necessary braces in all proper and  
7 necessary cases. In cases of the loss of a member or members by  
8 amputation, the employer shall, whenever necessary, maintain  
9 in good repair, refit or replace the artificial limbs during  
10 the lifetime of the employee. Where the accidental injury  
11 accompanied by physical injury results in damage to a denture,  
12 eye glasses or contact eye lenses, or where the accidental  
13 injury results in damage to an artificial member, the employer  
14 shall replace or repair such denture, glasses, lenses, or  
15 artificial member.

16           The furnishing by the employer of any such services or  
17 appliances is not an admission of liability on the part of the  
18 employer to pay compensation.

19           The furnishing of any such services or appliances or the  
20 servicing thereof by the employer is not the payment of  
21 compensation.

22           (b) If the period of temporary total incapacity for work  
23 lasts more than 3 working days, weekly compensation as  
24 hereinafter provided shall be paid beginning on the 4th day of  
25 such temporary total incapacity and continuing as long as the  
26 total temporary incapacity lasts. In cases where the temporary

1 total incapacity for work continues for a period of 14 days or  
2 more from the day of the accident compensation shall commence  
3 on the day after the accident.

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

17 2. The compensation rate in all cases other than for  
18 temporary total disability under this paragraph (b), and  
19 other than for serious and permanent disfigurement under  
20 paragraph (c) and other than for permanent partial  
21 disability under subparagraph (2) of paragraph (d) or under  
22 paragraph (e), of this Section shall be equal to 66 2/3% of  
23 the employee's average weekly wage computed in accordance  
24 with the provisions of Section 10, provided that it shall  
25 be not less than 66 2/3% of the sum of the Federal minimum  
26 wage under the Fair Labor Standards Act, or the Illinois

1 minimum wage under the Minimum Wage Law, whichever is more,  
2 multiplied by 40 hours. This percentage rate shall be  
3 increased by 10% for each spouse and child, not to exceed  
4 100% of the total minimum wage calculation,  
5 nor exceed the employee's average weekly wage computed in  
6 accordance with the provisions of Section 10, whichever is  
7 less.

8 2.1. The compensation rate in all cases of serious and  
9 permanent disfigurement under paragraph (c) and of  
10 permanent partial disability under subparagraph (2) of  
11 paragraph (d) or under paragraph (e) of this Section shall  
12 be equal to 60% of the employee's average weekly wage  
13 computed in accordance with the provisions of Section 10,  
14 provided that it shall be not less than 66 2/3% of the sum  
15 of the Federal minimum wage under the Fair Labor Standards  
16 Act, or the Illinois minimum wage under the Minimum Wage  
17 Law, whichever is more, multiplied by 40 hours. This  
18 percentage rate shall be increased by 10% for each spouse  
19 and child, not to exceed 100% of the total minimum wage  
20 calculation,  
21 nor exceed the employee's average weekly wage computed in  
22 accordance with the provisions of Section 10, whichever is  
23 less.

24 3. As used in this Section the term "child" means a  
25 child of the employee including any child legally adopted  
26 before the accident or whom at the time of the accident the

1 employee was under legal obligation to support or to whom  
2 the employee stood in loco parentis, and who at the time of  
3 the accident was under 18 years of age and not emancipated.  
4 The term "children" means the plural of "child".

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

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

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

26 The maximum weekly compensation rate, for the period



1 January 1, 1981 through December 31, 1983, except as  
2 hereinafter provided, shall be 100% of the State's average  
3 weekly wage in covered industries under the Unemployment  
4 Insurance Act in effect on January 1, 1981. Effective  
5 January 1, 1984 and on January 1, of each year thereafter  
6 the maximum weekly compensation rate, except as  
7 hereinafter provided, shall be determined as follows: if  
8 during the preceding 12 month period there shall have been  
9 an increase in the State's average weekly wage in covered  
10 industries under the Unemployment Insurance Act, the  
11 weekly compensation rate shall be proportionately  
12 increased by the same percentage as the percentage of  
13 increase in the State's average weekly wage in covered  
14 industries under the Unemployment Insurance Act during  
15 such period.

