



HR Reference:

Pay Stub Requests During Workers' Compensation Claims (Illinois)

1. Key Rule

A workers' comp claim does **NOT** take away an employee's right to request copies of their pay stubs—if the request follows Illinois law.

This is true even if both the employee and employer have lawyers.

2. How the Laws Work Together

- Workers' comp cases have their own rules for sharing evidence.
- HR must still follow Illinois pay stub law—even during litigation.
- HR does **NOT** have to share other pay records tied to a dispute if those will be provided in court or through subpoena.
- Always check with company legal counsel before refusing any record request.

Relevant Laws: [820 ILCS 40/10\(f\)](#); [40/11](#)

3. What the Courts Have Said

In one case, a worker was allowed to see contracts used to determine his pay, but other pay-related dispute documents could be withheld for the court case.

[Landwer v. Scitex America Corp., 238 Ill. App. 3d 403](#)

In another, a worker's widow had to use the formal hearing process to get work records; the case did **NOT** involve pay stub requests.

[Chidichimo v. Industrial Comm'n, 278 Ill. App. 3d 369](#)

These cases happened before the 2025 pay stub law changes.

Now, employers must respond to pay stub requests within **21 days**—by law.



4. HR Checklist: Handling Pay Stub Requests

- **Track the request:** Note date received and what was requested.
- Save a copy of the request.
- **Check the law:** You must provide pay stubs (not all payroll records) up to two times per employee per 12 months, within 21 days of written request.
- **Do not provide:** Any other documents tied to the workers' comp claim unless instructed by counsel or subpoena.

If the employee or their attorney wants to discuss the claim:

- **Do not engage**—refer them to your company's legal counsel.
- Never discuss case details, medical matters, or wage disputes outside the required pay stub production.

Important:

If you have any questions about what to provide, or if you're unsure about a request, always check with company legal counsel before responding.

For questions, contact:

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