Fiscal Year 2021
ANNUAL REPORT

State of Illinois
Workers' Compensation
Commission

JB Pritzker, Governor
Michael J. Brennan, Chairman

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Illinois Workers' Compensation Commission

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JB Pritzker, Governor — *Michael J. Brennan, Chairman*

Dear Governor Pritzker:

By the requirements of §15 of the Illinois Workers' Compensation Act, 820 ILCS 305/15 and 30 ILCS 105/3(9), we, the undersigned Commissioners, hereby submit this the Fiscal Year 2020 Annual Report, summarizing the operations and activities of the Commission. In this report, we have highlighted some of the accomplishments that we have made during this difficult time of COVID-19.

With Covid-19 still upon us, the IWCC continued the work that it started in 2020. We have embraced new technology, and are now a functioning paperless quasi-judicial agency.

In April of 2021, we perfected our paperless filing system and have since required that all documents be delivered to the IWCC electronically. This means that all documents, including, Applications for Adjustment of Claim, Appearances, Petitions and Briefs are submitted through our portal. This system has eliminated the use of the US Postal system and allows all parties to file documents from the convenience of their office or home.

The IWCC has remained nimble and efficient, with little increase to our operating costs. Our staff is learning the requirements of our electronic system and being trained to operate in a paperless world. Our Arbitrators and Commissioners are likewise embracing new technology, as Pre-Trial Conferences and Review Hearings are conducted virtually. Throughout COVID, we have moved forward and issued significant decisions that impact all parties.

As reported in the last fiscal year report, we have maintained a position of 24th in the nation for the cost of insurance to employers. There is little doubt that such positioning is an incentive for employers to locate and/or expand their business in Illinois. We thank you for your unending support in carrying out the Mission of the IWCC.

Sincerely,

Michael J. Brennan
Chairman

Thomas J. Tyrrell, Commissioner

Kathryn A. Doerries, Commissioner

Stephen J. Mathis, Commissioner

Marc Parker, Commissioner

Christopher A. Harris, Commissioner

Maria Portela, Commissioner

Deborah J. Baker, Commissioner

Deborah L. Simpson, Commissioner

Carolyn Doherty, Commissioner

OVERVIEW OF WORKERS' COMPENSATION

Workers' compensation laws were early acts of social legislation passed in the United States. At the beginning of the 20th century, employers feared the assumption of liability for work injuries would destroy their businesses, while employees feared permanent disabling conditions that would prevent them from working and cause financial ruin.

Before the advent of workers' compensation laws, an injured worker had to file a common law complaint against the employer and prove the employer had failed to provide a safe workplace, to warn of danger, or to provide enough appropriate fellow workers. The employer then could present a defense that blamed the injured worker's contributory negligence or argued that the employee assumed certain risks in accepting the job. The process was prolonged and uncertain, with large risks to both employee and employer.

The high injury and death rates throughout the Industrial Revolution led to public outcries for solutions which gradually led to the enactment of employer liability acts. Employers were then held more responsible for negligence, but employees still had to file lawsuits for damages. The first workers' compensation laws originated in Germany in 1884. Similar laws passed in other European countries.

In the U.S., workers' compensation laws were passed on a state-by-state basis. Most of the early laws covered only hazardous occupations and were found unconstitutional. Maryland passed the first act in 1902. Wisconsin's law of 1911 was the first that withstood legal challenges. Illinois also passed its first law in 1911, effective May 1, 1912.[1] It took until 1948 for all states to establish a law.

Workers' compensation laws balance competing interests: employees give up their right to sue in civil court and potentially win large awards in exchange for more modest but prompt compensation; employers give up their common law defenses in exchange for limits on their liabilities. Workers' compensation was established as a no-fault system. The theory behind the law is that the cost of work-related injuries or illnesses should be part of the cost of the product or service.

