

The Illinois Workers' Compensation Act

is a no fault law designed to provide benefits to workers injured in the course of their

employment. It is the exclusive legal remedy against an employer for injuries sustained on one's job.

This guide is a brief outline of your rights. For a complete discussion of those rights, we recommend you consult with an attorney (free initial consultation) who specializes in the representation of injured school employees.

You will find IEA recommended attorneys on pages 10-12 of this booklet.

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I. Qualifying for Benefits

To qualify for benefits under **The Illinois Workers' Compensation Act**, one must establish that he/she are injured in the course of his/her employment by a risk that arises out of such employment. One must also provide notice to their employer and file his/her claim in a timely fashion.

- (a) **Course of Employment** — The course of one's employment speaks to the time and place at which an employee is injured. For an injury to be covered by The Illinois Workers' Compensation Act, it must be proven that the employee was doing his or her work at the time the injury took place. Generally, injuries occurring on school grounds, property or at school functions are covered. Additionally, employees who travel between schools or elsewhere as part of their employment are frequently covered during the course of their travel. School employees are covered during their work hours and, depending upon the nature of their employment, may be covered for a reasonable time before and after work.
- (b) **Arising Out of Employment** — An injury that occurs within the course of your employment must also arise out of your employment to be covered by **The Illinois Workers' Compensation Act**. Therefore, the mere fact that a condition or injury

manifests itself while you are at work is not enough. You must also show that the injury was either caused, aggravated, or accelerated by some risk associated with your work.

- (c) **Notice** — For an injury to be covered by **The Illinois Workers' Compensation Act**, an employee must give notice to his/her employer within 45 days of the accident. This notice can be in writing or given orally. Notice should be given to an individual who holds a supervisory position over the employee. It is encouraged that notice be given as soon as possible after an accident. You are not required, however, to complete and sign an injury report. If your employer asks you to do so, make sure the report does not deal with information unrelated to the accident, you describe the accident in detail, review the report before signing, and keep a copy of it.
- (d) **Statute of Limitations** — A claim for workers' compensation benefits must be filed with the Illinois Industrial Commission within three years of the date of injury or two years of the last date of compensation payment, whichever is later. The mere reporting or filling out of forms with the employer does not satisfy this obligation. An actual "Application for Adjustment of Claim" must be filed with the Illinois Industrial Commission, in Chicago, Illinois.

Claimants are encouraged to utilize competent legal counsel to assist in the filing of these claims.

II. The Benefits

Once an individual has established that he/she has sustained an injury arising out of and in the course of his/her employment, he/she is chiefly entitled to three major benefits: medical benefits, weekly compensation and permanent partial disability.

- (a) **Medical Benefits** — An employer is required to pay 100 percent of all reasonable and necessary medical treatment to cure the ill effects of an injury. An employee is not required to make copayments or pay deductibles in connection with a work-related injury. Moreover, an employee has the right to choose his/her own doctor for treatment. However, this choice is not unlimited. An individual has the right to choose two doctors and their referrals for treatment at the employer's expense.
- (b) **Weekly Benefits** — An employee is entitled to 66^{2/3} percent of his/her average weekly wage during any period of time for which he/she is unable to work due to the injury. This payment is tax-free and is based on the average weekly earnings during the 52 weeks prior to the injury. If you miss less than 14 days of work, you do not get paid for the first three days you missed.



Of particular importance to school employees is the fact that periods not worked (summer vacation) should not be used in determining the average weekly wage. This could result in a large underpayment to the school employee.

- (c) **Permanent Partial Disability** — There are several types of permanent partial disability. When an individual sustains an injury, but is able to resume his/her regular earning potential, such injury may be recognized to result in a percentage loss of use of the scheduled body parts as seen on page 7.

Injury	Weeks	Injury	Weeks
Thumb.	70	Hearing:	
Index finger (forefinger) . . .	40	(1 ear, complete)	50
Middle finger	35	Hearing:	
Ring finger	25	(2 ears, complete)	200
Little finger	20	One testicle	50
Great toe	35	Two testicles	150
Other toes (each)	12	Fracture to a vertebrae: Hand	
Hand	190 at least 6 weeks	
Arm	235	Skull fracture (cranial vault):	
Leg	200 at least 6 weeks	
Foot	155	Facial bone fracture:	
Eyesight (1 eye)	150 at least 2 weeks	

Compensation under the schedule is payable based on a percentage loss of use of each body part multiplied by 60 percent of the employee's average weekly gross wage.

