



Sen. Linda Holmes

Filed: 5/21/2020

10100HB2455sam002

LRB101 08292 RJF 72332 a

1 AMENDMENT TO HOUSE BILL 2455

2 AMENDMENT NO. _____. Amend House Bill 2455 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Works Jobs Program Act is amended
5 by changing Section 20-25 as follows:

6 (30 ILCS 559/20-25)

7 Sec. 20-25. The Illinois Works Review Panel.

8 (a) The Illinois Works Review Panel is created and shall be
9 comprised of 25 members, each serving 3-year terms. The Speaker
10 of the House of Representatives and the President of the Senate
11 shall each appoint 5 members within 30 days after the effective
12 date of this amendatory Act of the 101st General Assembly. The
13 Minority Leader of the House of Representatives and the
14 Minority Leader of the Senate shall each appoint 5 members
15 within 30 days after the effective date of this amendatory Act
16 of the 101st General Assembly. The Director of Commerce and

1 Economic Opportunity, or his or her designee, shall serve as a
2 member. The Governor shall appoint the following individuals to
3 serve as members within 30 days after the effective date of
4 this amendatory Act of the 101st General Assembly: a
5 representative from a contractor organization; a
6 representative from a labor organization; and 2 members of the
7 public with workforce development expertise, one of whom shall
8 be a representative of a nonprofit organization that addresses
9 workforce development.

10 (b) The members of the Illinois Works Review Panel shall
11 make recommendations to the Department regarding
12 identification and evaluation of community-based
13 organizations.

14 (c) The Illinois Works Review Panel shall meet, at least
15 quarterly, to review and evaluate (i) the Illinois Works
16 Preapprenticeship Program and the Illinois Works
17 Apprenticeship Initiative, (ii) ideas to diversify the trainee
18 corps in the Illinois Works Preapprenticeship Program and the
19 workforce in the construction industry in Illinois, (iii) ideas
20 to increase diversity in active apprenticeship programs in
21 Illinois, and (iv) workforce demographic data collected by the
22 Illinois Department of Labor. The Illinois Works Review Panel
23 shall hold its initial meeting no later than 45 days after the
24 effective date of this amendatory Act of the 101st General
25 Assembly.

26 (d) All State contracts and grant agreements funding State

1 contracts shall include a requirement that the contractor and
2 subcontractor shall, upon reasonable notice, appear before and
3 respond to requests for information from the Illinois Works
4 Review Panel.

5 (e) By August 1, 2020, and every August 1 thereafter, the
6 Illinois Works Review Panel shall report to the General
7 Assembly on its evaluation of the Illinois Works
8 Preapprenticeship Program and the Illinois Works
9 Apprenticeship Initiative, including any recommended
10 modifications.

11 (Source: P.A. 101-31, eff. 6-28-19; 101-601, eff. 12-10-19.)

12 Section 10. The Illinois Pension Code is amended by
13 changing Sections 5-144, 5-153, 6-140, and 6-150 as follows:

14 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)

15 Sec. 5-144. Death from injury in the performance of acts of
16 duty; compensation annuity and supplemental annuity.

17 (a) Beginning January 1, 1986, and without regard to
18 whether or not the annuity in question began before that date,
19 if the annuity for the widow of a policeman whose death, on or
20 after January 1, 1940, results from injury incurred in the
21 performance of an act or acts of duty, is not equal to the sum
22 hereinafter stated, "compensation annuity" equal to the
23 difference between the annuity and an amount equal to 75% of
24 the policeman's salary attached to the position he held by

1 certification and appointment as a result of competitive civil
2 service examination that would ordinarily have been paid to him
3 as though he were in active discharge of his duties shall be
4 payable to the widow until the policeman, had he lived, would
5 have attained age 63. The total amount of the widow's annuity
6 and children's awards payable to the family of such policeman
7 shall not exceed the amounts stated in Section 5-152.