Originally, the courts administered the Act, but the volume overwhelmed the courts. On July 1, 1913, a three-member Industrial Board was created.[2] In 1917, a five-member Industrial Commission was created within the Illinois Department of Labor.[3] In 1957, the Commission separated from the Department of Labor and became a self-standing agency.[4] On January 1, 2005, the agency officially became the Illinois Workers' Compensation Commission. [5]

Employees hired, injured, or whose employment is in Illinois are protected by the Illinois Workers' Compensation Act. When an injury is sustained at work, the injury may be compensable according to the Act. Benefits may include an award for medical treatment, lost income, and permanent disability.

Illinois employers pay for workers' compensation benefits through insurance policies or by becoming self-insured. Cases are first heard by Arbitrators, whose decisions may be appealed to Commissioners. Cases may proceed on to the Circuit Court, Illinois Appellate Court, and, if leave is granted, the Illinois Supreme Court. Most claims, however, are settled between the parties prior to, or following, the initial arbitration.

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[1] Act of June 10, 1911. 1911 Ill. Laws 315-26.

[2] Act of June 28, 1913, sec. 1, § 13. 1913 Ill. Laws 346-347.

[3] Act of May 31, 1917, sec. 1, § 13(a) and (b). 1917 Ill. Laws 498-99.

[4] Act of July 11, 1957, sec. 1, § 13(a). 1957 Ill. Laws 2633.

[5] P.A. 93-721.

MISSION STATEMENT

The Illinois Workers' Compensation Commission resolves claims made by injured workers for injuries arising out of and in the course of employment. The Commission strives to assure financial protection for injured workers and their dependents at a fair cost to employers. The Commission performs three main functions:

1) *Resolves claims.* The Commission strives to provide a fair, timely process by which disputed claims may be resolved.

2) *Ensures compliance with the law.* The Commission protects the rights of employees and employers under the Illinois Workers' Compensation and Occupational Diseases Acts.

3) *Administers self-insurance.* The Commission evaluates and approves eligible employers that wish to insure themselves for their workers' compensation liabilities.

The Commission strives to accomplish these goals while looking constantly for ways to improve the quality of service.

BOARD MEMBERS

The Commission is grateful to all board members, who serve without compensation. Membership listing is as of June 30, 2021.

COMMISSION REVIEW BOARD

The board investigates complaints made against Arbitrators and Commissioners. The Governor appoints two public members, the senior labor and business Commissioners serve by statute, and the Arbitrators elect one Chicago and one Downstate Arbitrator.

Robert Hanaford
Governor Appointee

Commissioner Deborah Simpson
Senior Business Commissioner

Arbitrator Jeffrey Huebsch
Chicago Arbitrator

Vacant
Governor Appointee

Commissioner Thomas Tyrrell
Senior Labor Commissioner

Arbitrator Maureen Pulia
Downstate Arbitrator

SELF-INSURERS ADVISORY BOARD

The board reviews applications from private companies to self-insure and makes recommendations to the Chairman. The board also ensures the continued payment of benefits to workers of bankrupt self-insurers.

Alex G. Alexandrou
City of Aurora

Gerald F. Cooper, Jr.
Scopelitis, Garvin, Light, Hanson & Feary

Paul T. Bergmann
Property-Casualty Insurance Consulting

Michael Castro
Insurance Program Managers Group

Joan Vincenz
United Airlines

David Taylor
Reyes Holdings

WORKERS' COMPENSATION ADVISORY BOARD

The board assists the Commission in formulating policies, setting priorities, and developing administrative goals. The board also makes recommendations to the Governor regarding Commission appointments.

EMPLOYEES		EMPLOYERS	
Tim Drea Illinois AFL-CIO	Mitchell Horwitz Horwitz, Horwitz & Assoc.	Mark Denzler Illinois Manufacturers Assoc.	Robert Karr Illinois Retail Merchants Assoc.
Mark Prince Prince Law Firm	Sean Stott Laborers' International Union	Jill Kastner Hennessey & Roach, P.C.	Charles "Denne" Knell Knell Law, LLC
Aaron Anderson Painters Dist. Council #30	David Weaver David Weaver & Assoc.	Karen K. Harris Illinois Health & Hospital Association	Vacant

