

About the Nolan Law Group

The Nolan Law Group has been helping workers injured on the job since the firm was founded in 1981. As the son of an electrical union worker and former summer apprentice himself, Don Nolan understands the needs and concerns of people whose livelihood have been affected by a work-related injury. He realizes how important it is to restore a source of income for them and their families as fast as possible. And he knows how to protect the rights of injured workers and obtain for them full and complete compensation for the losses suffered as a result of injury.

The Illinois Supreme Court recently appointed Don Nolan as co-chairman of its subcommittee to develop proper jury instructions for use in all trials of construction negligence cases. Mr. Nolan is nationally recognized as an authority on civil trial issues and has lectured attorneys throughout the country. **Martindale-Hubbell**, the oldest and most respected attorney rating agency, has awarded Mr. Nolan the **AV rating**, which is the highest rating that can be given to a lawyer. Mr. Nolan is also listed in **Leading Lawyers**, which makes its selections by asking every Illinois lawyer: *"If a family member or friend needs legal help and you can't take the case, which lawyers would you recommend within your area of law?"* Mr. Nolan is a **Leading Lawyer in Personal Injury Law**.

In addition to representing injured workers in Workers' Compensation claims, the Nolan Law Group represents the families and victims in:

- AVIATION
- RAILROAD
- AUTO & TRUCK ACCIDENTS
- MEDICAL MALPRACTICE
- TRAUMATIC BRAIN INJURIES
- CONSTRUCTION INJURIES

If you have a question about any of these areas, please call our office.

Injured on the Job

Your Rights under the Illinois Workers' Compensation Act

By Donald J. Nolan, Esq.

This handbook is intended to serve as a general guide to the rights and obligations of employees who have suffered work-related injuries and/or occupational diseases, as well as the rights and obligations of their employers, under the Illinois Workers' Compensation and Workers' Occupational Disease Acts. It is not a substitute for competent legal advice. If you believe you have rights under these laws, you should seek qualified legal counsel.

Although Workers' Compensation claims are important to pay for medical treatment and lost wages as a result of work-related injuries, they often represent only a fraction of the full reasonable value of the claims arising from such injuries. See page 16 for more information on other potential avenues of legal recovery. If you would like additional information, please contact the Nolan Law Group.

**Your basic rights under
Illinois Workers' Compensation Law**

- When you are injured on the job, you should report it immediately to your employer, but by law you have 45 days to report the injury.
- Your employer must pay you two-thirds of your average weekly wage for lost time related to your work injury.
- Your employer must cover all necessary and reasonable medical bills incurred as a result of your work injury. You may be treated by up to two doctors of your choice.
- If you cannot return to your old job as a result of your injury, your employer must help find a new job and/or pay you a portion of your lost income.
- You do not have to prove that the injury was the fault of your employer's negligence.
- Your attorney's fee is limited by Illinois law to 20% of any money that is awarded to you for Workers' Compensation.
- Your employer is strictly prohibited from harassing or firing you for filing a claim.

The Top 30 Frequently Asked Questions about Workers' Compensation Claims

1. What is worker's compensation?

Workers' compensation is a system of benefits provided by law to most workers who have job-related injuries or diseases. These benefits are paid regardless of who is at fault for the injury. The amount of the benefits is set by law. Worker compensation cases are covered by the Illinois Worker's Compensation Act and the Illinois Occupational Diseases Act.

2. Am I covered by Workers Compensation?

Almost every employee who works in the state of Illinois is covered by workers' compensation. Most employees are covered for some injuries from the moment they begin working.

3. If I get hurt at work, what do I have to prove to get benefits under Workers' Compensation?

You must prove that you were injured on the job while in the course of your employment.

4. Who pays for the benefits under Workers' Compensation?

Your employer is responsible for providing benefits. The employer pays the benefits either directly or through a service or insurance company that administers the program for the employer. No part of the workers' compensation insurance premium or benefits can be charged to the employee.

Your employer must post a notice in the work place indicating the name, business address and business telephone number of the person, service company or insurance company (including the insurance policy number) to contact for questions relating to workers' compensation.

5. What should I do first if I am injured on the job?

First, you should obtain medical treatment for the injury. Make certain that you give the first medical provider (doctor, nurse, paramedic, etc.) a clear history of the work-related accident and of all your injuries and complaints. Often, the longer you delay in seeking medical care, the harder it is to prove that you are entitled to benefits.

Also, as soon as possible, you should report the accident to your employer. If you are a member of a union, be sure to inform your union steward.

If you are able, gather the names and addresses of any witnesses, obtain photographs and secure as much evidence as possible. If you contact Nolan Law Group promptly, we will take care of these matters for you.

6. How much time do I have to report my injury to my employer?

For purely accidental injuries, you must tell your employer within 45 days after the accident. For occupational diseases, such as carpal tunnel syndrome, you must notify the employer as soon as practicable after you become aware of the condition.

