



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 to that term in Section 1-15.30 of the Illinois Procurement
17 Code. The Department of Central Management Services shall
18 comply with this Section on behalf of executive branch State
19 agencies with one or more positions subject to any jurisdiction
20 of the Personnel Code ~~provide an online link to its State~~
21 ~~employment information and career services web page so that~~
22 ~~this link is accessible through the web page of the Illinois~~
23 ~~Skills Match System or its successor system.~~

24 This Section does not apply to positions exempt from the
25 requirements of the Rutan decision or to construction-related
26 services as defined in Section 1-15.20 of the Illinois

1 Procurement Code.

2 (c) All units of local government, school districts, and
3 other public and private employers not subject to subsection
4 (b) may, and are encouraged to, post employment vacancies on
5 the IllinoisJobLink.com ~~Illinois Skills Match~~ System or
6 successor system.

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

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

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

16 (20 ILCS 1005/1005-165 new)

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

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

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

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

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

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

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

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

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

12 (820 ILCS 405/1400) (from Ch. 48, par. 550)

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

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

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

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

24 Except with respect to the provisions concerning amounts
25 that may be disregarded pursuant to regulation, this Section
26 does not apply to any nonprofit organization or any

1 governmental entity referred to in subsection B of Section 1405
2 for any period with respect to which it does not incur
3 liability for the payment of contributions by reason of having
4 elected to make payments in lieu of contributions, or to any
5 political subdivision or municipal corporation for any period
6 with respect to which it is not subject to payments in lieu of
7 contributions under the provisions of paragraph 1 of Section
8 302C by reason of having elected to make payments in lieu of
9 contributions under paragraph 2 of that Section, or to the
10 State of Illinois or any of its instrumentalities.

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

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

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

16 (820 ILCS 405/1510) (from Ch. 48, par. 580)

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

1 posting the notice on a secure web site accessible to the
2 person or entity and sending notice of the posting to the last
3 known e-mail address of the person or entity.

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

5 (820 ILCS 405/1801.1)

6 Sec. 1801.1. Directory of New Hires.

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

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

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

25 C. An employer which knowingly fails to comply with the
26 reporting requirements established by this Section shall be

1 subject to a civil penalty of \$15 for each individual whom it
2 fails to report. An employer shall be considered to have
3 knowingly failed to comply with the reporting requirements
4 established by this Section with respect to an individual if
5 the employer has been notified by the Department that it has
6 failed to report an individual, and it fails, without
7 reasonable cause, to supply the required information to the
8 Department within 21 days after the date of mailing of the
9 notice. Any individual who knowingly conspires with the newly
10 hired employee to cause the employer to fail to report the
11 information required by this Section or who knowingly conspires
12 with the newly hired employee to cause the employer to file a
13 false or incomplete report shall be guilty of a Class B
14 misdemeanor with a fine not to exceed \$500 with respect to each
15 employee with whom the individual so conspires.

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

1 compromise an ongoing investigation or intelligence mission.

2 Notwithstanding Section 205, and for the purposes of this
3 Section only, the term "employer" has the meaning given by
4 Section 3401(d) of the Internal Revenue Code of 1986 and
5 includes any governmental entity and labor organization as
6 defined by Section 2(5) of the National Labor Relations Act,
7 and includes any entity (also known as a hiring hall) which is
8 used by the organization and an employer to carry out the
9 requirements described in Section 8(f)(3) of that Act of an
10 agreement between the organization and the employer.

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

13 (820 ILCS 405/2208.1 new)

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

19 (820 ILCS 405/2401) (from Ch. 48, par. 721)

20 Sec. 2401. Recording and release of lien. A. The lien
21 created by Section 2400 shall be invalid only as to any
22 innocent purchaser for value of stock in trade of any employer
23 in the usual course of such employer's business, and shall be
24 invalid as to any innocent purchaser for value of any of the

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

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

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

21 C. The Director shall have the power to issue a certificate
22 of partial release of any part of the property subject to the
23 lien, upon the reimbursement of any recording fees paid by the
24 Director with respect to the lien, if he shall find that the
25 fair market value of that part of such property remaining
26 subject to the lien is at least equal to the amount of all

1 prior liens upon such property plus double the amount of the
2 liability for contributions, interest and penalties thereon
3 remaining unsatisfied.

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

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

25 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
26 BE FILED WITH THE RECORDER OR THE REGISTRAR

1 OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

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

3 (820 ILCS 405/2800) (from Ch. 48, par. 780)

4 Sec. 2800. Violations and penalties.

5 A. It shall be unlawful for any person or employing unit
6 to--

7 1. Make a false statement or representation or fail to
8 disclose a material fact:

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

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

15 2. Fail to pay a contribution due under the provisions of
16 this Act.

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

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

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

1 6. Knowingly fail to furnish to any individual in its
2 employ any notice, report, or information duly required under
3 the provisions of this Act or the rules or regulations of the
4 Director.

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

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

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

23 B. Any employing unit or person who willfully violates any
24 provision of this Section or any other provision of this Act or
25 any rule or regulation promulgated thereunder, or does any act
26 prohibited by this Act, or who fails, neglects, or refuses to

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

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

1 (820 ILCS 405/2105 rep.)

2 Section 20. The Unemployment Insurance Act is amended by
3 repealing Sections 1704 and 2105.

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