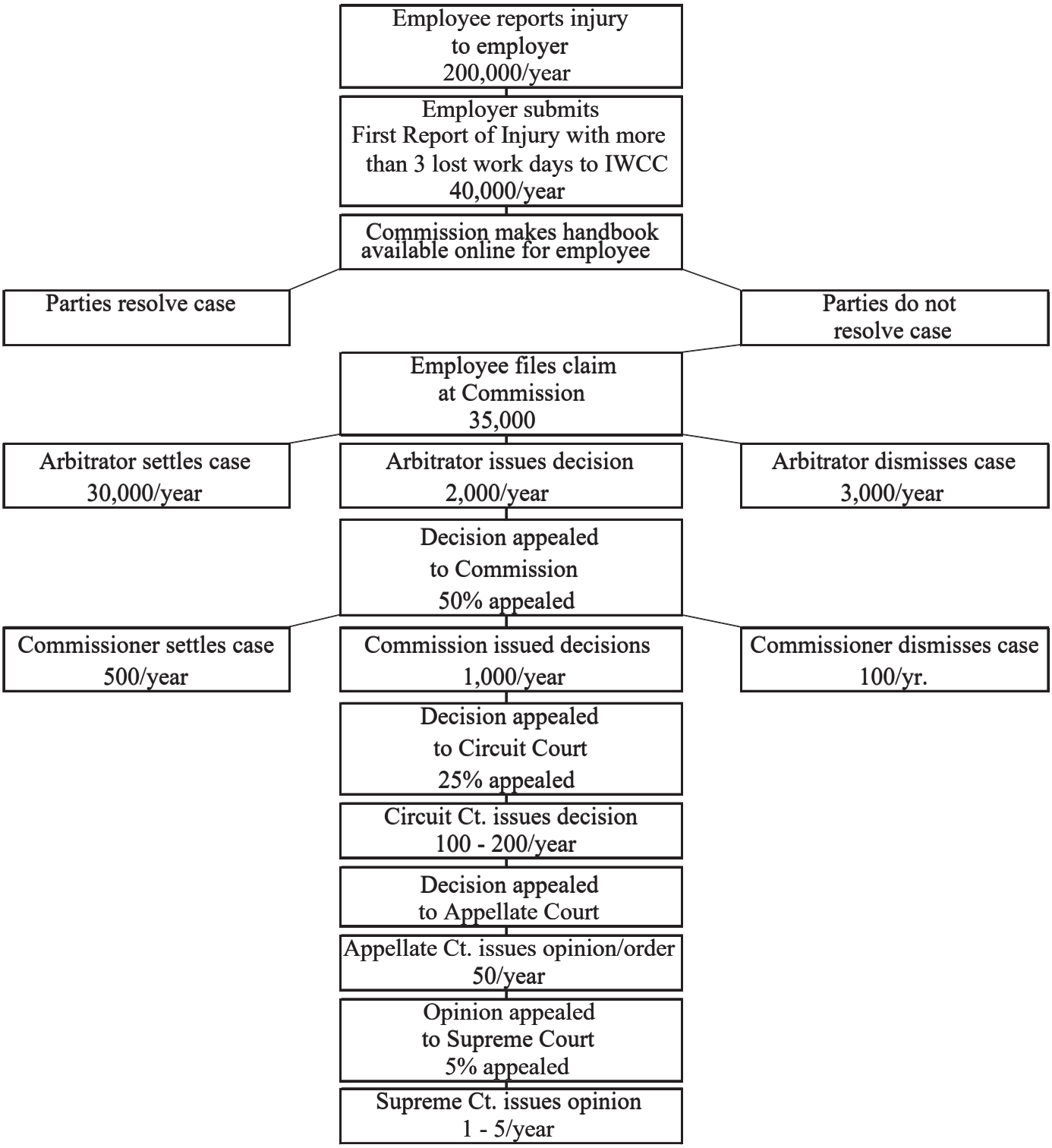
WORKERS' COMPENSATION MEDICAL FEE ADVISORY BOARD

The board advises the IWCC on the establishment of medical fees and the accessibility of treatment.

