



Rep. Dave Vella

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10400HB2565ham001

LRB104 10149 SPS 35328 a

1 AMENDMENT TO HOUSE BILL 2565

2 AMENDMENT NO. _____. Amend House Bill 2565 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unemployment Insurance Act is amended by
5 changing Sections 234, 245, 500, 603, and 604 as follows:

6 (820 ILCS 405/234) (from Ch. 48, par. 344)

7 Sec. 234. Subject to the provisions of Section ~~Sections~~
8 235 and subsection C of Section 245 €, "wages" means every form
9 of remuneration for personal services, including salaries,
10 commissions, bonuses, and the reasonable money value of all
11 remuneration in any medium other than cash. The reasonable
12 money value of remuneration in any medium other than cash
13 shall be estimated and determined in accordance with rules
14 prescribed by the Director. Such rules shall be based upon the
15 reasonable past experience of the workers and the employing
16 units concerned therewith. "Wages" does not include strike

1 benefits, strike pay, or strike assistance paid by a labor
2 organization to an individual in connection with a labor
3 dispute, regardless of whether the labor organization
4 conditions receipt of the strike benefits, strike pay, or
5 strike assistance on the individual's participation in
6 picketing or other strike-related activities.

7 Where gratuities are customarily received by an individual
8 in the course of his work from persons other than his employer,
9 such gratuities shall, subject to the provisions of this
10 paragraph, be treated as wages received from his employer.
11 Each such employer shall notify each such individual of his
12 duty to report currently the amount of such gratuities to such
13 employer and the Director shall, by regulation, prescribe the
14 manner of notification and of reporting. The amount of
15 gratuities so reported shall constitute a conclusive
16 determination of the amount received unless the employer,
17 within the time prescribed by regulation, notifies the
18 Director of his disagreement therewith. Gratuities not so
19 reported to the employer in the manner prescribed by such
20 regulations of the Director shall not be wages for any of the
21 purposes of this Act.

22 (Source: P.A. 84-1390.)

23 (820 ILCS 405/500) (from Ch. 48, par. 420)

24 Sec. 500. Eligibility for benefits. An unemployed
25 individual shall be eligible to receive benefits with respect

1 to any week only if the Director finds that:

2 A. He has registered for work at and thereafter has
3 continued to report at an employment office in accordance
4 with such regulations as the Director may prescribe,
5 except that the Director may, by regulation, waive or
6 alter either or both of the requirements of this
7 subsection as to individuals attached to regular jobs, and
8 as to such other types of cases or situations with respect
9 to which he finds that compliance with such requirements
10 would be oppressive or inconsistent with the purposes of
11 this Act, provided that no such regulation shall conflict
12 with Section 400 of this Act.

13 B. He has made a claim for benefits with respect to
14 such week in accordance with such regulations as the
15 Director may prescribe.

16 C. He is able to work, and is available for work;
17 provided that during the period in question he was
18 actively seeking work and he has certified such. Whenever
19 requested to do so by the Director, the individual shall,
20 in the manner the Director prescribes by regulation,
21 inform the Department of the places at which he has sought
22 work during the period in question. Nothing in this
23 subsection shall limit the Director's approval of
24 alternate methods of demonstrating an active search for
25 work based on regular reporting to a trade union office.

26 1. If an otherwise eligible individual is unable

1 to work or is unavailable for work on any normal
2 workday of the week, he shall be eligible to receive
3 benefits with respect to such week reduced by
4 one-fifth of his weekly benefit amount for each day of
5 such inability to work or unavailability for work. For
6 the purposes of this paragraph, an individual who
7 reports on a day subsequent to his designated report
8 day shall be deemed unavailable for work on his report
9 day if his failure to report on that day is without
10 good cause, and on each intervening day, if any, on
11 which his failure to report is without good cause. As
12 used in the preceding sentence, "report day" means the
13 day which has been designated for the individual to
14 report to file his claim for benefits with respect to
15 any week. This paragraph shall not be construed so as
16 to effect any change in the status of part-time
17 workers as defined in Section 407.

