

1 AN ACT concerning workers' compensation.

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

4 Section 5. The Workers' Compensation Act is amended by
5 changing Section 13 as follows:

6 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

7 Sec. 13. There is created an Industrial Commission
8 consisting of 7 members to be appointed by the Governor, by
9 and with the consent of the Senate, 2 of whom shall be
10 representative citizens of the employing class operating
11 under this Act and 2 of whom shall be representative citizens
12 of the class of employees covered under this Act, and 3 of
13 whom shall be representative citizens not identified with
14 either the employing or employee classes. Not more than 4
15 members of the Commission shall be of the same political
16 party. One of the 3 members not identified with either the
17 employing or employee classes shall be designated by the
18 Governor as Chairman. The Chairman shall be the chief
19 administrative and executive officer of the Commission; and
20 he or she shall have general supervisory authority over all
21 personnel of the Commission, including arbitrators and
22 Commissioners, and the final authority in all administrative
23 matters relating to the Commissioners, including but not
24 limited to the assignment and distribution of cases and
25 assignment of Commissioners to the panels, except in the
26 promulgation of procedural rules and orders under Section 16
27 and in the determination of cases under this Act.

28 Notwithstanding the general supervisory authority of the
29 Chairman, each Commissioner, except those assigned to the
30 temporary panel, shall have the authority to hire and
31 supervise 2 staff attorneys each. Such staff attorneys shall

1 report directly to the individual Commissioner.

2 A formal training program for newly-appointed
3 Commissioners shall be implemented. The training program
4 shall include the following:

5 (a) substantive and procedural aspects of the
6 office of Commissioner;

7 (b) current issues in workers' compensation law and
8 practice;

9 (c) medical lectures by specialists in areas such
10 as orthopedics, ophthalmology, psychiatry, rehabilitation
11 counseling;

12 (d) orientation to each operational unit of the
13 Industrial Commission;

14 (e) observation of experienced arbitrators and
15 Commissioners conducting hearings of cases, combined with
16 the opportunity to discuss evidence presented and rulings
17 made;

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

21 (g) writing skills.

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

27 The Commissioner candidates, other than the Chairman,
28 must meet one of the following qualifications: (a) licensed
29 to practice law in the State of Illinois; or (b) served as an
30 arbitrator at the Illinois Industrial Commission for at least
31 3 years; or (c) has at least 4 years of professional labor
32 relations experience. The Chairman candidate must have
33 public or private sector management and budget experience, as
34 determined by the Governor.

1 Each Commissioner shall devote full time to his duties
2 and any Commissioner who is an attorney-at-law shall not
3 engage in the practice of law, nor shall any Commissioner
4 hold any other office or position of profit under the United
5 States or this State or any municipal corporation or
6 political subdivision of this State.

7 The term of office of each member of the Commission
8 holding office on the effective date of this amendatory Act
9 of 1989 is abolished, but the incumbents shall continue to
10 exercise all of the powers and be subject to all of the
11 duties of Commissioners until their respective successors are
12 appointed and qualified.

13 The Industrial Commission shall administer this Act.

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

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

1 January in 1991, and until their successors are appointed
2 and qualified.

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

10 The Chairman shall receive an annual salary of \$42,500,
11 or a salary set by the Compensation Review Board, whichever
12 is greater, and each other member shall receive an annual
13 salary of \$38,000, or a salary set by the Compensation Review
14 Board, whichever is greater.

15 In case of a vacancy in the office of a Commissioner
16 during the recess of the Senate, the Governor shall make a
17 temporary appointment until the next meeting of the Senate,
18 when he shall nominate some person to fill such office. Any
19 person so nominated who is confirmed by the Senate shall hold
20 office during the remainder of the term and until his
21 successor is appointed and qualified.

22 The Industrial Commission created by this amendatory Act
23 of 1989 shall succeed to all the rights, powers, duties,
24 obligations, records and other property and employees of the
25 Industrial Commission which it replaces as modified by this
26 amendatory Act of 1989 and all applications and reports to
27 actions and proceedings of such prior Industrial Commission
28 shall be considered as applications and reports to actions
29 and proceedings of the Industrial Commission created by this
30 amendatory Act of 1989.

31 Notwithstanding any other provision of this Act, in the
32 event the Chairman shall make a finding that a member is or
33 will be unavailable to fulfill the responsibilities of his or
34 her office, the Chairman shall advise the Governor and the

1 member in writing and shall designate a certified arbitrator
2 to serve as acting Commissioner. The certified arbitrator
3 shall act as a Commissioner until the member resumes the
4 duties of his or her office or until a new member is
5 appointed by the Governor, by and with the consent of the
6 Senate, if a vacancy occurs in the office of the
7 Commissioner, but in no event shall a certified arbitrator
8 serve in the capacity of Commissioner for more than 6 months
9 from the date of appointment by the Chairman. A finding by
10 the Chairman that a member is or will be unavailable to
11 fulfill the responsibilities of his or her office shall be
12 based upon notice to the Chairman by a member that he or she
13 will be unavailable or facts and circumstances made known to
14 the Chairman which lead him to reasonably find that a member
15 is unavailable to fulfill the responsibilities of his or her
16 office. The designation of a certified arbitrator to act as
17 a Commissioner shall be considered representative of citizens
18 not identified with either the employing or employee classes
19 and the arbitrator shall serve regardless of his or her
20 political affiliation. A certified arbitrator who serves as
21 an acting Commissioner shall have all the rights and powers
22 of a Commissioner, including salary.

23 Notwithstanding any other provision of this Act, the
24 Governor shall appoint a special panel of Commissioners
25 comprised of 3 members who shall be chosen by the Governor,
26 by and with the consent of the Senate, from among the current
27 ranks of certified arbitrators. Three members shall hold
28 office until the Commission in consultation with the Governor
29 determines that the caseload on review has been reduced
30 sufficiently to allow cases to proceed in a timely manner or
31 for a term of 18 months from the effective date of their
32 appointment by the Governor, whichever shall be earlier. The
33 3 members shall be considered representative of citizens not
34 identified with either the employing or employee classes and

1 shall serve regardless of political affiliation. Each of the
2 3 members shall have only such rights and powers of a
3 Commissioner necessary to dispose of those cases assigned to
4 the special panel. Each of the 3 members appointed to the
5 special panel shall receive the same salary as other
6 Commissioners for the duration of the panel. The Commission
7 may conduct audits of any employer, self-insurer, group
8 self-insurer, or insurance company making payments on behalf
9 of an insured employer to determine whether it is paying the
10 correct amount of assessments, contributions, and other
11 obligations required to be paid under this Act and the
12 Workers' Occupational Diseases Act.

13 (Source: P.A. 86-998; 86-1405.)