MEDICAL PROVIDERS	EMPLOYEES	EMPLOYERS
Preston Wolin, MD Clinic for Athletic Medicine, Ltd.	Mike Macellaio Chicago & Cook County Building & Trades	Helena Lefkow Illinois Health & Hospital Assoc.
David J. Fletcher, MD SafeWorks Illinois	David Menchetti Cullen, Haskins, Nicholson & Menchetti	Amy Bilton Nyhan, Bambrick, Kinzie & Lowry
Vacant	Vacant	Tanya Triche Dawood Illinois Retail Merchants Assoc.

STATISTICS

Each year in Illinois, approximately 200,000 work-related accidents occur. In most of these cases, the worker does not lose time from work. Fewer than 40,000 claims are filed with the Commission. The statistics in this section refer only to those cases that are filed with the Commission. The flowchart below illustrates the process.



DETAILED CASE INFORMATION

Cases are assigned to the hearing site nearest the site of the accident. If the accident occurred outside of Illinois, the case is assigned to the hearing site closest to the petitioner's home; if the petitioner lives outside of Illinois, the case is set at the site most convenient to the parties.

NEW CASES FILED IN FY21

Chicago (1 hearing site)	13,646
Downstate (18 sites)	18,774

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Collinsville 1,939	Quincy 275	Bloomington 598	Kankakee 375	Rockford 1,345	Elgin 472
Herrin 669	Springfield 1,104	Peoria 1,069	New Lennox 2,309	Waukegan 1,354	Geneva 1,239
Mt. Vernon 788	Urbana 1,019	Rock Island 802	Ottawa 729	Woodstock 588	Wheaton 2,100

DECISIONS ISSUED

DECISIONS AND APPEALS

	Arbitration Decisions	% Appealed	Commission Decisions	% Appealed	Circuit Ct. Decisions	Appellate Opinions	Supreme Ct. Opinions
2016	**2,280**	**57%**	**977**	**28%**	**218**	**113**	**0**
2017	**2,099**	**53%**	**864**	**18%**	**206**	**79**	**2**
2018	**2,095**	**51%**	**860**	**25%**	**208**	**80**	**0**
2019	**1,815**	**53%**	**726**	**23%**	**206**	**45**	**0**
2020	**1,305**	**51%**	**668**	**11%**	**74**	**41**	**1**
2021	**693**	**56%**	**721**	**20%**	**41**	**21**	**0**

Cases Opened

	FY17	FY18	FY19	FY20	FY21
New claims filed	38,357	38,392	37,707	33,339	32,420
Reinstated	1,145	1,087	990	609	97
Remanded to Arbitrator	301	249	217	208	135
Remanded to Commissioner	37	24	18	10	4
Total cases returned to caseload	1,483	1,360	1,225	827	236
Total additions to the caseload	39,840	39,752	38,932	34,166	32,656
Change from previous year	(8%)	(1%)	(2%)	(12%)	(4%)

Cases Closed

As in other court systems, most cases filed at the Commission are settled. Please note that the figures below report only the final action on a case. If a case had more than one action (e.g., a case was decided at Arbitration, then decided on the Commission level, then settled), only the final action is reported here. An Arbitration case is counted as closed if it was dismissed, settled, or if a decision was issued and no appeal was filed.[6]

Cases Closed by Arbitrators

FINAL ACTION	FY17	FY18	FY19	FY20	FY21
Voluntary dismissals	**677**	**563**	**648**	**410**	**398**
DWP	**3,298**	**3,144**	**3,050**	**1,956**	**186**
Total Dismissals	**3,975**	**3,862**	**3,698**	**2,366**	**584**
Original settlements	**4,233**	**4,578**	**4,403**	**3,003**	**2,845**
SC before Arb. dec.	**34,095**	**32,765**	**27,644**	**21,531**	**23,592**
SC after Arb. dec.	**584**	**567**	**542**	**312**	
Total settlements	**39,840**	**39,752**	**38,932**	**34,166**	**26,437**
Arbitration decisions	**811**	**871**	**705**	**637**	**298**
Total	**43,698**	**41,704**	**35,200**	**27,156**	**27,319**

[6] "DWP" refers to cases that were Dismissed for Want of Prosecution. "Original settlements" are settlements that were filed without a prior application. "SC" refers to settlement contracts.