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

25 For injuries occurring on or after February 1, 2006,  
26 the maximum weekly benefit under paragraph (d)1 of this

1 Section shall be 100% of the State's average weekly wage in  
2 covered industries under the Unemployment Insurance Act.

3 4.1. Any provision herein to the contrary  
4 notwithstanding, the weekly compensation rate for  
5 compensation payments under subparagraph 18 of paragraph  
6 (e) of this Section and under paragraph (f) of this Section  
7 and under paragraph (a) of Section 7 and for amputation of  
8 a member or enucleation of an eye under paragraph (e) of  
9 this Section, shall in no event be less than 50% of the  
10 State's average weekly wage in covered industries under the  
11 Unemployment Insurance Act.

12 4.2. Any provision to the contrary notwithstanding,  
13 the total compensation payable under Section 7 shall not  
14 exceed the greater of \$500,000 or 25 years.

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

21 6. The Department of Employment Security of the State  
22 shall on or before the first day of December, 1977, and on  
23 or before the first day of June, 1978, and on the first day  
24 of each December and June of each year thereafter, publish  
25 the State's average weekly wage in covered industries under  
26 the Unemployment Insurance Act and the Illinois Workers'

1 Compensation Commission shall on the 15th day of January,  
2 1978 and on the 15th day of July, 1978 and on the 15th day  
3 of each January and July of each year thereafter, post and  
4 publish the State's average weekly wage in covered  
5 industries under the Unemployment Insurance Act as last  
6 determined and published by the Department of Employment  
7 Security. The amount when so posted and published shall be  
8 conclusive and shall be applicable as the basis of  
9 computation of compensation rates until the next posting  
10 and publication as aforesaid.

11 7. The payment of compensation by an employer or his  
12 insurance carrier to an injured employee shall not  
13 constitute an admission of the employer's liability to pay  
14 compensation.

15 (c) For any serious and permanent disfigurement to the  
16 hand, head, face, neck, arm, leg below the knee or the chest  
17 above the axillary line, the employee is entitled to  
18 compensation for such disfigurement, the amount determined by  
19 agreement at any time or by arbitration under this Act, at a  
20 hearing not less than 6 months after the date of the accidental  
21 injury, which amount shall not exceed 150 weeks (if the  
22 accidental injury occurs on or after the effective date of this  
23 amendatory Act of the 94th General Assembly but before February  
24 1, 2006) or 162 weeks (if the accidental injury occurs on or  
25 after February 1, 2006) at the applicable rate provided in  
26 subparagraph 2.1 of paragraph (b) of this Section.

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

4           A duly appointed member of a fire department in a city, the  
5 population of which exceeds 500,000 ~~200,000~~ according to the  
6 last federal or State census, is eligible for compensation  
7 under this paragraph only where such serious and permanent  
8 disfigurement results from burns.

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

22           2. If, as a result of the accident, the employee sustains  
23 serious and permanent injuries not covered by paragraphs (c)  
24 and (e) of this Section or having sustained injuries covered by  
25 the aforesaid paragraphs (c) and (e), he shall have sustained  
26 in addition thereto other injuries which injuries do not

