

January 27, 2017

Honorable John Cullerton, Illinois Senate President  
Honorable Christine Radogno, Senate Republican Leader  
Illinois State Capitol  
Springfield, Illinois 62756

**Re: SB 12 SA #2 Illinois Workers Compensation Reform**

Dear President Cullerton and Leader Radogno:

Please allow this letter to confirm that we have reviewed the proposed amendment to Section 8(d)(2) of the Illinois Workers Compensation Act, as well as some of the statements made by a witness during the subject matter hearing on Tuesday, January 24, 2017. The undersigned Chicago professional sports teams hereby express their full and complete support of the proposed amendment to Section 8(d)(2), and request that this letter be placed into the record and treated as testimony.

We are in favor of the proposed amendment for the following reasons. Currently, the court's interpretation of the Illinois wage differential laws assumes that a professional athlete will continue his athletic career until he reaches the age of 67. Clearly, this is an error that needs correction. According to Ram Financial Group, the average career of professional athletes is: 3.5 years for an NFL player; 4.8 years for an NBA player; 5.6 for an MLB player; and 5.5 years and an NHL player. Therefore, even without injuries, the average player in any professional sport will be done playing before he or she even turns 30 years old. Wage differential benefits are not a lifetime benefit, but rather are intended to compensate an athlete for the difference between what he or she could have earned during his or her career as a professional athlete and the amount he or she actually earns as a result of the injury. This legislative intent was made clear in 2011 when Section 8(d)(1) was amended to limit wage differential benefits to employees until they reach age 67, acknowledging that employees near retirement were being overcompensated under the previous version of the law. Although the law accurately assumes that most employees will retire around the age of sixty-seven (67), professional athletes are an exception, as most retire in their twenties or thirties.

Despite what has been suggested to the Illinois Senate, **there is nothing in the proposed amendment that would restrict a professional athlete from seeking compensation for permanent and total disabilities under Section 8(f) of the Workers Compensation Act, or permanent partial disabilities under sections 8(c), 8(e) or 8(d)(2).** These sections cover significant/ catastrophic injuries which have the net effect of rendering a player not only unable to continue playing professional sports, but also unable to sustain any legitimate gainful employment) which would entitle that player to "lifetime" benefits based upon permanent total disability ("PTD"). We have spoken with many experts who deal with workers' compensation claims for professional athletes, and they have all stated that the laws in Illinois are extremely generous as compared to the workers' compensation laws in other states. The opponent counsel also failed to mention in his testimony that (a) the total and average workers' compensation payout in Illinois far exceeds the amounts in any other state; (b) the laws in Illinois are so generous that athletes in other states are forum shopping and filing workers comp claims in Illinois despite the fact that their only connection to the state is the location of the game; (c) and no other state has players filing wage differential claims for benefits through age 67. These claims inequitably compensate professional athletes and unnecessarily utilize the Illinois Workers' Compensation Commission's resources.

Several states recognize that absent a special provision, professional athletes' workers' compensation claims will produce inequitable awards for highly compensated professional athletes and consume the judicial resources that their states need to devote to injured employees in other industries. These states have enacted workers' compensation laws that treat professional athletes differently from other employees in the state. These include Florida, Texas and Missouri. Michigan specifically limits highly paid professional athletes from collecting any wage differential benefits. And out of the 13 states that have some form of wage differential component, 3 of those states place caps on the number of weeks that wage differential benefits can be collected from any type of employee. This includes Ohio (approx.200 weeks), New York (approx.525 weeks), Nebraska (approx.30 weeks). In addition, Arizona caps the rate of wage differential benefits, and as stated above Michigan expressly places limits on professional athletes.

We respectfully request that our full support of this Amendment be formally noted. Please feel free to contact any one of us if you have any further questions on our position.



Chicago Bears Football Club, Inc.



Chicago White Sox



Chicago Bulls



Chicago Cubs



Chicago Blackhawks