Cases Closed By Commissioners

	FY17	FY18	FY19	FY20	FY21
Dismissals at Review	167	155	64	27	141
Total settlements	388	515	283	544	458
Review decisions	675	699	1283	1633*	1360*
Total	1230	1369	1630	2204	1959

FY 2021 Total Review decisions is an estimated average number that includes Medical Set Aside Orders and issued Orders.

Total Cases Closed

	FY17		FY18		FY19		FY20		FY21	
Dismissals	4,142	9%	3,862	9%	3,762	10%	2,393	8%	725	2%
Settlements	39,300	87%	37,126	88%	31,080	86%	24,697	87%	26895	92%
Decisions	1,486	3%	1,570	3%	1,295	4%	1,305	5%	1658	6%
Total	44,928		42,558		36,137		28,395		29,278	

Total First reports of Injury

Period	Claims	COVID-19 Claims
7/1/2020 – 8/31/2020	4,501	709
9/1/2020 – 10/31/2020	8,011	1,276
11/1/2020 – 12/31/2020	2,568	905
1/1/2021 – 2/28/2021	4,589	1,228
3/1/2021 – 4/30/2021	2,691	443
5/1/2021 – 6/30/2021	3,830	529
TOTAL	26,190	5,090

Rank	Industry Sector	% of Total COVID-19 Claims
1	Health Care and Social Assistance	62.0%
2	Transportation and Warehousing	10.7%
3	Public Administration	8.8%
4	Retail Trade	7.8%
5	Manufacturing	3.0%
6	Administrative and Support Services	1.8%
7	Accommodation and Food Services	0.9%
8	All Other Sectors	5.0%

Table outlines the percentage of COVID-19 claims by industry sector for the FROI's received in FY21

INJURY DATA

The statistics in this section come from the U.S. Bureau of Labor Statistics' (BLS) 2019 report and the Illinois Department of Public Health's (IDPH) Survey of Occupational Injuries and Illnesses in Illinois' 2018 report. The IDPH estimates a total of 136,400 non-fatal injury cases. The overall incidence rate for nonfatal occupational injuries and illnesses in Illinois was 2.9 per 100 full-time workers. [7]

RATE OF NON-FATAL WORK-RELATED INJURIES AND ILLNESSES IN ILLINOIS IN 2019[7]

State Government	**4.8%**	**Overexertion & bodily reaction**	**10,960**
Manufacturing	**3.5%**	**Contact w/object, equipment**	**9,020**
Transportation	**4.1%**	**Fall, slip, trip**	**9,800**
Health Care & Social Asst.	**3.7%**	**Transportation incidents**	**1,560**
Agriculture	**6.6%**	**Exposure to harmful substance/environment**	**1,250**
Retail Trade	**3.4%**	**Violence-intentional injury**	**1,020**
Incidence rate for all worker	**2.7%**	**Chemical**	**370**

DISTRIBUTION OF 135 FATAL WORK-RELATED INJURIES IN ILLINOIS IN 2020[8]

Distribution by Industry		Distribution by Event	
Goods-producing	**21%**	**Transportation incident**	**41%**
Agriculture	**10%**	**Violence/injuries**	**16%**
Construction	**16%**	**Fall, slips, trips**	**18%**
Government (state & local)		**Contact with objects/equip**	**13%**
Service-providing	**34%**	**All other**	**14%**
Trade	**13%**		
Transportation & Warehousing	**20%**		

AVERAGE WEEKLY WAGE BY YEAR OF ACCIDENT[9]

	FY17	FY18	FY19	FY20	FY21
Claimants' Average Weekly Wage	**$876.41**	**$849.93**	**$879.83**	**$916.47**	**$978.83**
SAWW as of end of FY	**$1,076.38**	**$1,098.85**	**$1,130.11**	**$1,161.80**	**$1,210.45**
Claimants' wages as % of SAWW	**81%**	**77%**	**78%**	**79%**	**81%**

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[7] See https://www.dph.illinois.gov/sites/default/files/publications/oppssurveyofoccinjuriesillinois2019final.pdf

[8] See https://www.bls.gov/regions/midwest/news-release/fatalworkinjuries_illinois.htm

[9] The average maximum rate for Temporary Total Disability (TTD) in FY '21 was $1,693.76. The average maximum rate for Permanent Partial Disability (PPD) in FY '20 was $871.73.