Additionally, an employee is entitled to compensation for disfigurement (scarring), exposure to chemicals, death (minimum of \$250,000), permanent wage loss, or permanent total disability. ■

III. Other Important Facts to Remember

- ...If you cannot resume regular work activities you may be entitled to vocational rehabilitation under **The Illinois Workers' Compensation Act** at your employer's expense.
- ...Your employer is not required to make an offer of settlement to you and frequently will not do so without the intervention of an attorney.
- ...Unless your contract requires such, you need not exhaust your sick and/or vacation bank before accepting workers' compensation benefits.
- ...You should contact your local association representative or UniServ director to see if your contract provides any additional workers' compensation related benefits.
- ...Your employer can schedule you for an examination, but cannot mandate your treatment with a specific doctor.
- ...Your employer cannot discharge you or retaliate against you for filing a workers' compensation claim.
- ...Your own negligence is not a relevant factor in determining your entitlement to workers' compensation benefits.
- ...You may have a work-related injury for either a specific trauma (e.g., a fall in the

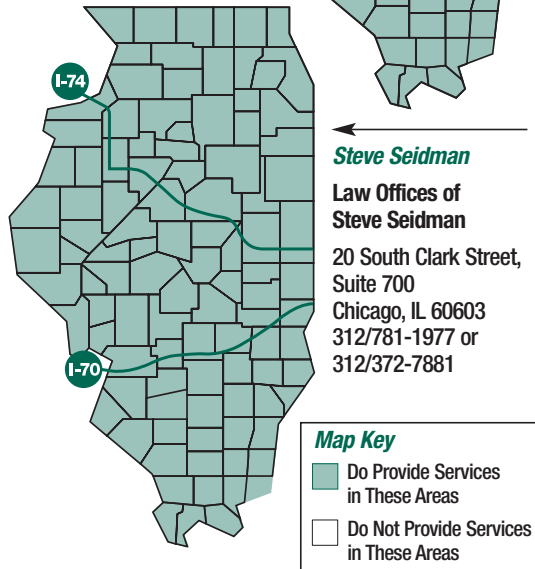
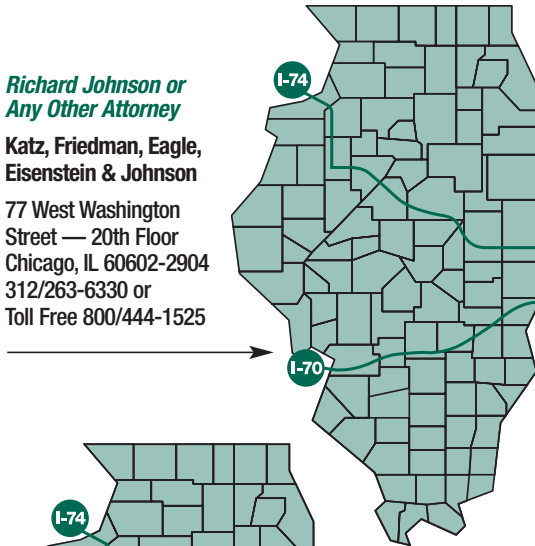
cafeteria caused by a wet floor) or a repetitive trauma over time (e.g., daily mopping).

- ...**The Illinois Workers' Compensation Act** is a complicated statute. The school district, its insurance company, and its attorneys have important information that place the district at an advantage. The IEA strongly recommends that you consult an attorney about your rights as early as possible. You may consult our recommended workers' compensation attorney at *no fee or obligation* for an initial consultation. See page 10-12 for IEA-recommended attorneys. ■

