

BELOW THE RED LINE

HEYL...
ROYSTER

WORKERS' COMPENSATION UPDATE "WE'VE GOT YOU COVERED!"

A Newsletter for Employers and Claims Professionals

July 2019

A WORD FROM THE PRACTICE CHAIR

Summer is winding down and I hope you have plans to enjoy the last few weeks of summer before heading off to your local store for back-to-school supplies and clothes shopping. I do hope you have recharged your batteries this summer and are looking forward to sending the children back to school, and getting back to a more normal schedule.

The Heyl Royster team is hard at work on revamping and improving our spring seminar. You may recall that we took a year off for the purpose of providing you with a new product and experience. Even though this seminar will take place in May 2020, we are already working on it and look forward to sharing updates and information about the seminar with you in the upcoming months.

The Illinois Workers' Compensation Commission recently provided its Fiscal Year 2018 Annual Report. It was issued by Chairman Michael J. Brennan and provided to Governor J.B. Pritzker. I wanted to talk with you about the results of the report and what Chairman Brennan is focused upon during his tenure as Chairman.

The focus for Chairman Brennan is a technology upgrade. He wants the IWCC web site to be more user-friendly, and for all reporting and submissions to be done electronically. They are hoping to have the updated system in place as quickly as possible (updates to follow). Eventually, Chairman Brennan would like to see all evidence submitted to the Commission (whether at arbitration or the Commission level) to be done electronically. At this time, when a trial takes place, all exhibits are hand

delivered, on paper, to the arbitrator. This becomes very burdensome and obviously something the Chairman and his Commission want to avoid in the future. We will talk more on that subject in future editions of this newsletter.

Now, on to an overview of the 2018 Annual Report. It has been estimated that approximately 200,000 work-related accidents occur in the State of Illinois annually. In most of these circumstances (or cases) the injured worker does not lose any time from the workplace as a result of the injury. There were approximately 38,400 new claims filed with the Commission in 2018. That is roughly equal to the number filed in 2017. This does not take into account cases which were reinstated or remanded to the arbitrator for further proceedings. Outlined below is information with regard to the number of filings by Zone, as well as information which compares the number of Chicago filings (one hearing site) to the number of downstate filings.

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HEYL ROYSTER WORKERS' COMPENSATION UPDATE

July 2019

Editor, Lynsey Welch

NEW CASES FILED IN FY18

Chicago (1 hearing site): 17,196 Downstate (18 sites): 21,196

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Collinsville 2,042	Quincy 326	Bloomington 658	Kankakee 413	Rockford 1,491	Elgin 535
Herrin 894	Springfield 1,238	Peoria 1,361	Joliet 2,445	Waukegan 1,647	Geneva 1,440
Mt. Vernon 873	Urbana 1,075	Rock Island 830	Ottawa 764	Woodstock 624	Wheaton 2,540

CASES OPENED

	FY14	FY15	FY16	FY17	FY18
New claims filed	43,732	42,758	41,777	38,357	38,392
Reinstated	1,387	1,258	1,188	1,145	1,087
Remanded to Arbitrator	353	402	315	301	249
Remanded to Commissioner	61	40	32	37	24
Total cases returned to	1,801	1,700	1,535	1,483	1,360
Total additions to the	45,553	44,458	43,312	39,840	39,752
Change from previous year	2%	(2%)	(3%)	(8%)	(1%)

In 2018, approximately 2,100 arbitration Decisions were issued, and approximately 51% of those Decisions were appealed to the Illinois Workers' Compensation Commission. Thereafter, the Commission (appeal) issued 860 Decisions and of those 860 Decisions filed by the Commission, 25% were appealed to the Circuit Courts. We had 208 Circuit Court Decisions issued in 2018, and 80 Appellate Court Decisions. There were no Supreme Court Decisions issued in 2018. Please understand, it is not uncommon for the Illinois Supreme Court to hear no workers' compensation claims. Frankly, it is rare that they hear any workers' compensation claims/appeals.

DECISIONS AND APPEALS

	Arbitration Decisions	% Appealed	Commission Decisions	% Appealed	Circuit Ct. Decisions	Appellate Opinions	Supreme Ct. Opinions
2012	3,096	57%	1,410	29%	245	109	0
2013	3,326	57%	1,504	27%	219	128	1
2014	2,693	52%	1,069	26%	202	113	0
2015	2,450	55%	1,183	33%	282	94	0
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

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On the subject matter of cost to employers when dealing with workers' compensation claims and the associated costs, based upon data provided by Oregon Estimate of Premium Rates (<https://www.oregon.gov/dcb/reports/Documents/general/prem-sum/18-2082.pdf>) and the latest statistics for 2018, Illinois was at \$1.80 (per \$100.00 of payroll) in comparison to the median rank based upon the 50 states of \$1.70. Our ranking in 2018 was 22 out of a possible 51. Please keep in mind, the No. 1 ranking would note the state which has the most expensive premium rate. Therefore, this statistic tells us that our premium rates for 2018 were more in line with what our premium rates were in 2006. This is the lowest the premium rate has been for quite some time.