7. If I am injured in a car accident while on the job, what do I say to the police officer?

The police are entitled to ask you questions about what occurred. Be careful about what you say. You should only volunteer specific facts to the police that are necessary to answer any questions asked of you. You should be careful not to offer any opinions to the police that you have no injuries or are at fault in any way. Telling the police it was your fault does not prevent you from getting workers' compensation. But it may hinder your ability to receive full and fair compensation for your injuries.

8. Should I give a statement to the car insurance company?

You do not have to give a statement to the insurance company for the other driver or other parties involved in the accident. Your own insurance company, however, is entitled to take a statement from you.

9. How long will it be before I receive any benefits?

If you cannot work for more than three days because of the injury, your employer must do one of the following:

1. begin payments of temporary total disability (TTD) benefits; or
2. provide you with a written explanation of what additional information the employer needs before payments can begin; or
3. provide you with a written explanation of why benefits are being denied.

10. What are Temporary Total Disability (TTD) benefits?

Temporary total disability (TTD) benefits are paid to you if you must lose time from work in order to recover from a work-related injury or disease. You are entitled to collect TTD benefits until you can return to work in the previous job or in some other job that you can perform.

11. How much will I be paid while I am unable to work?

The benefit is two-thirds (66 2/3%) of your gross average weekly wage, subject to certain limits. The average is based on your wages during the year before the injury or exposure. Special rules apply if you were working for two or more employers at the time of injury, or if you worked for the employer for only a short time.

12. Is there a minimum payment of benefits that I am guaranteed?

Yes. The minimum payment is the gross average weekly wage earned by the employee in the year before the injury or exposure, or the following amounts, whichever is lower.

	Minimum Weekly Benefit
Single Person	\$100.90
Married, no children	\$105.50
One child	\$108.30
Two children	\$113.40
Three children	\$117.40
Four or more children	\$124.30

13. What is the maximum amount that can be paid in benefits?

The maximum TTD benefit can be no more than 133 1/3% of the statewide average weekly wage on the date of the injury or last exposure. The Illinois Department of Employment Security publishes the amount of the wage twice each year. As of July 15, 2005, the maximum weekly benefit was \$1,078.31.

14. How soon will I start collecting TTD benefits?

TTD benefits are generally paid at the same interval you were paid before the injury or exposure. It may take up to 14 days from the time your employer receives notice of the injury or disease before payments begin. TTD benefits are not paid for the first three work days lost after an injury or exposure, unless the disability continues for 14 or more calendar days.

If an employer stops or withholds payment of TTD benefits before the employee has returned to work, the employer must give the employee a written explanation for this action no later than the date of the last TTD payment.

15. How long will I receive TTD checks?

You should continue receiving your checks for as long as you are unable to work as a result of your work-related injury. Your doctor will tell you when you are released to return to work. Your employer may suspend your benefits prior to your doctor's release if it has good cause to do so. If you believe your benefits were improperly suspended, you may seek a hearing at the Workers' Compensation Commission.

16. What do I do about medical bills?

Your employer is required to pay for all first aid and emergency services, two treating physicians, surgeons or hospitals of your choice, and any additional medical care providers to whom you are referred by the two physicians, surgeons or hospitals. Keep in mind that emergency and first aid care will not be considered one of your two choices of doctors.

Any bills that you receive should be sent to your employer or its insurance company for payment. The Nolan Law Group can assist you if your employer refuses to pay the medical bills, or if you have other difficulties in this process.

17. May I choose my own doctor?

Yes. You have the right to make the initial selection of medical practitioner and must notify the employer of this selection prior to treatment or as soon as reasonably possible after treatment has been provided. You may choose up to two treating physicians. Either of these doctors may then refer you to a specialist, which would NOT be considered an additional choice of doctors.

18. Am I seeing the right doctor?

Unfortunately, many injured workers go to doctors whose treatment may be damaging to their health and claim. Should you see an orthopedic doctor, a neurosurgeon, cardiologist or a family doctor? What is the reputation of the doctor you might choose to see first? The health care professionals at the Nolan Law Group are in touch with world-renowned doctors all across the country and can help you make the right choice for your situation.

19. Do I have to be examined by doctors chosen by my employer?

Yes. If your employer asks for an examination by a doctor of its choice, you must undergo the examination at a reasonable time and place. The employer must pay for this examination. In addition, the employer must pay, in advance, sufficient money to defray travel expenses by the most convenient means and the cost of meals necessary during the trip. If you lose time from work, the employer must provide reimbursement for lost wages. If you refuse to be examined by the employer's doctor, you may lose your benefits.

20. What happens if I unable to do the job I had when I was hurt?

First, your employer may be required to pay for your vocational rehabilitation services, such as job retraining and job placement. Second, if your new occupation pays a lower wage than the job you had when you were injured, your employer may be required to pay some or all of the difference between the “old” wage and the “new” wage, subject to limitations. Contact the Nolan Law Group for an authoritative review of the benefits you may be entitled to if you can no longer perform your “old” job.