1 incapacitate him from pursuing the duties of his employment but  
2 which would disable him from pursuing other suitable  
3 occupations, or which have otherwise resulted in physical  
4 impairment; or if such injuries partially incapacitate him from  
5 pursuing the duties of his usual and customary line of  
6 employment but do not result in an impairment of earning  
7 capacity, or having resulted in an impairment of earning  
8 capacity, the employee elects to waive his right to recover  
9 under the foregoing subparagraph 1 of paragraph (d) of this  
10 Section then in any of the foregoing events, he shall receive  
11 in addition to compensation for temporary total disability  
12 under paragraph (b) of this Section, compensation at the rate  
13 provided in subparagraph 2.1 of paragraph (b) of this Section  
14 for that percentage of 500 weeks that the partial disability  
15 resulting from the injuries covered by this paragraph bears to  
16 total disability. If the employee shall have sustained a  
17 fracture of one or more vertebra or fracture of the skull, the  
18 amount of compensation allowed under this Section shall be not  
19 less than 6 weeks for a fractured skull and 6 weeks for each  
20 fractured vertebra, and in the event the employee shall have  
21 sustained a fracture of any of the following facial bones:  
22 nasal, lachrymal, vomer, zygoma, maxilla, palatine or  
23 mandible, the amount of compensation allowed under this Section  
24 shall be not less than 2 weeks for each such fractured bone,  
25 and for a fracture of each transverse process not less than 3  
26 weeks. In the event such injuries shall result in the loss of a

1 kidney, spleen or lung, the amount of compensation allowed  
2 under this Section shall be not less than 10 weeks for each  
3 such organ. Compensation awarded under this subparagraph 2  
4 shall not take into consideration injuries covered under  
5 paragraphs (c) and (e) of this Section and the compensation  
6 provided in this paragraph shall not affect the employee's  
7 right to compensation payable under paragraphs (b), (c) and (e)  
8 of this Section for the disabilities therein covered.

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

19 1. Thumb-

20 70 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 76 weeks if the accidental injury occurs on or  
24 after February 1, 2006.

25 2. First, or index finger-

26 40 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 43 weeks if the accidental injury occurs on or  
4 after February 1, 2006.

5 3. Second, or middle finger-

6 35 weeks if the accidental injury occurs on or  
7 after the effective date of this amendatory Act of the  
8 94th General Assembly but before February 1, 2006.

9 38 weeks if the accidental injury occurs on or  
10 after February 1, 2006.

11 4. Third, or ring finger-

12 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.

15 27 weeks if the accidental injury occurs on or  
16 after February 1, 2006.

17 5. Fourth, or little finger-

18 20 weeks if the accidental injury occurs on or  
19 after the effective date of this amendatory Act of the  
20 94th General Assembly but before February 1, 2006.

21 22 weeks if the accidental injury occurs on or  
22 after February 1, 2006.

23 6. Great toe-

24 35 weeks if the accidental injury occurs on or  
25 after the effective date of this amendatory Act of the  
26 94th General Assembly but before February 1, 2006.

1           38 weeks if the accidental injury occurs on or  
2 after February 1, 2006.

3           7. Each toe other than great toe-

4           12 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           13 weeks if the accidental injury occurs on or  
8 after February 1, 2006.

9           8. The loss of the first or distal phalanx of the thumb  
10 or of any finger or toe shall be considered to be equal to  
11 the loss of one-half of such thumb, finger or toe and the  
12 compensation payable shall be one-half of the amount above  
13 specified. The loss of more than one phalanx shall be  
14 considered as the loss of the entire thumb, finger or toe.  
15 In no case shall the amount received for more than one  
16 finger exceed the amount provided in this schedule for the  
17 loss of a hand.

18           9. Hand-

19           190 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           205 weeks if the accidental injury occurs on or  
23 after February 1, 2006.

24           The loss of 2 or more digits, or one or more phalanges  
25 of 2 or more digits, of a hand may be compensated on the  
26 basis of partial loss of use of a hand, provided, further,



1           that the loss of 4 digits, or the loss of use of 4 digits,  
2           in the same hand shall constitute the complete loss of a  
3           hand.

4           10. Arm-

5                   235 weeks if the accidental injury occurs on or  
6                   after the effective date of this amendatory Act of the  
7                   94th General Assembly but before February 1, 2006.

8                   253 weeks if the accidental injury occurs on or  
9                   after February 1, 2006.

