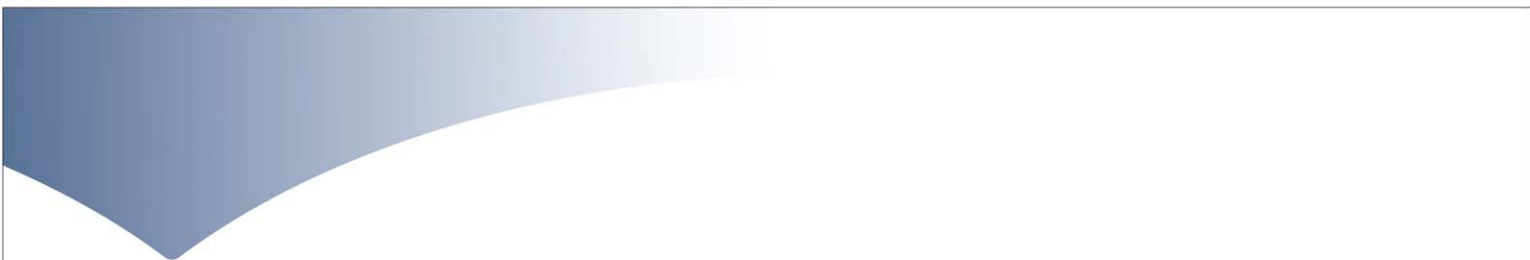


# Customer Workers Compensation Jurisdictional Resource - Illinois

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims to Employer	<p>Yes</p> <p>Notice of an accident shall be given to the employer as soon as practicable, but no later than 45 days after the accident and no later than 90 days for exposure to radiological material or equipment. Notice may be given orally or in writing.</p>	<p><a href="#">Section 6(c) of the Illinois Code</a></p>	<p>Permits denial of claim for failure to timely report. However, in Illinois notice is liberally construed in favor of the employee.</p>	<p><a href="#">Illinois Form IA-1 - Employee First Report of Injury (FROI)</a></p>
Aggravation of a Petitioner's Pre-Existing Condition	<p>Yes</p> <p>Employee need only prove his accident is a cause and not the sole cause of his injury including aggravations of Pre-Existing Conditions.</p>	<p>Pre-existing conditions are generally not a defense by themselves and employee need only prove an aggravation.</p> <p><a href="#">Sisbro v Industrial Commission 207 I11.2d 193, 797 N.E. 2d 665, 278 I11.Dec. 70 (2003)</a></p>	<p>Permits finding claims compensable even though employee has pre-existing history.</p>	<p>N/A</p>
Medical Treatment and Fees	<p>No</p> <p>The employer cannot direct medical treatment. The employee has two choices of providers and any provider referred by them.</p> <p>The cost of treatment is controlled and governed by a Medical Fee Schedule.</p>	<p><a href="#">Sections 8(a), 8.2 and 16 [820 ILCS 305/8(a), 8.2 and 16] of the Illinois Workers Compensation Act</a></p> <p><a href="#">Illinois Industrial Commission Fee Schedule Website</a></p>	<p>Employer can suggest but not direct treatment and employee has a choice of two providers.</p> <p>Fee schedule may limit employer's cost of medical care; anticipated savings have not been quantified.</p>	<p><a href="#">Illinois Industrial Commission Fee Schedule Website</a></p>

Can the Employee be Discharged Based on Filing a WC Claim	It is unlawful for the employer to interfere with, restrain or coerce an employee in any manner whatsoever in the exercise of the rights or remedies granted.	<u>Public Act-Unlawful Discrimination - of the Illinois Code</u>	Permits employee to obtain damages which exceed that which is permitted pursuant to workers' compensation scheme.	N/A
Timely Reporting of Employee Returning to Work	No Illinois does not require reporting of RTW status.	Employer should notify insurer as soon as possible so that temporary-total benefits may be terminated at the appropriate time.	Timely reporting prevents overpayment of benefits.	N/A
Reporting of Out of Work Status	No There is no mandatory reporting requirement requiring the employee to report off work status.	If employee is out of work, this information should be communicated to insurer as soon as possible.	Permits timely payment of benefits where appropriate.	N/A
Depositions	No Depositions of employee cannot be taken absent stipulation of the parties or via Commission Order (dedimus potestatem) and are not mandatory.	Evidence depositions of employee or witness are not generally taken and absent agreement of parties may not be taken after the hearing begins but only upon order of the Arbitrator or Commissioner, for good cause shown.	Timely reporting discourages attorney involvement and allows for statements of the employee to be taken as depositions are not allowed.	N/A

Wage Differentials	Employees unable to pursue their usual and customary line of employment are compensated for 2/3's of the difference between what they were earning compared to what they can earn in their new line of employment subject to a cap for the remainder of their life.	<u>Section 8(d)1: Wage Differential of Illinois Code</u>	Employee's who cannot be accommodated are compensated for the remainder of their life (not work life) and if their burden is met, the employer must prove petitioner is underemployed to deny or diminish a wage differential claim.	N/A
Wage Statements	No Illinois does not require the filing or utilization of a specific wage statement.	Travelers' sends a form to the employer on all lost time claims to verify the correct average weekly wage.	The employer can contest an employee's wage utilizing its own wage statement.	N/A
Bona Fide Job Offers	Voluntary But employers are encouraged to facilitate return to work for injured employees.	If the employer has light duty, a written offer should be made as soon as possible in order to mitigate exposure.	Mitigates the employer's exposure if they are able to accommodate an injured worker's restrictions.	N/A



Posting of Notices	Yes  Notice must be posted in a conspicuous place. Insured employers are required to state the name and address of the insurance carrier, the number of the insurance policy, its effective date and the date of termination.	<u>Section 6(a) of the Illinois Code</u>	If notice is not posted, the employer does not waive its right of exclusive remedy; however employees are more likely to report claims if notice is posted.	<u><a href="#">Illinois Workplace Notice</a></u>  <u><a href="#">Illinois Workplace Notice in Spanish</a></u>
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