8 For the purposes of this Section only, the death of any
9 policeman as a result of the exposure to and contraction of
10 COVID-19, as evidenced by either (i) a confirmed positive
11 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
12 confirmed diagnosis of COVID-19 from a licensed medical
13 professional, shall be rebuttably presumed to have been
14 contracted while in the performance of an act or acts of duty
15 and the policeman shall be rebuttably presumed to have been
16 fatally injured while in active service. The presumption shall
17 apply to any policeman who was exposed to and contracted
18 COVID-19 on or after March 9, 2020 and on or before December
19 31, 2020; except that the presumption shall not apply if the
20 policeman was on a leave of absence from his or her employment
21 or otherwise not required to report for duty for a period of 14
22 or more consecutive days immediately prior to the date of
23 contraction of COVID-19. For the purposes of determining when a
24 policeman contracted COVID-19 under this paragraph, the date of
25 contraction is either the date that the policeman was diagnosed
26 with COVID-19 or was unable to work due to symptoms that were

1 later diagnosed as COVID-19, whichever occurred first.

2 The provisions of this Section, as amended by Public Act
3 84-1104, including the reference to the date upon which the
4 deceased policeman would have attained age 63, shall apply to
5 all widows of policemen whose death occurs on or after January
6 1, 1940 due to injury incurred in the performance of an act of
7 duty, regardless of whether such death occurred prior to
8 September 17, 1969. For those widows of policemen that died
9 prior to September 17, 1969, who became eligible for
10 compensation annuity by the action of Public Act 84-1104, such
11 compensation annuity shall begin and be calculated from January
12 1, 1986. The provisions of this amendatory Act of 1987 are
13 intended to restate and clarify the intent of Public Act
14 84-1104, and do not make any substantive change.

15 (b) Upon termination of the compensation annuity,
16 "supplemental annuity" shall become payable to the widow, equal
17 to the difference between the annuity for the widow and an
18 amount equal to 75% of the annual salary (including all salary
19 increases and longevity raises) that the policeman would have
20 been receiving when he attained age 63 if the policeman had
21 continued in service at the same rank (whether career service
22 or exempt) that he last held in the police department. The
23 increase in supplemental annuity resulting from this
24 amendatory Act of the 92nd General Assembly applies without
25 regard to whether the deceased policeman was in service on or
26 after the effective date of this amendatory Act and is payable

1 from July 1, 2002 or the date upon which the supplemental
2 annuity begins, whichever is later.

3 (c) Neither compensation nor supplemental annuity shall be
4 paid unless the death of the policeman was a direct result of
5 the injury, or the injury was of such character as to prevent
6 him from subsequently resuming service as a policeman; nor
7 shall compensation or supplemental annuity be paid unless the
8 widow was the wife of the policeman when the injury occurred.

9 (Source: P.A. 92-599, eff. 6-28-02.)

10 (40 ILCS 5/5-153) (from Ch. 108 1/2, par. 5-153)

11 Sec. 5-153. Death benefit.

12 (a) Effective January 1, 1962, an ordinary death benefit is
13 payable on account of any policeman in service and in receipt
14 of salary on or after such date, which benefit is in addition
15 to all other annuities and benefits herein provided. This
16 benefit is payable upon death of a policeman:

17 (1) occurring in active service while in receipt of
18 salary;

19 (2) on an authorized and approved leave of absence,
20 without salary, beginning on or after January 1, 1962, if
21 the death occurs within 60 days from the date the employee
22 was in receipt of salary; or otherwise in the service and
23 not separated by resignation or discharge beginning
24 January 1, 1962 if death occurs before his resignation or
25 discharge from the service;

1 (3) receiving duty disability or ordinary disability
2 benefit;

3 (4) occurring within 60 days from the date of
4 termination of duty disability or ordinary disability
5 benefit payments if re-entry into service had not occurred;
6 or

7 (5) occurring on retirement and while in receipt of an
8 age and service annuity, Tier 2 monthly retirement annuity,
9 or prior service annuity; provided (a) retirement on such
10 annuity occurred on or after January 1, 1962, and (b) such
11 separation from service was effective on or after the
12 policeman's attainment of age 50, and (c) application for
13 such annuity was made within 60 days after separation from
14 service.