21. What if my injury leaves me permanently disabled?

A permanent partial disability (PPD) is the complete or partial loss or loss of use of a part of the body, or the partial loss of use of the body as a whole, which is a Permanent Total Disability (PTD). “Loss of use” is not specifically defined in the law, but it generally means the employee is unable to do things that he or she was able to do before the injury. You are entitled to additional benefits for any permanent loss you suffer.

22. How much will I receive in PPD benefits?

While there are some general as well as specific guidelines, the Workers' Compensation Commission evaluates the physical impairment and the effect of the disability on the injured worker's life on a case-by-case basis. Factors that may be considered include the individual's age, skill, occupation, training, inability to engage in certain kinds of work or activities, pain, stiffness or limitation of motion.

The benefit is typically 60% of the employee's gross average weekly wage, subject to certain limits. Contact the Nolan Law Group to obtain an authoritative estimate of your PPD benefits.

23. When are PPD benefits paid?

Permanent partial disability (PPD) benefits are paid only if the job-related injury or disease results in some permanent loss or loss of use of a part of the body or the whole body. Not all injuries and diseases result in permanent partial disability. PPD benefits will be paid only after the employee's condition has reached a point where it will not improve any more. Until that determination is made, benefits are classified as temporary total disability (TTD) benefits.

24. Who is entitled to survivors' benefits in a fatal accident?

If the injury or disease results in the death of the employee, full benefits are paid to the spouse and/or children. Benefits are paid to children until age 18; or until age 25 if a full-time student; or, if physically or mentally incapacitated, for the duration of the incapacity.

If there is no eligible spouse or child, the benefits will be paid to totally dependent parents. If the spouse remarries and there are no children at the time of remarriage who are entitled to benefits, the spouse is entitled to a final lump sum payment equal to two years of compensation. All rights to further benefits are extinguished.

In cases where there is no eligible spouse, child or totally dependent parent, benefits may be paid to other survivors, such as partially dependent children, parents, grandparents, grandchildren or other heirs who were at least 50% dependent on the employee. The benefit for such individuals will depend on the degree of their dependency on the deceased employee.

25. How is the amount of the survivors' benefit determined?

The benefit is two-thirds (66 2/3%) of the employee's gross average weekly wage. The average is based on the employee's wages during the year before the injury or exposure, subject to certain limits. In addition, beneficiaries who have been awarded a survivors' benefit are entitled to payments in the same manner as those awarded permanent and total disability benefits.

26. What is the minimum survivors' benefit?

The weekly benefit cannot be less than 50% of the statewide average weekly wage, subject to the reductions for partially dependent individuals.

27. What is the maximum survivors' benefit?

The maximum benefit is 133 1/3% of the statewide average weekly wage at the time of the injury or last exposure. As of July 15, 2005, the maximum weekly benefit was \$1,078.31.

28. Is there a limit to the total amount payable for a survivors' benefit?

Yes. The survivors' benefit is limited to 20 years of weekly benefits or \$250,000, whichever is more.

29. What other legal rights do I have?

Workers' Compensation benefits may not compensate you for all of your injuries and time off. Because Workers' Compensation was designed as a no-fault system to speed up the payment of benefits to injured workers, it is necessary to limit the benefits that employers are automatically required to pay.

In many cases, a third party, apart from the employer and employee, may be truly responsible for the accident or injury. It could be the negligence of a manufacturer of a tool or the driver of another car, or even the manufacturer of the car, that really caused the injury that gives rise to your Worker's Compensation claim. When this is the case, you may be entitled to receive much more than the maximum benefits payable under Workers' Compensation.

For this reason, you should consider retaining reputable legal counsel qualified to analyze your total situation and represent you to achieve full and fair compensation for your injuries.

30. How can I contact the Nolan Law Group?

Here is our complete contact information:

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NOLAN LAW GROUP Is Proud To Serve Members of These Unions

Boilermakers Local 1	Machinists Local 126
Bricklayers Local 21	Operating Engineers Local 150, 399
Cement Finishers Local 502	Painters District Council 14
Ceramic Tile & Terrazzo Local 67	Pipe Fitters Local, 2, 597
Chicago Regional Council of Carpenters	Plasterers Local 5
Chicago Teachers Local 1	Plumbers Local 130
Electrical Workers Local 15, 21, 134	Pointers, Cleaners & Caulkers Local 52
Elevator Constructors Local 2	Postal Mail Handlers Local 306
Fire Fighters Local 2, 3074	Roofers Local 11
Food & Commercial Workers Local 881, 1546	Service Employees Int'l Union Local 1, 4, 20, 73, 880
Glazers Local 27	Sheet Metal Workers Local 73
Graphic Communication Workers Local 458	Sign Painters Local 830
Heat & Frost Insulators Local 17	Sprinkler Fitters Local 281
Iron Workers Local 1, 63, 136	Stationary Engineers Local 399
Laborers Local 1, 2, 4, 5, 6, 1092	Teamsters Local 705, 710, 714, 726, 731, 743
Lathers Local 74	Tuck Pointers Local 52
Machinists & Aerospace Workers Local 701, 1487	Unite HERE Local 1

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