10           Where an accidental injury results in the amputation of  
11           an arm below the elbow, such injury shall be compensated as  
12           a loss of an arm. Where an accidental injury results in the  
13           amputation of an arm above the elbow, compensation for an  
14           additional 15 weeks (if the accidental injury occurs on or  
15           after the effective date of this amendatory Act of the 94th  
16           General Assembly but before February 1, 2006) or an  
17           additional 17 weeks (if the accidental injury occurs on or  
18           after February 1, 2006) shall be paid, except where the  
19           accidental injury results in the amputation of an arm at  
20           the shoulder joint, or so close to shoulder joint that an  
21           artificial arm cannot be used, or results in the  
22           disarticulation of an arm at the shoulder joint, in which  
23           case compensation for an additional 65 weeks (if the  
24           accidental injury occurs on or after the effective date of  
25           this amendatory Act of the 94th General Assembly but before  
26           February 1, 2006) or an additional 70 weeks (if the

1 accidental injury occurs on or after February 1, 2006)  
2 shall be paid.

3 11. Foot-

4 155 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.

7 167 weeks if the accidental injury occurs on or  
8 after February 1, 2006.

9 12. Leg-

10 200 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.

13 215 weeks if the accidental injury occurs on or  
14 after February 1, 2006.

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

1 leg at the hip joint, in which case compensation for an  
2 additional 75 weeks (if the accidental injury occurs on or  
3 after the effective date of this amendatory Act of the 94th  
4 General Assembly but before February 1, 2006) or an  
5 additional 81 weeks (if the accidental injury occurs on or  
6 after February 1, 2006) shall be paid.

7 13. Eye-

8 150 weeks if the accidental injury occurs on or  
9 after the effective date of this amendatory Act of the  
10 94th General Assembly but before February 1, 2006.

11 162 weeks if the accidental injury occurs on or  
12 after February 1, 2006.

13 Where an accidental injury results in the enucleation  
14 of an eye, compensation for an additional 10 weeks (if the  
15 accidental injury occurs on or after the effective date of  
16 this amendatory Act of the 94th General Assembly but before  
17 February 1, 2006) or an additional 11 weeks (if the  
18 accidental injury occurs on or after February 1, 2006)  
19 shall be paid.

20 14. Loss of hearing of one ear-

21 50 weeks if the accidental injury occurs on or  
22 after the effective date of this amendatory Act of the  
23 94th General Assembly but before February 1, 2006.

24 54 weeks if the accidental injury occurs on or  
25 after February 1, 2006.

26 Total and permanent loss of hearing of both ears-

1           200 weeks if the accidental injury occurs on or  
2 after the effective date of this amendatory Act of the  
3 94th General Assembly but before February 1, 2006.

4           215 weeks if the accidental injury occurs on or  
5 after February 1, 2006.

6 15. Testicle-

7           50 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          54 weeks if the accidental injury occurs on or  
11 after February 1, 2006.

12 Both testicles-

13          150 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          162 weeks if the accidental injury occurs on or  
17 after February 1, 2006.

18          16. For the permanent partial loss of use of a member  
19 or sight of an eye, or hearing of an ear, compensation  
20 during that proportion of the number of weeks in the  
21 foregoing schedule provided for the loss of such member or  
22 sight of an eye, or hearing of an ear, which the partial  
23 loss of use thereof bears to the total loss of use of such  
24 member, or sight of eye, or hearing of an ear.

25           (a) Loss of hearing for compensation purposes  
26 shall be confined to the frequencies of 1,000, 2,000

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

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

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

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

6 (e) No consideration shall be given to the question  
 7 of whether or not the ability of an employee to  
 8 understand speech is improved by the use of a hearing  
 9 aid.

10 (f) No claim for loss of hearing due to industrial  
 11 noise shall be brought against an employer or allowed  
 12 unless the employee has been exposed for a period of  
 13 time sufficient to cause permanent impairment to noise  
 14 levels in excess of the following:

15 Sound Level DBA

16	Slow Response	Hours Per Day
17	90	8
18	92	6
19	95	4
20	97	3
21	100	2
22	102	1-1/2
23	105	1
24	110	1/2
25	115	1/4

26 This subparagraph (f) shall not be applied in cases of

1 hearing loss resulting from trauma or explosion.