18 2. An individual shall be considered to be
19 unavailable for work on days listed as whole holidays
20 in "An Act to revise the law in relation to promissory
21 notes, bonds, due bills and other instruments in
22 writing," approved March 18, 1874, as amended; on days
23 which are holidays in his religion or faith, and on
24 days which are holidays according to the custom of his
25 trade or occupation, if his failure to work on such day
26 is a result of the holiday. In determining the

1 claimant's eligibility for benefits and the amount to
2 be paid him, with respect to the week in which such
3 holiday occurs, he shall have attributed to him as
4 additional earnings for that week an amount equal to
5 one-fifth of his weekly benefit amount for each normal
6 work day on which he does not work because of a holiday
7 of the type above enumerated.

8 3. An individual shall be deemed unavailable for
9 work if, after his separation from his most recent
10 employing unit, he has removed himself to and remains
11 in a locality where opportunities for work are
12 substantially less favorable than those in the
13 locality he has left.

14 4. An individual shall be deemed unavailable for
15 work with respect to any week which occurs in a period
16 when his principal occupation is that of a student in
17 attendance at, or on vacation from, a public or
18 private school.

19 5. Notwithstanding any other provisions of this
20 Act, an individual shall not be deemed unavailable for
21 work or to have failed actively to seek work, nor shall
22 he be ineligible for benefits by reason of the
23 application of the provisions of Section 603, with
24 respect to any week, because he is enrolled in and is
25 in regular attendance at a training course approved
26 for him by the Director:

1 (a) but only if, with respect to that week,
2 the individual presents, upon request, to the
3 claims adjudicator referred to in Section 702 a
4 statement executed by a responsible person
5 connected with the training course, certifying
6 that the individual was in full-time attendance at
7 such course during the week. The Director may
8 approve such course for an individual only if he
9 finds that (1) reasonable work opportunities for
10 which the individual is fitted by training and
11 experience do not exist in his locality; (2) the
12 training course relates to an occupation or skill
13 for which there are, or are expected to be in the
14 immediate future, reasonable work opportunities in
15 his locality; (3) the training course is offered
16 by a competent and reliable agency, educational
17 institution, or employing unit; (4) the individual
18 has the required qualifications and aptitudes to
19 complete the course successfully; and (5) the
20 individual is not receiving and is not eligible
21 (other than because he has claimed benefits under
22 this Act) for subsistence payments or similar
23 assistance under any public or private retraining
24 program: Provided, that the Director shall not
25 disapprove such course solely by reason of clause
26 (5) if the subsistence payment or similar

1 assistance is subject to reduction by an amount
2 equal to any benefits payable to the individual
3 under this Act in the absence of the clause. In the
4 event that an individual's weekly unemployment
5 compensation benefit is less than his certified
6 training allowance, that person shall be eligible
7 to receive his entire unemployment compensation
8 benefits, plus such supplemental training
9 allowances that would make an applicant's total
10 weekly benefit identical to the original certified
11 training allowance.

12 (b) The Director shall have the authority to
13 grant approval pursuant to subparagraph (a) above
14 prior to an individual's formal admission into a
15 training course. Requests for approval shall not
16 be made more than 30 days prior to the actual
17 starting date of such course. Requests shall be
18 made at the appropriate unemployment office.

19 (c) The Director shall for purposes of
20 paragraph C have the authority to issue a blanket
21 approval of training programs implemented pursuant
22 to the federal Workforce Innovation and
23 Opportunity Act if both the training program and
24 the criteria for an individual's participation in
25 such training meet the requirements of this
26 paragraph C.

1 (d) Notwithstanding the requirements of
2 subparagraph (a), the Director shall have the
3 authority to issue blanket approval of training
4 programs implemented under the terms of a
5 collective bargaining agreement.

6 6. Notwithstanding any other provisions of this
7 Act, an individual shall not be deemed unavailable for
8 work or to have failed actively to seek work, nor shall
9 he be ineligible for benefits, by reason of the
10 application of the provisions of Section 603 with
11 respect to any week because he is in training approved
12 under Section 236 (a)(1) of the federal Trade Act of
13 1974, nor shall an individual be ineligible for
14 benefits under the provisions of Section 601 by reason
15 of leaving work voluntarily to enter such training if
16 the work left is not of a substantially equal or higher
17 skill level than the individual's past adversely
18 affected employment as defined under the federal Trade
19 Act of 1974 and the wages for such work are less than
20 80% of his average weekly wage as determined under the
21 federal Trade Act of 1974.