15 (b) The ordinary death benefit is payable to such
16 beneficiary or beneficiaries as the policeman has nominated by
17 written direction duly signed and acknowledged before an
18 officer authorized to take acknowledgments, and filed with the
19 board. If no such written direction has been filed or if the
20 designated beneficiaries do not survive the policeman, payment
21 of the benefit shall be made to his estate.

22 (c) Until December 31, 1977, if death occurs prior to
23 retirement on annuity and before the policeman's attainment of
24 age 50, the amount of the benefit payable is \$6,000. If death
25 occurs prior to retirement, at age 50 or over, the benefit of
26 \$6,000 shall be reduced \$400 for each year (commencing on the

1 policeman's attainment of age 50, and thereafter on each
2 succeeding birthdate) that the policeman's age, at date of
3 death, is more than age 50, but in no event below the amount of
4 \$2,000. However, if death results from injury incurred in the
5 performance of an act or acts of duty, prior to retirement on
6 annuity, the amount of the benefit payable is \$6,000
7 notwithstanding the age attained.

8 Until December 31, 1977, if the policeman's death occurs
9 while he is in receipt of an annuity, the benefit is \$2,000 if
10 retirement was effective upon attainment of age 55 or greater.
11 If the policeman retired at age 50 or over and before age 55,
12 the benefit of \$2,000 shall be reduced \$100 for each year or
13 fraction of a year that the policeman's age at retirement was
14 less than age 55 to a minimum payment of \$1,500.

15 After December 31, 1977, and on or before January 1, 1986,
16 if death occurs prior to retirement on annuity and before the
17 policeman's attainment of age 50, the amount of the benefit
18 payable is \$7,000. If death occurs prior to retirement, at age
19 50 or over, the benefit of \$7,000 shall be reduced \$400 for
20 each year (commencing on the policeman's attainment of age 50,
21 and thereafter on each succeeding birthdate) that the
22 policeman's age, at date of death, is more than age 50, but in
23 no event below the amount of \$3,000. However, if death results
24 from injury incurred in the performance of an act or acts of
25 duty, prior to retirement on annuity, the amount of the benefit
26 payable is \$7,000 notwithstanding the age attained.

1 After December 31, 1977, and on or before January 1, 1986,
2 if the policeman's death occurs while he is in receipt of an
3 annuity, the benefit is \$2,250 if retirement was effective upon
4 attainment of age 55 or greater. If the policeman retired at
5 age 50 or over and before age 55, the benefit of \$2,250 shall
6 be reduced \$100 for each year or fraction of a year that the
7 policeman's age at retirement was less than age 55 to a minimum
8 payment of \$1,750.

9 After January 1, 1986, if death occurs prior to retirement
10 on annuity and before the policeman's attainment of age 50, the
11 amount of benefit payable is \$12,000. If death occurs prior to
12 retirement, at age 50 or over, the benefit of \$12,000 shall be
13 reduced \$400 for each year (commencing on the policeman's
14 attainment of age 50, and thereafter on each succeeding
15 birthdate) that the policeman's age, at date of death, is more
16 than age 50, but in no event below the amount of \$6,000.
17 However, if death results from injury in the performance of an
18 act or acts of duty, prior to retirement on annuity, the amount
19 of benefit payable is \$12,000 notwithstanding the age attained.

20 After January 1, 1986, if the policeman's death occurs
21 while he is in receipt of an annuity, the benefit is \$6,000.

22 (d) For the purposes of this Section only, the death of any
23 policeman as a result of the exposure to and contraction of
24 COVID-19, as evidenced by either (i) a confirmed positive
25 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
26 confirmed diagnosis of COVID-19 from a licensed medical

1 professional, shall be rebuttably presumed to have been
2 contracted while in the performance of an act or acts of duty
3 and the policeman shall be rebuttably presumed to have been
4 fatally injured while in active service. The presumption shall
5 apply to any policeman who was exposed to and contracted
6 COVID-19 on or after March 9, 2020 and on or before December
7 31, 2020; except that the presumption shall not apply if the
8 policeman was on a leave of absence from his or her employment
9 or otherwise not required to report for duty for a period of 14
10 or more consecutive days immediately prior to the date of
11 contraction of COVID-19. For the purposes of determining when a
12 policeman contracted COVID-19 under this subsection, the date
13 of contraction is either the date that the policeman was
14 diagnosed with COVID-19 or was unable to work due to symptoms
15 that were later diagnosed as COVID-19, whichever occurred
16 first.