COST TO EMPLOYERS

OREGON ESTIMATE OF PREMIUM RATES							
Per \$100 of payroll/	2000	2006	2010	2012	2014	2016	2018
Illinois	\$2.74	\$2.69	\$3.05	\$2.83	\$2.35	\$2.23	\$1.80
Median	\$2.26	\$2.48	\$2.04	\$1.88	\$1.85	\$1.84	\$1.70
IL rank among 51	15	20	3	4	7	8	22
(1= most expensive)							

In comparing injury rates between our state and the United States (injury per 100,000 workers), we are at 3,028, wherein the U.S. average is approximately 3,200. We are under the median norm at this time. In comparing ourselves to other states in the Midwest, Illinois is toward the bottom in comparison to Wisconsin, Iowa and Indiana. We are more in line with the number of injuries per 100,000 workers when looking at the State of Michigan. Compared to other large industrial states such as Pennsylvania, California, Florida and Texas, we would also consider ourselves in the middle of that pack. For example, the State of California averages 4,200 injuries per 100,000 workers.

FREQUENCY OF INJURY PER 100,000 WORKERS

Illinois: 3,028 Countrywide: 3,201

NEIGHBORING STATES		LARGE INDUSTRIAL STATES	
Wisconsin	3,987	Pennsylvania	4,899
Iowa	4,414	California	4,201
Indiana	4,306	Florida	2,962
Michigan	3,101	Texas	2,158

I find these statistics useful and informative as to how the State of Illinois is doing with its workers' compensation claims in comparison to other states, and in comparison to ourselves from prior years. Generally speaking, we are doing well, but there is room for improvement. I have enclosed a link to the full report, on file at the Illinois Workers' Compensation Commission and the State of Illinois, if you would like to examine the full report for further details. <https://www2.illinois.gov/sites/iwcc/about/Documents/FY2018AnnualReport.pdf>



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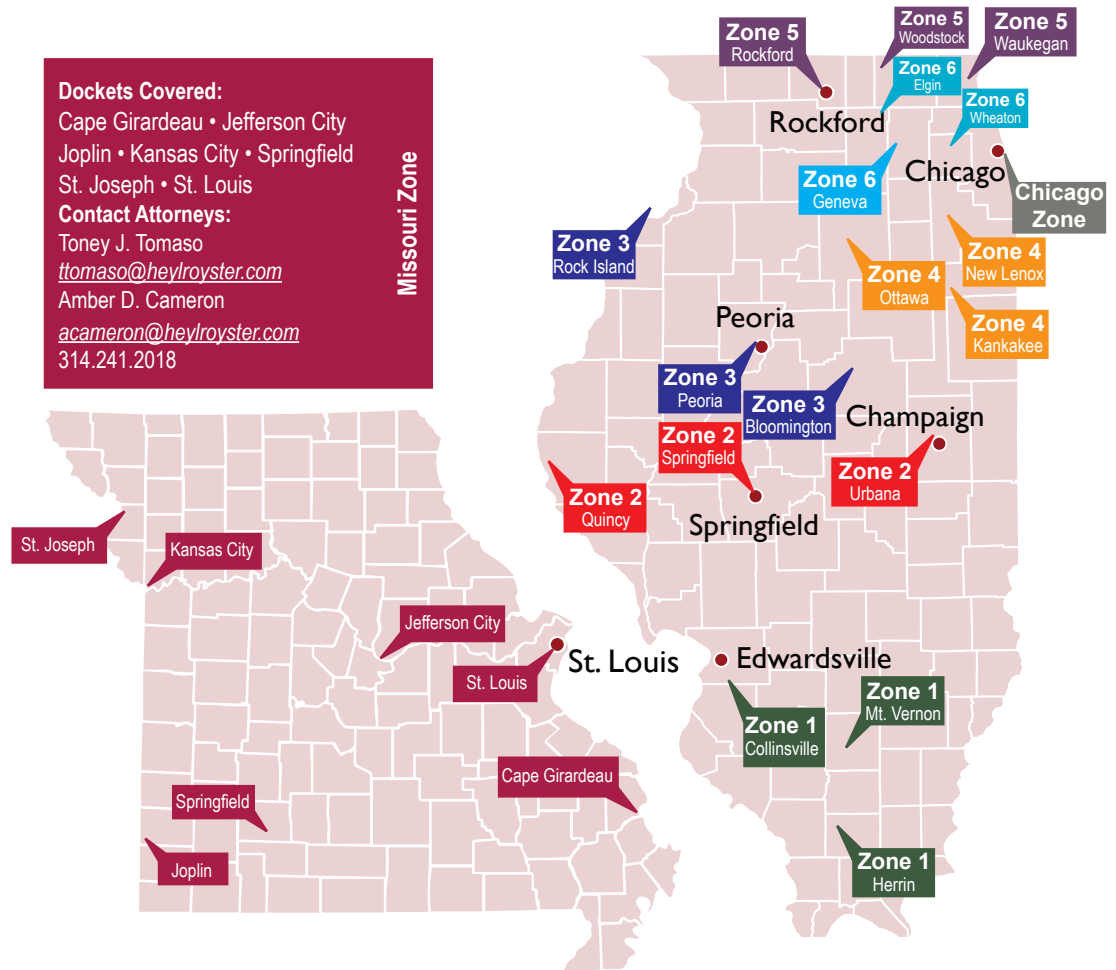
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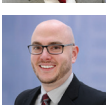
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