22 7. For an individual who customarily obtains
23 employment through a union hiring hall, exclusive
24 hiring hall, or union-operated referral or dispatch
25 system, the requirement that the individual was
26 actively seeking work shall be deemed satisfied for

1 any week in which the individual is registered with
2 and available for referral or dispatch through the
3 system and is in compliance with the system's rules
4 and procedures, as verified in the manner prescribed
5 by the Director.

6 8. For an individual who has a definite recall
7 date to return to work with the individual's last
8 employer, the requirement that the individual was
9 actively seeking work shall be deemed satisfied for
10 any week occurring before the recall date, as verified
11 in the manner prescribed by the Director. For the
12 purposes of this paragraph, "definite recall date"
13 means a specific date, established by the individual's
14 last employer and communicated to the individual, on
15 which the individual is expected to return to work for
16 the employer.

17 9. An individual shall not be deemed unavailable
18 for work or to have failed to actively seek work if the
19 individual is ready, willing, and able to perform work
20 in the individual's customary trade or occupation and
21 is prevented from obtaining such work by reason of a
22 labor dispute, lockout, other labor market condition
23 beyond the individual's control or where obtaining
24 such work would cause the individual to be in
25 violation of a bona fide collective bargaining
26 agreement.

1 D. If his benefit year begins prior to July 6, 1975 or
2 subsequent to January 2, 1982, he has been unemployed for
3 a waiting period of 1 week during such benefit year. If his
4 benefit year begins on or after July 6, 1975, but prior to
5 January 3, 1982, and his unemployment continues for more
6 than three weeks during such benefit year, he shall be
7 eligible for benefits with respect to each week of such
8 unemployment, including the first week thereof. An
9 individual shall be deemed to be unemployed within the
10 meaning of this subsection while receiving public
11 assistance as remuneration for services performed on work
12 projects financed from funds made available to
13 governmental agencies for such purpose. No week shall be
14 counted as a week of unemployment for the purposes of this
15 subsection:

16 1. Unless it occurs within the benefit year which
17 includes the week with respect to which he claims
18 payment of benefits, provided that, for benefit years
19 beginning prior to January 3, 1982, this requirement
20 shall not interrupt the payment of benefits for
21 consecutive weeks of unemployment; and provided
22 further that the week immediately preceding a benefit
23 year, if part of one uninterrupted period of
24 unemployment which continues into such benefit year,
25 shall be deemed (for the purpose of this subsection
26 only and with respect to benefit years beginning prior

1 to January 3, 1982, only) to be within such benefit
2 year, as well as within the preceding benefit year, if
3 the unemployed individual would, except for the
4 provisions of the first paragraph and paragraph 1 of
5 this subsection and of Section 605, be eligible for
6 and entitled to benefits for such week.

7 2. If benefits have been paid with respect
8 thereto.

9 3. Unless the individual was eligible for benefits
10 with respect thereto except for the requirements of
11 this subsection and of Section 605.

12 D-5. Notwithstanding subsection D, if the individual's
13 benefit year begins on or after March 8, 2020, but prior to
14 the week following the later of (a) the last week of a
15 disaster period established by the Gubernatorial Disaster
16 Proclamation in response to COVID-19, dated March 9, 2020,
17 and any subsequent Gubernatorial Disaster Proclamation in
18 response to COVID-19 or (b) the last week for which
19 federal sharing is provided as authorized by Section 2105
20 of Public Law 116-136 or any amendment thereto, the
21 individual is not subject to the requirement that the
22 individual be unemployed for a waiting period of one week
23 during such benefit year.

24 E. With respect to any benefit year beginning prior to
25 January 3, 1982, he has been paid during his base period
26 wages for insured work not less than the amount specified

1 in Section 500E of this Act as amended and in effect on
2 October 5, 1980. With respect to any benefit year
3 beginning on or after January 3, 1982, he has been paid
4 during his base period wages for insured work equal to not
5 less than \$1,600, provided that he has been paid wages for
6 insured work equal to at least \$440 during that part of his
7 base period which does not include the calendar quarter in
8 which the wages paid to him were highest.