2 17. In computing the compensation to be paid to any  
3 employee who, before the accident for which he claims  
4 compensation, had before that time sustained an injury  
5 resulting in the loss by amputation or partial loss by  
6 amputation of any member, including hand, arm, thumb or  
7 fingers, leg, foot or any toes, such loss or partial loss  
8 of any such member shall be deducted from any award made  
9 for the subsequent injury. For the permanent loss of use or  
10 the permanent partial loss of use of any such member or the  
11 partial loss of sight of an eye, for which compensation has  
12 been paid, then such loss shall be taken into consideration  
13 and deducted from any award for the subsequent injury.

14 18. The specific case of loss of both hands, both arms,  
15 or both feet, or both legs, or both eyes, or of any two  
16 thereof, or the permanent and complete loss of the use  
17 thereof, constitutes total and permanent disability, to be  
18 compensated according to the compensation fixed by  
19 paragraph (f) of this Section. These specific cases of  
20 total and permanent disability do not exclude other cases.

21 Any employee who has previously suffered the loss or  
22 permanent and complete loss of the use of any of such  
23 members, and in a subsequent independent accident loses  
24 another or suffers the permanent and complete loss of the  
25 use of any one of such members the employer for whom the  
26 injured employee is working at the time of the last

1 independent accident is liable to pay compensation only for  
2 the loss or permanent and complete loss of the use of the  
3 member occasioned by the last independent accident.

4 19. In a case of specific loss and the subsequent death  
5 of such injured employee from other causes than such injury  
6 leaving a widow, widower, or dependents surviving before  
7 payment or payment in full for such injury, then the amount  
8 due for such injury is payable to the widow or widower and,  
9 if there be no widow or widower, then to such dependents,  
10 in the proportion which such dependency bears to total  
11 dependency.

12 Beginning July 1, 1980, and every 6 months thereafter, the  
13 Commission shall examine the Second Injury Fund and when, after  
14 deducting all advances or loans made to such Fund, the amount  
15 therein is \$500,000 then the amount required to be paid by  
16 employers pursuant to paragraph (f) of Section 7 shall be  
17 reduced by one-half. When the Second Injury Fund reaches the  
18 sum of \$600,000 then the payments shall cease entirely.  
19 However, when the Second Injury Fund has been reduced to  
20 \$400,000, payment of one-half of the amounts required by  
21 paragraph (f) of Section 7 shall be resumed, in the manner  
22 herein provided, and when the Second Injury Fund has been  
23 reduced to \$300,000, payment of the full amounts required by  
24 paragraph (f) of Section 7 shall be resumed, in the manner  
25 herein provided. The Commission shall make the changes in  
26 payment effective by general order, and the changes in payment



1 become immediately effective for all cases coming before the  
2 Commission thereafter either by settlement agreement or final  
3 order, irrespective of the date of the accidental injury.

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

15 (f) In case of complete disability, which renders the  
16 employee wholly and permanently incapable of work, or in the  
17 specific case of total and permanent disability as provided in  
18 subparagraph 18 of paragraph (e) of this Section, compensation  
19 shall be payable at the rate provided in subparagraph 2 of  
20 paragraph (b) of this Section for life.

21 An employee entitled to benefits under paragraph (f) of  
22 this Section shall also be entitled to receive from the Rate  
23 Adjustment Fund provided in paragraph (f) of Section 7 of the  
24 supplementary benefits provided in paragraph (g) of this  
25 Section 8.

26 If any employee who receives an award under this paragraph

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

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

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

1 complete disability as provided in this paragraph of this  
2 Section.

