



Sen. Gary Forby

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1 AMENDMENT TO HOUSE BILL 3125

2 AMENDMENT NO. _____. Amend House Bill 3125 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Employment Security Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 1005-47 and by adding Section 1005-165 as
7 follows:

8 (20 ILCS 1005/1005-47)

9 Sec. 1005-47. IllinoisJobLink.com ~~Illinois Skills Match~~
10 ~~Program~~.

11 (a) The Department of Employment Security, through its
12 IllinoisJobLink.com ~~Illinois Skills Match~~ System, or a
13 successor system, shall maintain a web site that allows job
14 seekers to search online for employment opportunities that
15 match the skills of the person seeking employment.

16 (b) Each executive branch State agency and any individual

1 or entity that is party to a contract with an executive branch
2 State Agency, except those individuals or entities that are
3 party to a contract with a bona fide labor organization and
4 perform construction or construction-related services as
5 defined in Section 1-15.20 of the Illinois Procurement Code
6 ~~agencies with one or more positions subject to any jurisdiction~~
7 ~~of the Personnel Code,~~ must either (i) post employment
8 vacancies on the Department's IllinoisJobLink.com Skills Match
9 System or its successor system or (ii) provide an online link
10 to its employment vacancies so that this link is accessible
11 through the web page of the IllinoisJobLink.com Illinois Skills
12 ~~Match~~ System or its successor system. "State agency" has the
13 meaning as defined in Section 1-5 of the State Officials and
14 Employees Ethics Act and, for purposes of this Section,
15 includes community colleges. "Contract" has the meaning given
16 that term in Section 1-15.30 of the Illinois Procurement Code.
17 The Department of Central Management Services shall comply with
18 this Section on behalf of executive branch State agencies with
19 one or more positions subject to any jurisdiction of the
20 Personnel Code ~~provide an online link to its State employment~~
21 ~~information and career services web page so that this link is~~
22 ~~accessible through the web page of the Illinois Skills Match~~
23 ~~System or its successor system.~~

24 This Section does not apply to positions exempt from the
25 requirements of the Rutan decision.

26 (c) All units of local government, school districts, and

1 other public and private employers not subject to subsection
2 (b) may, and are encouraged to, post employment vacancies on
3 the IllinoisJobLink.com ~~Illinois Skills Match~~ System or
4 successor system.

5 (d) The Department may not charge any employer or any
6 person seeking employment a fee for using the
7 IllinoisJobLink.com ~~Illinois Skills Match~~ System or successor
8 system.

9 (e) The Department is authorized to adopt all rules
10 necessary to implement and administer the IllinoisJobLink.com
11 ~~Illinois Skills Match~~ System or any successor system under this
12 Section.

13 (Source: P.A. 94-786, eff. 7-1-07.)

14 (20 ILCS 1005/1005-165 new)

15 Sec. 1005-165. Disabled veterans outreach. The Department
16 shall employ such disabled veterans outreach program
17 specialists as appropriate and efficient according to Section
18 4103A of Title 38 of the United States Code, or any successor
19 legislation, based upon available federal funding for that
20 purpose.

21 Section 10. The Veterans' Employment Representative Act is
22 amended by changing Sections 1 and 2 as follows:

23 (330 ILCS 50/1) (from Ch. 48, par. 186a)

1 Sec. 1. Veteran services; representative. The Department
2 of Employment Security ~~Each full service office of the Job~~
3 ~~Service~~ shall assign at least one full time Veterans'
4 Employment Representative, defined by title and classification
5 under the Personnel Code of Illinois, to each full service
6 office of the employment service, to work exclusively in job
7 counseling, training, and placement of veterans. Preference
8 for these positions shall be given to qualified persons who
9 have been members of the armed forces of the United States in
10 times of hostilities with a foreign country. Any candidate for
11 these positions shall be deemed to have met and satisfied
12 examination admission requirements if the candidate served in
13 the armed forces during times of hostilities with a foreign
14 country and was honorably discharged therefrom due to a
15 combat-related disability. The holder of such a position shall
16 be administratively responsible to the local office manager,
17 and his or her first line responsibility is functional
18 supervision of all local office services to veterans. He or she
19 may also be delegated line supervision of veteran units,
20 assistant local veterans' employment representative, or
21 veteran aid. Individualized veterans' services such as
22 application taking, counseling, job referral, or training will
23 continue to be provided to veterans on a priority basis by all
24 local office staff.

25 (Source: P.A. 90-372, eff. 7-1-98.)