AGGREGATE BENEFIT PAYMENTS

TOTAL WORKERS' COMPENSATION BENEFIT PAYMENTS[10]

$ in thousands	2015	2016	2017	2018	2019
Illinois	$2,399,163	$2,354,119	$2,334,058	$2,246,345	$2,185,330
% change from prior year	(11.9%)	(1.9%)	(1.1%)	(3.8%)	(2.4%)
U.S. nonfederal total	$59,335,268	$58,355,672	$59,004,481	$59,388,264	$59,671,192
%change from prior year	(1.4%)	(0.0%)	0.1%	0.7%	0.3%

TOTAL WORKERS' COMPENSATION MEDICAL BENEFIT PAYMENTS

$ in thousands	2015	2016	2017	2018	2019
Illinois	$1,086,821	$1,059,354	$1,036,322	$1,037,812	$1,040,217
% change from prior year	(11.5%)	(2.5%)	(2.4%)	0.1%	0.5%
U.S. nonfederal total	$30,003,807	$29,938,819	$29,990,968	$30,204,727	$30,277,881
%change from prior year	(2.5%)	(0.2%)	(0.7%)	0.7%	0.1%

COST TO EMPLOYERS[11]

Oregon Estimate of Premium Rates						
Per $100 of payroll	2010	2012	2014	2016	2018	2020
Illinois	$3.05	$2.83	$2.35	$2.23	$1.80	$1.46
Median	$2.04	$1.88	$1.85	$1.84	$1.70	$1.44
IL rank among 51 States	3	4	7	8	22	24
(1=most expensive)						

ESTIMATE OF EMPLOYERS COST PER $100 OF PAYROLL[12]

	2014	2015	2016	2017	2018
Illinois	$1.29	$1.21	$1.15	$1.08	$1.00
% change from prior year	(1.5%)	(6.2%)	(5.3%)	(6.7%)	(7.3%)
U.S. non federal total	$1.33	$1.29	$1.27	$1.21	$1.15
% change from prior year	(0.6%)	(2.9%)	(1.9%)	(4.4%)	(5.1%)

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10 See NASI *Workers' Compensation: Benefits, Cost, and Coverage October 2021*

11 See https://www.oregon.gov/dcbs/reports/Documents/general/prem-sum/2020-2082.pdf

12 See NASI *Workers' Compensation: Benefits, Cost, and Coverage October 2021*

Average Funeral Benefit in Death Cases

Section 7(f) of the Illinois Workers' Compensation Act states employers are required to pay the sum of $8,000 to the widow or widower, other dependent, next of kin or the person or persons incurring the expense of burial. This fee is assessed to fatal cases in the State of Illinois.

Insurance

Coverage of Employees

Employers are responsible for the payment of benefits to injured workers. Employers are required to either purchase workers' compensation insurance or obtain permission to self-insure. More workers are covered under the law in Illinois than in most other states.[13]

Percentage of Employees Covered by Workers' Comp 2019

Illinois	99.7%		
U.S. nonfederal average	97.6%		
Neighboring States		**Large Industrial States**	
Indiana	99.6%	California	100.0%
Iowa	98.9%	New York	99.7%
Wisconsin	99.2%	Pennsylvania	99.6%
Michigan	99.4%	Florida	96.5%
Missouri	95.8%	Texas	81.6%

Duration of Disability

The duration of temporary total disability charted below is for claims with more than seven days of lost time at 36 months average maturity.[14]

