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A Closer Look: Menard Correctional Center

The recent changes in the Illinois Workers' Compensation Act are at least in part the result of a smear campaign against the people who are injured while at work in Illinois. Politicians, backed by big business, claimed that the system is "broken and corrupt" – filled with people making fraudulent claims for benefits not related to their work. They frequently cite carpal tunnel injuries claimed by correctional officers at Menard Correctional Center as an example of why the system needed "reform."

A close examination of the facts shows that rather than being an example of a workers' compensation system in crisis, the Menard Correctional Center cases are in fact an example of a system designed to fairly compensate injured workers and create incentives for employers to provide a safer workplace for all workers.

This article takes a closer look at some of the points that were not reported in the media coverage of the Menard cases.

History of Menard Correctional Center

Menard Correctional Center, formerly known as Southern Illinois Penitentiary, is located in the town of Chester in Randolph County, Illinois. It is a state prison housing maximum-security and high medium-security adult males. The average daily population as of 2007 is 3,410. It is Illinois' largest maximum-security prison.

Menard Correctional Center opened in March 1878, and is the second oldest prison in Illinois. It was last updated in 1931. There are no automatic locking mechanisms on the cell doors. Most of the prison cells require very old Folger Adams Keys to unlock, open, and lock the cell doors.



State of Illinois' Investigation

As a result of an escalating number of repetitive trauma claims made by the prison's correctional officers, the State of Illinois thoroughly investigated the job duties and physical requirements for the position, including compiling written job duties, video demonstrations and hiring an expert, Dr. Anthony Sudekum of the Missouri Hand Center, to offer an opinion about the relationship between the job duties and the repetitive trauma injuries.

The Workers' Compensation Commission records show that not only did Dr. Sudekum review the written descriptions and video demonstrations, he traveled to the prison to view the correctional officers perform their jobs.

Menard Correctional Center – Results of Dr. Sudekum’s Evaluation

“Bar rapping” is a major requirement of a correctional officer at Menard. Officers listen to the sound of the bars to ensure that they are solid and that the inmates have not tampered with the cell doors. Dr. Sudekum watched an officer hold a bar with his right hand and strike the bars approximately 60 times to demonstrate bar rapping on one cell. Officers must perform bar rapping at the beginning of each shift on the gallery of prison cells they are assigned. Each gallery has 55 cells. This means that an officer strikes or raps 3,300 bars a day.

The investigation also revealed that officers were required to frequently unlock and open doors to cells and various areas requiring the use of Folger Adams keys. The State of Illinois’ videographer asked an officer to demonstrate the unlocking of one of these doors in slow motion. The officer tried to do so and the lock stuck. He had to turn the key multiple times to get it to unlock and explained that the locks were difficult to operate in slow motion. The videographer intentionally stopped the video when a lock jammed and the officer struggled with both hands to open a cell door.

The State of Illinois’ expert, Dr. Sudekum, testified by deposition that the duties of the correctional officers were causing symptoms and physiological changes that would constitute a work-related injury. Dr. Sudekum explained that he toured the Menard Correctional Center and found it to be very old. He opined that correctional officers at Menard performed tasks that were more strenuous than at other modern-day facilities. Dr. Sudekum also admitted that he was aware that the State of Illinois stopped recording when an officer showed difficulty opening a cell door. Ultimately, he concluded that the vibration caused by bar rapping and the stress of unlocking and opening cells was most significant in aggravating the carpal and cubital tunnel syndromes in the correctional officers at Menard.

Illinois Workers’ Compensation Proceedings

Although the evidence supported that the above working conditions caused and/or aggravated carpal and cubital tunnel syndrome in 60 correctional officers at Menard, the State of Illinois refused to pay benefits under the Act and the correctional officers filed cases before the Illinois Workers’ Compensation Commission. Under the Act, cases are to be heard where the injury occurred. Therefore, each case was assigned to Arbitrator Nalefski in Williamson County. Arbitrator Nalefski reviewed the facts of each case including the job descriptions, video, and testimony of Dr. Sudekum. As a result, these cases were found to be compensable and the State of Illinois was ordered to pay benefits to each officer.

Menard Correctional Center – Conclusion

There is no doubt that a large number of correctional officers at Menard were injured while performing their repetitive job duties. What is unfortunate about these cases is that even after the above facts have been revealed, the State has made no attempt to update the prison facilities and continues to expose workers to ongoing risk of injury. Instead, politicians, backed by big business, blamed the workers and called their honesty and integrity into question. They picked out the facts that they liked and based their call for reform of the Illinois Workers Compensation Act on half-truths.

Politicians and big business may accuse workers who file claims when they are injured of fraud, and the State of Illinois may spend our tax dollars fighting legitimate claims instead of providing workers with a safe workplace, however, let’s look at the real statistics on fraud. The Illinois Department of Insurance – Workers’ Compensation Fraud Unit released the following facts. In 2009, there were 23 allegations of fraud against an employee/claimant. Of these investigations, only 52% were actually referred for prosecution, of which just 8% were convicted of fraud. **On the other hand, of the allegations of employer fraud, 80% were referred for prosecution and 40% were convicted.** This begs the question: what is it that needs to be reformed?