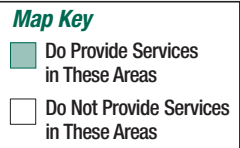


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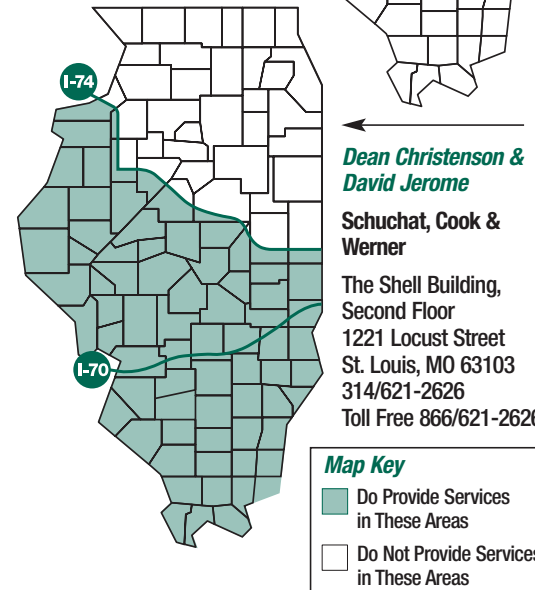
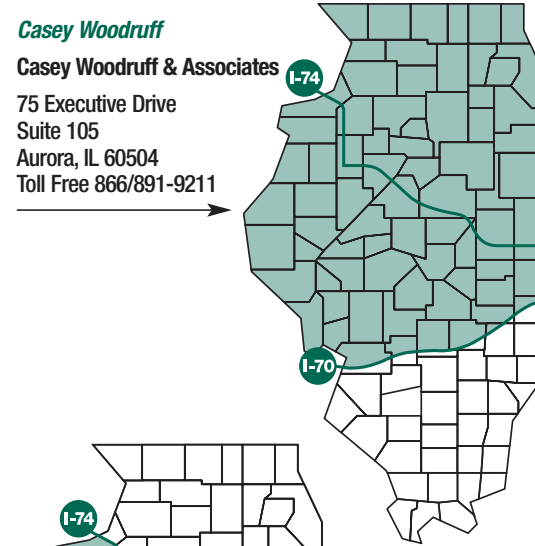


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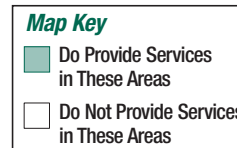


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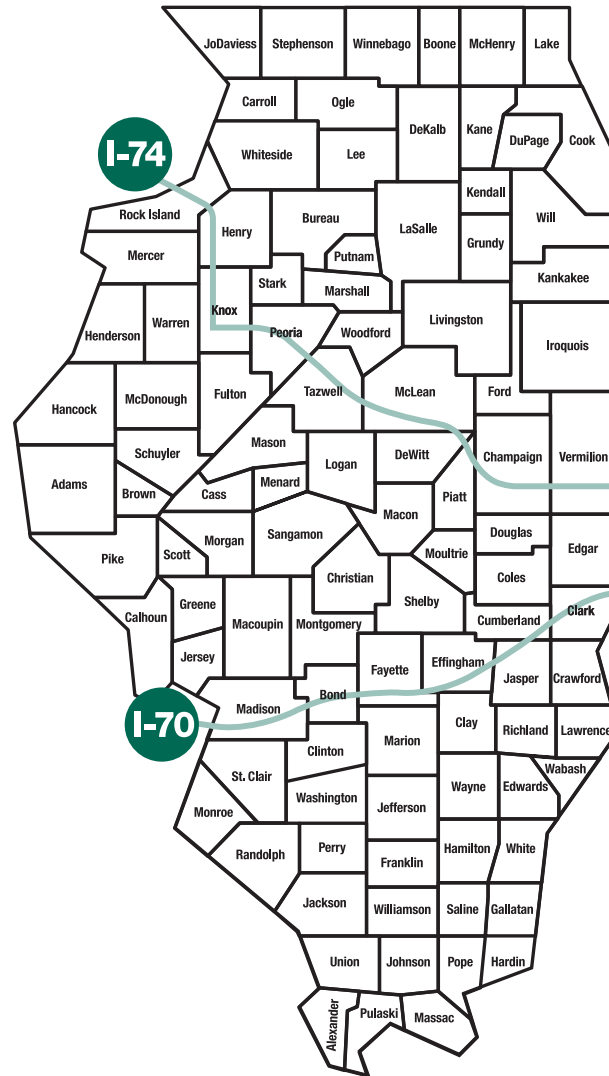
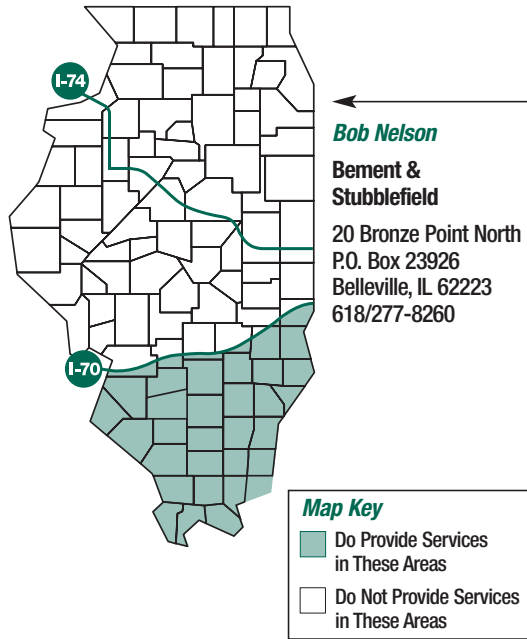
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