TTD Duration in Weeks

Illinois	18		
11-state Median	13		
Neighboring States		**Large Industrial States**	
Michigan	15	Massachusetts	24
Indiana	13	California	20
Wisconsin	11	Texas	16
Iowa	10	Louisiana	32
Minnesota	13	Pennsylvania	21

[13] See NASI *Workers' Compensation: Benefits, Cost, and Coverage October, 2021.*

[14] See WCRI *CompScope Benchmarks for Illinois, 22nd Edition.*

Injury Rates

2020 Frequency of Injury Per 100,000 Workers[15]

Illinois 2,655

Neighboring States		Large Industrial States	
Wisconsin	**3,935**	**Massachusetts**	**2,493**
Iowa	**3,875**	**California**	**3,991**
Indiana	**3,529**	**Texas**	**2,107**
Michigan	**3,271**	**Louisiana**	**2,075**

Insurance Fraud

The Illinois Department of Insurance investigates workers' compensation fraud through its Fraud Unit, which is funded by the Commission. It is illegal for anyone—a worker, employer, insurance carrier, or medical provider—to intentionally make a false statement to obtain or deny workers' compensation benefits, obtain workers' compensation insurance at less than the proper rate, obtain approval to self-insure, etc. A "statement" includes any writing, notice, proof of injury, medical bill, record, report, or test result. More information is available at https://insurance.illinois.gov/Fraud/ContactFraudUnit.html

Insurance Compliance Program

Illinois law requires employers to provide workers' compensation insurance for all their employees and to cover their entire liability. Employers who fail to comply leave their employees vulnerable to medical expenses if they should occur. These employers also enjoy an unfair competitive advantage over employers who comply with the law.

If the Commission finds that an employer has knowingly and willfully failed to obtain insurance, the employer may be fined up to $500 for every day of noncompliance, with a minimum fine of $10,000.00. Corporate officers may be held personally liable if the company fails to pay the fine. An employer may also face criminal charges, and/or a work-stop order for failing to obtain insurance. If an employer is found to be in non-compliance more than once, all the minimum penalties will double. The civil penalty for non-compliance may go up to $1,000.00 for each day of non-compliance and the minimum penalty shall be $20,000.00.

[15] https://www.bls.gov/regions/midwest/news-release/workplaceinjuriesandillnesses_illinois

SELF-INSURANCE

To qualify for self-insurance, an employer must meet certain requirements, including the demonstration of sufficient financial strength to meet workers' compensation obligations in a timely manner, and providing security as mandated by the Commission.

The Self-Insurance Advisory Board (SIAB) evaluates initial and renewal applications and makes recommendations to the Chairman as to whether an employer shall be allowed the privilege of self-insurance. The SIAB and self-insurance staff conduct a thorough review and consider the applicant's financial condition, the nature and hazard of the employment, the number of employees, the amount of payroll, the employer's claim experience (frequency, severity and cost), claims administration program, and any other factors that may impact the ability to self-insure. The review also considers the earned points on three financial ratios: current assets to current liabilities; capital and retained earnings (net of treasury stock) to sale (less discounts) and capital and retained earnings to long-term debt.

To maintain the self-insurance privilege the employer is obligated to file an application each year, continue to meet the financial and security requirements and provide interim financial statements as required by law. A self-insured employer is required to promptly pay benefits due to injured employees or their dependents; meet all assessment obligations in accordance with the Workers' Compensation and Occupational Diseases Acts; report compensable injuries, diseases, and deaths to the Commission as required by law; and promptly notify the Commission of any change in financial condition that will impact the company's ability to self-insure.

PARENT COMPANIES IN THE COMMISSION'S SELF-INSURANCE PROGRAM

FISCAL YEAR	PARENT COMPANIES	SUBSIDIARIES	TOTAL SELF-INSURED ENTITIES
2021	**182**	**350**	**532**
2020	**192**	**352**	**544**
2019	**196**	**351**	**547**
2018	**210**	**359**	**569**
2017	**217**	**371**	**588**
2016	**225**	**377**	**602**
2015	**226**	**378**	**604**

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WOMEN OWNED