3 The custodian of the Second Injury Fund provided for in  
4 paragraph (f) of Section 7 shall be joined with the employer as  
5 a party respondent in the application for adjustment of claim.  
6 The application for adjustment of claim shall state briefly and  
7 in general terms the approximate time and place and manner of  
8 the loss of the first member.

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

1 necessary for payment out of the Second Injury Fund. The Second  
2 Injury Fund is appropriated for the purpose of making payments  
3 according to the terms of the awards.

4 As of July 1, 1980 to July 1, 1982, all claims against and  
5 obligations of the Second Injury Fund shall become claims  
6 against and obligations of the Rate Adjustment Fund to the  
7 extent there is insufficient money in the Second Injury Fund to  
8 pay such claims and obligations. In that case, all references  
9 to "Second Injury Fund" in this Section shall also include the  
10 Rate Adjustment Fund.

11 (g) Every award for permanent total disability entered by  
12 the Commission on and after July 1, 1965 under which  
13 compensation payments shall become due and payable after the  
14 effective date of this amendatory Act, and every award for  
15 death benefits or permanent total disability entered by the  
16 Commission on and after the effective date of this amendatory  
17 Act shall be subject to annual adjustments as to the amount of  
18 the compensation rate therein provided. Such adjustments shall  
19 first be made on July 15, 1977, and all awards made and entered  
20 prior to July 1, 1975 and on July 15 of each year thereafter.  
21 In all other cases such adjustment shall be made on July 15 of  
22 the second year next following the date of the entry of the  
23 award and shall further be made on July 15 annually thereafter.  
24 If during the intervening period from the date of the entry of  
25 the award, or the last periodic adjustment, there shall have  
26 been an increase in the State's average weekly wage in covered

1 industries under the Unemployment Insurance Act, the weekly  
2 compensation rate shall be proportionately increased by the  
3 same percentage as the percentage of increase in the State's  
4 average weekly wage in covered industries under the  
5 Unemployment Insurance Act. The increase in the compensation  
6 rate under this paragraph shall in no event bring the total  
7 compensation rate to an amount greater than the prevailing  
8 maximum rate at the time that the annual adjustment is made.  
9 Such increase shall be paid in the same manner as herein  
10 provided for payments under the Second Injury Fund to the  
11 injured employee, or his dependents, as the case may be, out of  
12 the Rate Adjustment Fund provided in paragraph (f) of Section 7  
13 of this Act. Payments shall be made at the same intervals as  
14 provided in the award or, at the option of the Commission, may  
15 be made in quarterly payment on the 15th day of January, April,  
16 July and October of each year. In the event of a decrease in  
17 such average weekly wage there shall be no change in the then  
18 existing compensation rate. The within paragraph shall not  
19 apply to cases where there is disputed liability and in which a  
20 compromise lump sum settlement between the employer and the  
21 injured employee, or his dependents, as the case may be, has  
22 been duly approved by the Illinois Workers' Compensation  
23 Commission.

24        Provided, that in cases of awards entered by the Commission  
25 for injuries occurring before July 1, 1975, the increases in  
26 the compensation rate adjusted under the foregoing provision of

1 this paragraph (g) shall be limited to increases in the State's  
2 average weekly wage in covered industries under the  
3 Unemployment Insurance Act occurring after July 1, 1975.

4 For every accident occurring on or after July 20, 2005 but  
5 before the effective date of this amendatory Act of the 94th  
6 General Assembly (Senate Bill 1283 of the 94th General  
7 Assembly), the annual adjustments to the compensation rate in  
8 awards for death benefits or permanent total disability, as  
9 provided in this Act, shall be paid by the employer. The  
10 adjustment shall be made by the employer on July 15 of the  
11 second year next following the date of the entry of the award  
12 and shall further be made on July 15 annually thereafter. If  
13 during the intervening period from the date of the entry of the  
14 award, or the last periodic adjustment, there shall have been  
15 an increase in the State's average weekly wage in covered  
16 industries under the Unemployment Insurance Act, the employer  
17 shall increase the weekly compensation rate proportionately by  
18 the same percentage as the percentage of increase in the  
19 State's average weekly wage in covered industries under the  
20 Unemployment Insurance Act. The increase in the compensation  
21 rate under this paragraph shall in no event bring the total  
22 compensation rate to an amount greater than the prevailing  
23 maximum rate at the time that the annual adjustment is made. In  
24 the event of a decrease in such average weekly wage there shall  
25 be no change in the then existing compensation rate. Such  
26 increase shall be paid by the employer in the same manner and