1 (330 ILCS 50/2) (from Ch. 48, par. 186b)

2 Sec. 2. Veteran services; funding. Since funding for these
3 veteran services by the employment service ~~Job Service~~ has
4 already been provided for by the U.S. Department of Labor, no
5 additional funds will be required to carry out the provisions
6 of this Act.

7 (Source: P.A. 90-372, eff. 7-1-98.)

8 Section 15. The Unemployment Insurance Act is amended by
9 changing Sections 1400, 1510, 1801.1, 2401, and 2800 and by
10 adding Section 2208.1 as follows:

11 (820 ILCS 405/1400) (from Ch. 48, par. 550)

12 Sec. 1400. Payment of contributions. On and after July 1,
13 1937, contributions shall accrue and become payable by each
14 employer for each calendar year in which he is subject to this
15 Act, with respect to wages payable for employment occurring
16 during the six months' period beginning July 1, 1937, and the
17 calendar years 1938, 1939, and 1940. For the year 1941 and for
18 each calendar year thereafter, contributions shall accrue and
19 become payable by each employer upon the wages paid with
20 respect to employment after December 31, 1940. Except as
21 otherwise provided in Section 1400.2, such contributions shall
22 become due and shall be paid quarterly on or before the last
23 day of the month next following the calendar quarter for which
24 such contributions have accrued; except that any employer who

1 is delinquent in filing a contribution report or in paying his
2 contributions for any calendar quarter may, at the discretion
3 of the Director, be required to report and to pay contributions
4 on a calendar month basis. Such contributions shall not be
5 deducted, in whole or in part, from the wages of individuals in
6 such employer's employ. If the Director shall find that the
7 collection of any contributions will be jeopardized by delay,
8 he may declare the same to be immediately due and payable.

9 In the payment of any contributions, interest, or
10 penalties, a fractional part of a cent shall be disregarded
11 unless it amounts to one-half cent or more, in which case it
12 shall be increased to one cent.

13 The Director may by regulation provide that if, at any
14 time, a total amount of less than \$2 is payable with respect to
15 a quarter, including any contributions, payments in lieu of
16 contributions, interest or penalties, such amount may be
17 disregarded. Any amounts disregarded under this paragraph are
18 deemed to have been paid for all other purposes of this Act.
19 Nothing in this paragraph is intended to relieve any employer
20 from filing any reports required by this Act or by any rules or
21 regulations adopted by the Director pursuant to this Act.

22 Except with respect to the provisions concerning amounts
23 that may be disregarded pursuant to regulation, this Section
24 does not apply to any nonprofit organization or any
25 governmental entity referred to in subsection B of Section 1405
26 for any period with respect to which it does not incur

1 liability for the payment of contributions by reason of having
2 elected to make payments in lieu of contributions, or to any
3 political subdivision or municipal corporation for any period
4 with respect to which it is not subject to payments in lieu of
5 contributions under the provisions of paragraph 1 of Section
6 302C by reason of having elected to make payments in lieu of
7 contributions under paragraph 2 of that Section, or to the
8 State of Illinois or any of its instrumentalities.

9 The Director may, by regulation, provide that amounts due
10 from an employing unit for contributions, payments in lieu of
11 contributions, penalties, or interest be paid by an electronic
12 funds transfer, including amounts paid on behalf of an
13 employing unit by an entity representing the employing unit.
14 The regulation shall not apply to an employing unit until the
15 Director notifies the employing unit of the regulation. Except
16 as otherwise provided in this Section, where the employing
17 unit, within 30 days of the date of service of the notice sent
18 pursuant to this amendatory Act of the 98th General Assembly,
19 notifies the Director that it declines to pay by electronic
20 funds transfer, the regulation shall not apply to the employing
21 unit. Except as otherwise provided in this Section, where the
22 employing unit, within 30 days of the date of service of a
23 notice sent pursuant to Section 1509, notifies the Director
24 that it declines to pay by electronic funds transfer, the
25 regulation shall not apply to the employing unit with respect
26 to any payment due after the date the employing unit so

1 notifies the Director. The Director is authorized to provide by
2 regulation reasonable penalties for employing units which are
3 subject to and fail to comply with such a regulation. Any
4 employing unit that is not subject to the regulation may elect
5 to become subject to the regulation by paying amounts due for
6 contributions, payments in lieu of contributions, penalties,
7 or interest by an electronic funds transfer. Notwithstanding
8 any other provision to the contrary, in the case of an entity
9 representing 5 or more employing units, neither the entity nor
10 the employing units (for as long as they are represented by
11 that entity) shall have the option to decline to pay by
12 electronic funds transfer.