9 F. During that week he has participated in
10 reemployment services to which he has been referred,
11 including but not limited to job search assistance
12 services, pursuant to a profiling system established by
13 the Director by rule in conformity with Section 303(j)(1)
14 of the federal Social Security Act, unless the Director
15 determines that:

- 16 1. the individual has completed such services; or
- 17 2. there is justifiable cause for the claimant's
18 failure to participate in such services.

19 This subsection F is added by this amendatory Act of
20 1995 to clarify authority already provided under
21 subsections A and C in connection with the unemployment
22 insurance claimant profiling system required under
23 subsections (a)(10) and (j)(1) of Section 303 of the
24 federal Social Security Act as a condition of federal
25 funding for the administration of the Unemployment
26 Insurance Act.

1 (Source: P.A. 100-477, eff. 9-8-17; 101-633, eff. 6-5-20.)

2 (820 ILCS 405/603) (from Ch. 48, par. 433)

3 Sec. 603. Refusal of work. An individual shall be
4 ineligible for benefits if he has failed, without good cause,
5 either to apply for available, suitable work when so directed
6 by the employment office or the Director, or to accept
7 suitable work when offered him by the employment office or an
8 employing unit, or to return to his customary self-employment
9 (if any) when so directed by the employment office or the
10 Director. Such ineligibility shall continue for the week in
11 which such failure occurred and, thereafter, until he has
12 become reemployed and has had earnings equal to or in excess of
13 his current weekly benefit amount in each of four calendar
14 weeks which are either for services in employment, or have
15 been or will be reported pursuant to the provisions of the
16 Federal Insurance Contributions Act by each employing unit for
17 which such services are performed and which submits a
18 statement certifying to that fact.

19 In determining whether or not any work is suitable for an
20 individual, consideration shall be given to the degree of risk
21 involved to his health, safety, and morals, his physical
22 fitness and prior training, his experience and prior earnings,
23 his length of unemployment and prospects for securing local
24 work in his customary occupation, and the distance of the
25 available work from his residence.

1 Notwithstanding any other provisions of this Act, no work
2 shall be deemed suitable and benefits shall not be denied
3 under this Act to any otherwise eligible individual for
4 refusing to accept new work under any of the following
5 conditions:

6 If the position offered is vacant due directly to a
7 strike, lockout, or other labor dispute; if the wages, hours,
8 or other conditions of the work offered are substantially less
9 favorable to the individual than those prevailing for similar
10 work in the locality; if, as a condition of being employed, the
11 individual would be required to join a company union or to
12 resign from or refrain from joining any bona fide labor
13 organization; if the position offered is a transfer to other
14 work offered to the individual by the employing unit under the
15 terms of a collective bargaining agreement or pursuant to an
16 established employer plan, program, or policy, when the
17 acceptance of such other work by the individual would require
18 the separation from that work of another individual currently
19 performing it.

20 The refusal to accept employment shall not be deemed
21 without good cause, and benefits shall not be denied, if:

22 (1) The work is offered in the same trade or
23 occupation as the individual's customary trade or
24 occupation and the acceptance of such work would directly
25 undermine or substantially interfere with a strike,
26 lockout, or other labor dispute in which the individual is

1 participating or financing or where obtaining such work
2 would cause the individual to be in violation of a bona
3 fide collective bargaining agreement.

4 (2) The individual is subject to a definite recall
5 date to return to work with the individual's last
6 employer. For purposes of this paragraph, "definite recall
7 date" means a specific date, established by the last
8 employer and communicated to the individual, on which the
9 individual is expected to return to work for the employer.

10 (3) The individual customarily obtains employment
11 through a union hiring hall, exclusive hiring hall, or
12 union-operated referral or dispatch system and:

13 (A) the work was not obtained through the hiring
14 hall or referral or dispatch system;

15 (B) the work is outside of the individual's
16 customary trade or occupation;

17 (C) acceptance of the work would violate the rules
18 or procedures of the hiring hall or referral or
19 dispatch system;

20 (D) the work is subject to a labor dispute in which
21 the individual is participating or financing; or

22 (E) acceptance would violate the terms of a
23 collective bargaining agreement.

24 (Source: P.A. 82-22.)

