



Rep. Dave Vella

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10400HB2565ham002

LRB104 10149 SPS 35760 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 and such
7 benefits, pay, or assistance shall not be considered
8 remuneration for personal services for purposes of this Act.

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

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

1 Sec. 500. Eligibility for benefits. An unemployed
2 individual shall be eligible to receive benefits with respect
3 to any week only if the Director finds that:

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

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

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

1 work based on regular reporting to a trade union office.

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

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

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

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

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

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

1 in regular attendance at a training course approved
2 for him by the Director:

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

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

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

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

1 such training meet the requirements of this
2 paragraph C.

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

8 6. Notwithstanding any other provisions of this
9 Act, an individual shall not be deemed unavailable for
10 work or to have failed actively to seek work, nor shall
11 he be ineligible for benefits, by reason of the
12 application of the provisions of Section 603 with
13 respect to any week because he is in training approved
14 under Section 236 (a)(1) of the federal Trade Act of
15 1974, nor shall an individual be ineligible for
16 benefits under the provisions of Section 601 by reason
17 of leaving work voluntarily to enter such training if
18 the work left is not of a substantially equal or higher
19 skill level than the individual's past adversely
20 affected employment as defined under the federal Trade
21 Act of 1974 and the wages for such work are less than
22 80% of his average weekly wage as determined under the
23 federal Trade Act of 1974.

24 7. For an individual who customarily obtains
25 employment through a union hiring hall, exclusive
26 hiring hall, or union-operated referral or dispatch

1 system, the requirement that the individual was
2 actively seeking work shall be deemed satisfied for
3 any week in which the individual is registered with
4 and available for referral or dispatch through the
5 system and is in compliance with the system's rules
6 and procedures, as verified in the manner prescribed
7 by the Director.

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

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

1 violation of a bona fide collective bargaining
2 agreement, bylaw, or rule.

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

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

1 shall be deemed (for the purpose of this subsection
2 only and with respect to benefit years beginning prior
3 to January 3, 1982, only) to be within such benefit
4 year, as well as within the preceding benefit year, if
5 the unemployed individual would, except for the
6 provisions of the first paragraph and paragraph 1 of
7 this subsection and of Section 605, be eligible for
8 and entitled to benefits for such week.

9 2. If benefits have been paid with respect
10 thereto.

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

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

26 E. With respect to any benefit year beginning prior to

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

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

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

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

1 funding for the administration of the Unemployment
2 Insurance Act.

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

4 (820 ILCS 405/603) (from Ch. 48, par. 433)

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

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

1 work in his customary occupation, and the distance of the
2 available work from his residence.

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

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

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

24 (1) The work is offered in the same trade or
25 occupation as the individual's customary trade or
26 occupation and the acceptance of such work would directly

1 undermine or substantially interfere with a strike,
2 lockout, or other labor dispute in which the individual is
3 participating or financing or where obtaining such work
4 would cause the individual to be in violation of a bona
5 fide collective bargaining agreement, bylaw, or rule.

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

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

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

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

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

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

24 (E) acceptance would violate the terms of a
25 collective bargaining agreement, bylaw, or rule
26 applicable to the individual.

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

2 (820 ILCS 405/604) (from Ch. 48, par. 434)

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

23 Notwithstanding Section 603, the refusal to accept
24 employment shall not be deemed without good cause, and no
25 individual otherwise eligible shall be disqualified from

1 receiving benefits, for refusing to: (i) accept employment in
2 an establishment in which there is a strike, lockout, or other
3 labor dispute; (ii) accept employment in a position that is
4 vacant due directly to a strike, lockout, or other labor
5 dispute; or (iii) cross, pass, or disregard a picket line
6 maintained in connection with a labor dispute at the factory,
7 establishment, or other premises at which the offered work
8 would be performed.

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

1 collective bargaining representative of the locked out
2 employees of the provisions of an existing collective
3 bargaining agreement. An individual's total or partial
4 unemployment resulting from any reduction in operations or
5 reduction of force or layoff of employees by an employer made
6 in the course of or in anticipation of collective bargaining
7 negotiations between a labor organization and such employer,
8 is not due to a stoppage of work which exists because of a
9 labor dispute until the date of actual commencement of a
10 strike or lockout.

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

1 establishment, or other premises.

2 Whenever any claim involves the provisions of this
3 Section, the claims adjudicator referred to in Section 702
4 shall make a separate determination as to the eligibility or
5 ineligibility of the claimant with respect to the provisions
6 of this Section. This separate determination may be appealed
7 to the Director in the manner prescribed by Section 800.

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

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."