13 (Source: P.A. 94-723, eff. 1-19-06.)

14 (820 ILCS 405/1510) (from Ch. 48, par. 580)

15 Sec. 1510. Service of notice. Whenever service of notice is
16 required by Sections 1400, 1508, and 1509, such notice may be
17 given and be complete by depositing the same with the United
18 States Mail, addressed to the employer at his last known
19 address. If represented by counsel in the proceedings before
20 the Director, then service of notice may be made upon such
21 employer by mailing same to such counsel. If agreed to by the
22 person or entity entitled to notice, notice may be given and
23 completed electronically, in the manner prescribed by rule, by
24 posting the notice on a secure web site accessible to the
25 person or entity and sending notice of the posting to the last

1 known e-mail address of the person or entity.

2 (Source: P.A. 97-621, eff. 11-18-11.)

3 (820 ILCS 405/1801.1)

4 Sec. 1801.1. Directory of New Hires.

5 A. The Director shall establish and operate an automated
6 directory of newly hired employees which shall be known as the
7 "Illinois Directory of New Hires" which shall contain the
8 information required to be reported by employers to the
9 Department under subsection B. In the administration of the
10 Directory, the Director shall comply with any requirements
11 concerning the Employer New Hire Reporting Program established
12 by the federal Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996. The Director is authorized to use
14 the information contained in the Directory of New Hires to
15 administer any of the provisions of this Act.

16 B. Each employer in Illinois, except a department, agency,
17 or instrumentality of the United States, shall file with the
18 Department a report in accordance with rules adopted by the
19 Department (but in any event not later than 20 days after the
20 date the employer hires the employee or, in the case of an
21 employer transmitting reports magnetically or electronically,
22 by 2 monthly transmissions, if necessary, not less than 12 days
23 nor more than 16 days apart) providing the following
24 information concerning each newly hired employee: the
25 employee's name, address, and social security number, the date

1 services for remuneration were first performed by the employee,
2 ~~the employee's projected monthly wages,~~ and the employer's
3 name, address, Federal Employer Identification Number assigned
4 under Section 6109 of the Internal Revenue Code of 1986, and
5 such other information as may be required by federal law or
6 regulation, provided that each employer may voluntarily file
7 the address to which the employer wants income withholding
8 orders to be mailed, if it is different from the address given
9 on the Federal Employer Identification Number. An employer in
10 Illinois which transmits its reports electronically or
11 magnetically and which also has employees in another state may
12 report all newly hired employees to a single designated state
13 in which the employer has employees if it has so notified the
14 Secretary of the United States Department of Health and Human
15 Services in writing. An employer may, at its option, submit
16 information regarding any rehired employee in the same manner
17 as information is submitted regarding a newly hired employee.
18 Each report required under this subsection shall, to the extent
19 practicable, be made on an Internal Revenue Service Form W-4
20 or, at the option of the employer, an equivalent form, and may
21 be transmitted by first class mail, by telefax, magnetically,
22 or electronically.

23 C. An employer which knowingly fails to comply with the
24 reporting requirements established by this Section shall be
25 subject to a civil penalty of \$15 for each individual whom it
26 fails to report. An employer shall be considered to have

1 knowingly failed to comply with the reporting requirements
2 established by this Section with respect to an individual if
3 the employer has been notified by the Department that it has
4 failed to report an individual, and it fails, without
5 reasonable cause, to supply the required information to the
6 Department within 21 days after the date of mailing of the
7 notice. Any individual who knowingly conspires with the newly
8 hired employee to cause the employer to fail to report the
9 information required by this Section or who knowingly conspires
10 with the newly hired employee to cause the employer to file a
11 false or incomplete report shall be guilty of a Class B
12 misdemeanor with a fine not to exceed \$500 with respect to each
13 employee with whom the individual so conspires.

14 D. As used in this Section, "newly hired employee" means an
15 individual who (i) is an employee within the meaning of Chapter
16 24 of the Internal Revenue Code of 1986 and (ii) either has not
17 previously been employed by the employer or was previously
18 employed by the employer but has been separated from that prior
19 employment for at least 60 consecutive days; however, "newly
20 hired employee" does not include an employee of a federal or
21 State agency performing intelligence or counterintelligence
22 functions, if the head of that agency has determined that the
23 filing of the report required by this Section with respect to
24 the employee could endanger the safety of the employee or
25 compromise an ongoing investigation or intelligence mission.