1 at the same intervals as the payment of compensation in the  
2 award. This paragraph shall not apply to cases where there is  
3 disputed liability and in which a compromise lump sum  
4 settlement between the employer and the injured employee, or  
5 his or her dependents, as the case may be, has been duly  
6 approved by the Illinois Workers' Compensation Commission.

7 The annual adjustments for every award of death benefits or  
8 permanent total disability involving accidents occurring  
9 before July 20, 2005 and accidents occurring on or after the  
10 effective date of this amendatory Act of the 94th General  
11 Assembly (Senate Bill 1283 of the 94th General Assembly) shall  
12 continue to be paid from the Rate Adjustment Fund pursuant to  
13 this paragraph and Section 7(f) of this Act.

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

23 (h-1) In case an injured employee is under legal disability  
24 at the time when any right or privilege accrues to him or her  
25 under this Act, a guardian may be appointed pursuant to law,  
26 and may, on behalf of such person under legal disability, claim

1 and exercise any such right or privilege with the same effect  
2 as if the employee himself or herself had claimed or exercised  
3 the right or privilege. No limitations of time provided by this  
4 Act run so long as the employee who is under legal disability  
5 is without a conservator or guardian.

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

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

17 Nothing herein contained repeals or amends the provisions  
18 of the Child Labor Law relating to the employment of minors  
19 under the age of 16 years.

20 (j) 1. In the event the injured employee receives benefits,  
21 including medical, surgical or hospital benefits under any  
22 group plan covering non-occupational disabilities contributed  
23 to wholly or partially by the employer, which benefits should  
24 not have been payable if any rights of recovery existed under  
25 this Act, then such amounts so paid to the employee from any  
26 such group plan as shall be consistent with, and limited to,



1 the provisions of paragraph 2 hereof, shall be credited to or  
2 against any compensation payment for temporary total  
3 incapacity for work or any medical, surgical or hospital  
4 benefits made or to be made under this Act. In such event, the  
5 period of time for giving notice of accidental injury and  
6 filing application for adjustment of claim does not commence to  
7 run until the termination of such payments. This paragraph does  
8 not apply to payments made under any group plan which would  
9 have been payable irrespective of an accidental injury under  
10 this Act. Any employer receiving such credit shall keep such  
11 employee safe and harmless from any and all claims or  
12 liabilities that may be made against him by reason of having  
13 received such payments only to the extent of such credit.

14 Any excess benefits paid to or on behalf of a State  
15 employee by the State Employees' Retirement System under  
16 Article 14 of the Illinois Pension Code on a death claim or  
17 disputed disability claim shall be credited against any  
18 payments made or to be made by the State of Illinois to or on  
19 behalf of such employee under this Act, except for payments for  
20 medical expenses which have already been incurred at the time  
21 of the award. The State of Illinois shall directly reimburse  
22 the State Employees' Retirement System to the extent of such  
23 credit.

24 2. Nothing contained in this Act shall be construed to give  
25 the employer or the insurance carrier the right to credit for  
26 any benefits or payments received by the employee other than

1 compensation payments provided by this Act, and where the  
2 employee receives payments other than compensation payments,  
3 whether as full or partial salary, group insurance benefits,  
4 bonuses, annuities or any other payments, the employer or  
5 insurance carrier shall receive credit for each such payment  
6 only to the extent of the compensation that would have been  
7 payable during the period covered by such payment.

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

16 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05;  
17 94-695, eff. 11-16-05.)

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