25 (820 ILCS 405/604) (from Ch. 48, par. 434)

1 Sec. 604. Labor dispute. An individual shall be ineligible
2 for benefits for a 2-week period to run concurrently with any
3 waiting period required under subsection D of Section 500 ~~any~~
4 ~~week~~ with respect to which it is found that his total or
5 partial unemployment is due to a stoppage of work which exists
6 because of a labor dispute at the factory, establishment, or
7 other premises at which he is or was last employed. After the
8 2-week period, the individual will be eligible for benefits.
9 For any week after the 2-week period, an otherwise eligible
10 individual whose total or partial unemployment is due to a
11 stoppage of work due to a labor dispute shall not be deemed to
12 have failed the requirement that the individual was actively
13 seeking work and available for work contained in subsection C
14 of Section 500 solely because the individual is participating
15 in the labor dispute. The term "labor dispute" does not
16 include an individual's refusal to work because of his
17 employer's failure to pay accrued earned wages within 10
18 working days from the date due, or to pay any other uncontested
19 accrued obligation arising out of his employment within 10
20 working days from the date due.

21 Notwithstanding Section 603, the refusal to accept
22 employment shall not be deemed without good cause, and no
23 individual otherwise eligible shall be disqualified from
24 receiving benefits, for refusing to: (i) accept employment in
25 an establishment in which there is a strike, lockout, or other
26 labor dispute; (ii) accept employment in a position that is

1 vacant due directly to a strike, lockout, or other labor
2 dispute; or (iii) cross, pass, or disregard a picket line
3 maintained in connection with a labor dispute at the factory,
4 establishment, or other premises at which the offered work
5 would be performed.

6 For the purpose of disqualification under this Section the
7 term "labor dispute" does not include a lockout by an
8 employer, and no individual shall be denied benefits by reason
9 of a lockout, provided that no individual shall be eligible
10 for benefits during a lockout who is ineligible for benefits
11 under another Section of this Act, and provided further that
12 no individual locked out by an employer shall be eligible for
13 benefits for any week during which (1) the recognized or
14 certified collective bargaining representative of the locked
15 out employees refuses to meet under reasonable conditions with
16 the employer to discuss the issues giving rise to the lockout
17 or (2) there is a final adjudication under the National Labor
18 Relations Act that during the period of the lockout the
19 recognized or certified collective bargaining representative
20 of the locked-out employees has refused to bargain in good
21 faith with the employer over issues giving rise to the
22 lockout, or (3) the lockout has resulted as a direct
23 consequence of a violation by the recognized or certified
24 collective bargaining representative of the locked out
25 employees of the provisions of an existing collective
26 bargaining agreement. An individual's total or partial

1 unemployment resulting from any reduction in operations or
2 reduction of force or layoff of employees by an employer made
3 in the course of or in anticipation of collective bargaining
4 negotiations between a labor organization and such employer,
5 is not due to a stoppage of work which exists because of a
6 labor dispute until the date of actual commencement of a
7 strike or lockout.

8 This Section shall not apply if it is shown that (A) the
9 individual is not participating in or financing or directly
10 interested in the labor dispute which caused the stoppage of
11 work and (B) he does not belong to a grade or class of workers
12 of which immediately before the commencement of the stoppage
13 there were members employed at the premises at which the
14 stoppage occurs, any of whom are participating in or financing
15 or directly interested in the dispute; provided, that a
16 lockout by the employer or an individual's failure to cross a
17 picket line at such factory, establishment, or other premises
18 shall not, in itself, be deemed to be participation by him in
19 the labor dispute. If in any case, separate branches of work
20 which are commonly conducted as separate businesses in
21 separate premises are conducted in separate departments of the
22 same premises, each such department shall, for the purpose of
23 this Section, be deemed to be a separate factory,
24 establishment, or other premises.

25 Whenever any claim involves the provisions of this
26 Section, the claims adjudicator referred to in Section 702

1 shall make a separate determination as to the eligibility or
2 ineligibility of the claimant with respect to the provisions
3 of this Section. This separate determination may be appealed
4 to the Director in the manner prescribed by Section 800.

5 (Source: P.A. 93-1088, eff. 1-1-06.)

6 Section 98. Applicability. This Act applies retroactively
7 to all claims for unemployment insurance benefits filed on or
8 after January 1, 2025, including claims relating to labor
9 disputes that commenced before the effective date of this Act.
10 Any claims pending on the effective date of this Act that were
11 filed on or after January 1, 2025 shall be adjudicated under
12 the provisions of this Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".