26 Notwithstanding Section 205, and for the purposes of this

1 Section only, the term "employer" has the meaning given by
2 Section 3401(d) of the Internal Revenue Code of 1986 and
3 includes any governmental entity and labor organization as
4 defined by Section 2(5) of the National Labor Relations Act,
5 and includes any entity (also known as a hiring hall) which is
6 used by the organization and an employer to carry out the
7 requirements described in Section 8(f)(3) of that Act of an
8 agreement between the organization and the employer.

9 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;
10 97-791, eff. 1-1-13; revised 7-23-12.)

11 (820 ILCS 405/2208.1 new)

12 Sec. 2208.1. Return receipts. Whenever any provision of
13 this Act requires service by certified or registered mail
14 either a paper return receipt issued by the United States
15 Postal Service or an electronic return receipt issued by the
16 United States Postal Service shall constitute proof of service.

17 (820 ILCS 405/2401) (from Ch. 48, par. 721)

18 Sec. 2401. Recording and release of lien. A. The lien
19 created by Section 2400 shall be invalid only as to any
20 innocent purchaser for value of stock in trade of any employer
21 in the usual course of such employer's business, and shall be
22 invalid as to any innocent purchaser for value of any of the
23 other assets to which such lien has attached, unless notice
24 thereof has been filed by the Director in the office of the

1 recorder of the county within which the property subject to the
2 lien is situated. The Director may, in his discretion, for good
3 cause shown and upon the reimbursement of any recording fees
4 paid by the Director with respect to the lien, issue a
5 certificate of withdrawal of notice of lien filed against any
6 employer, which certificate shall be recorded in the same
7 manner as herein provided for the recording of notice of liens.
8 Such withdrawal of notice of lien shall invalidate such lien as
9 against any person acquiring any of such employer's property or
10 any interest therein, subsequent to the recordation of the
11 withdrawal of notice of lien, but shall not otherwise affect
12 the validity of such lien, nor shall it prevent the Director
13 from re-recording notice of such lien. In the event notice of
14 such lien is re-recorded, such notice shall be effective as
15 against third persons only as of the date of such
16 re-recordation.

17 B. The recorder of each county shall procure at the expense
18 of the county a file labeled "Unemployment Compensation
19 Contribution Lien Notice" and an index book labeled
20 "Unemployment Compensation Contribution Lien Index." When a
21 notice of any such lien is presented to him for filing, he
22 shall file it in numerical order in the file and shall enter it
23 alphabetically in the index. The entry shall show the name and
24 last known business address of the employer named in the
25 notice, the serial number of the notice, the date and hour of
26 filing, and the amount of contribution, interest and penalty

1 thereon due and unpaid. When a certificate of complete or
2 partial release of such lien issued by the Director is
3 presented for filing in the office of the recorder where a
4 notice of lien was filed, the recorder shall permanently attach
5 the certificate of release to the notice of lien and shall
6 enter the certificate of release and the date in the
7 Unemployment Compensation Contribution Lien Index on the line
8 where the notice of lien is entered. In case title to land to
9 be affected by the Notice of Lien is registered under the
10 provisions of "An Act Concerning Land Titles", approved May 1,
11 1897, as amended, such notice shall be filed in the office of
12 the Registrar of Titles of the county within which the property
13 subject to the lien is situated and shall be entered upon the
14 register of titles as a memorial or charge upon each folium of
15 the register of title affected by such notice, and the Director
16 shall not have a preference over the rights of any bona fide
17 purchaser, mortgagee, judgment creditor or other lien holder
18 arising prior to the registration of such notice.

19 C. The Director shall have the power to issue a certificate
20 of partial release of any part of the property subject to the
21 lien, upon the reimbursement of any recording fees paid by the
22 Director with respect to the lien, if he shall find that the
23 fair market value of that part of such property remaining
24 subject to the lien is at least equal to the amount of all
25 prior liens upon such property plus double the amount of the
26 liability for contributions, interest and penalties thereon

1 remaining unsatisfied.

2 D. Where the amount of or the liability for the payment of
3 any contribution, interest or penalty is contested by any
4 employing unit against whose property a lien has attached, and
5 the determination of the Director with reference to such
6 contribution has not become final, the Director may issue a
7 certificate of release of lien upon the reimbursement of any
8 recording fees paid by the Director with respect to the lien
9 and the furnishing of bond by such employing unit in 125% the
10 amount of the sum of such contribution, interest and penalty,
11 for which lien is claimed, with good and sufficient surety to
12 be approved by the Director conditioned upon the prompt payment
13 of such contribution, together with interest and penalty
14 thereon, by such employing unit to the Director immediately
15 upon the decision of the Director in respect to the liability
16 for such contribution, interest and penalty becoming final.

17 E. When a lien obtained pursuant to this Act has been
18 satisfied and upon the reimbursement of any recording fees paid
19 by the Director with respect to the lien, the Department shall
20 issue a release to the person, or his agent, against whom the
21 lien was obtained and such release shall contain in legible
22 letters a statement as follows:

23 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
24 BE FILED WITH THE RECORDER OR THE REGISTRAR
25 OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

26 (Source: P.A. 83-358.)

1 (820 ILCS 405/2800) (from Ch. 48, par. 780)

2 Sec. 2800. Violations and penalties.

3 A. It shall be unlawful for any person or employing unit
4 to--

5 1. Make a false statement or representation or fail to
6 disclose a material fact:

7 a. To obtain, or increase, or prevent, or reduce any
8 benefit or payment under the provisions of this Act, or under
9 the unemployment compensation law of any State or the Federal
10 Government, either for himself or for any other person; or

11 b. To avoid or reduce any contribution or other payment
12 required from an employing unit under this Act.

13 2. Fail to pay a contribution due under the provisions of
14 this Act.

15 3. Fail to furnish any report, audit, or information duly
16 required by the Director under this Act.

17 4. Refuse to allow the Director or his duly authorized
18 representative to inspect or copy the pay roll or other records
19 or documents relative to the enforcement of this Act or
20 required by this Act.

21 5. Make any deduction from the wages of any individual in
22 its employ because of its liability for the payment of
23 contributions required by this Act.

24 6. Knowingly fail to furnish to any individual in its
25 employ any notice, report, or information duly required under

1 the provisions of this Act or the rules or regulations of the
2 Director.

3 7. Attempt to induce any individual, directly or indirectly
4 (by promise of re-employment or by threat not to employ or not
5 to re-employ or by any other means), to refrain from claiming
6 or accepting benefits or to waive any other rights under this
7 Act; or to maintain a rehiring policy which discriminates
8 against former individuals in its employ by reason of their
9 having claimed benefits.

10 8. Pay contributions upon wages for services not rendered
11 for such employing unit if the purpose of such payment is
12 either to reduce the amount of contributions due or to become
13 due from any employing unit or to affect the benefit rights of
14 any individual.

15 9. Solicit, or aid or abet the solicitation of, information
16 from any individual concerning his place of employment,
17 residence, assets or earnings, by any means which are intended
18 to mislead such individual to believe that the person or
19 employing unit seeking such information is the Department or
20 one of its Divisions or branches, or a representative thereof.

21 B. Any employing unit or person who willfully violates any
22 provision of this Section or any other provision of this Act or
23 any rule or regulation promulgated thereunder, or does any act
24 prohibited by this Act, or who fails, neglects, or refuses to
25 perform any duty required by any provision of this Act or rule
26 or regulation of the Director, within the time prescribed by

1 the Director, for which no penalty has been specifically
2 provided, or who fails, neglects, or refuses to obey any lawful
3 order given or made by the Director, shall be guilty of a Class
4 B misdemeanor, and each such act, failure, neglect, or refusal
5 shall constitute a separate and distinct offense. An employing
6 unit's or person's willful filing of a fraudulent quarterly
7 wage report shall constitute a Class 4 felony if the amount of
8 contributions owed with respect to the quarter is less than
9 \$300 and a Class 3 felony if the amount of contributions owed
10 with respect to the quarter is \$300 or more. An employing
11 unit's or person's willful failure to honor a subpoena issued
12 by the Department shall constitute a Class 4 felony. If a ~~such~~
13 person or employing unit described in this Section is a
14 corporation, the president, the secretary, and the treasurer,
15 and any other officer exercising corresponding functions,
16 shall each be subject to the aforesaid penalties for the
17 violation of any provisions of this Section of which he or they
18 had or, in the exercise of his or their duties, ought to have
19 had knowledge, not including the provisions regarding the
20 filing of a fraudulent quarterly wage report or the willful
21 failure to honor a subpoena.

22 (Source: P.A. 77-2439.)

23 (820 ILCS 405/1704 rep.)

24 (820 ILCS 405/2105 rep.)

25 Section 20. The Unemployment Insurance Act is amended by

1 repealing Sections 1704 and 2105.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law, except that the provisions amending Section 2401
4 of the Unemployment Insurance Act take effect July 1, 2014.".