17 (Source: P.A. 99-905, eff. 11-29-16.)

18 (40 ILCS 5/6-140) (from Ch. 108 1/2, par. 6-140)

19 Sec. 6-140. Death in the line of duty.

20 (a) The annuity for the widow of a fireman whose death
21 results from the performance of an act or acts of duty shall be
22 an amount equal to 50% of the current annual salary attached to
23 the classified position to which the fireman was certified at
24 the time of his death and 75% thereof after December 31, 1972.

25 Unless the performance of an act or acts of duty results

1 directly in the death of the fireman, or prevents him from
2 subsequently resuming active service in the fire department,
3 the annuity herein provided shall not be paid; nor shall such
4 annuities be paid unless the widow was the wife of the fireman
5 at the time of the act or acts of duty which resulted in his
6 death.

7 For the purposes of this Section only, the death of any
8 fireman as a result of the exposure to and contraction of
9 COVID-19, as evidenced by either (i) a confirmed positive
10 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
11 confirmed diagnosis of COVID-19 from a licensed medical
12 professional, shall be rebuttably presumed to have been
13 contracted while in the performance of an act or acts of duty
14 and the fireman shall be rebuttably presumed to have been
15 fatally injured while in active service. The presumption shall
16 apply to any fireman who was exposed to and contracted COVID-19
17 on or after March 9, 2020 and on or before December 31, 2020;
18 except that the presumption shall not apply if the fireman was
19 on a leave of absence from his or her employment or otherwise
20 not required to report for duty for a period of 14 or more
21 consecutive days immediately prior to the date of contraction
22 of COVID-19. For the purposes of determining when a fireman
23 contracted COVID-19 under this paragraph, the date of
24 contraction is either the date that the fireman was diagnosed
25 with COVID-19 or was unable to work due to symptoms that were
26 later diagnosed as COVID-19, whichever occurred first.

1 (b) The changes made to this Section by this amendatory Act
2 of the 92nd General Assembly apply without regard to whether
3 the deceased fireman was in service on or after the effective
4 date of this amendatory Act. In the case of a widow receiving
5 an annuity under this Section that has been reduced to 40% of
6 current salary because the fireman, had he lived, would have
7 attained the age prescribed for compulsory retirement, the
8 annuity shall be restored to the amount provided in subsection
9 (a), with the increase beginning to accrue on the later of
10 January 1, 2001 or the day the annuity first became payable.

11 (Source: P.A. 92-50, eff. 7-12-01.)

12 (40 ILCS 5/6-150) (from Ch. 108 1/2, par. 6-150)

13 Sec. 6-150. Death benefit.

14 (a) Effective January 1, 1962, an ordinary death benefit
15 shall be payable on account of any fireman in service and in
16 receipt of salary on or after such date, which benefit shall be
17 in addition to all other annuities and benefits herein
18 provided. This benefit shall be payable upon death of a
19 fireman:

20 (1) occurring in active service while in receipt of
21 salary;

22 (2) on an authorized and approved leave of absence,
23 without salary, beginning on or after January 1, 1962, if
24 the death occurs within 60 days from the date the fireman
25 was in receipt of salary;

1 (3) receiving duty, occupational disease, or ordinary
2 disability benefit;

3 (4) occurring within 60 days from the date of
4 termination of duty disability, occupational disease
5 disability or ordinary disability benefit payments if
6 re-entry into service had not occurred; or

7 (5) occurring on retirement and while in receipt of an
8 age and service annuity, prior service annuity, Tier 2
9 monthly retirement annuity, or minimum annuity; provided

10 (a) retirement on such annuity occurred on or after January
11 1, 1962, and (b) such separation from service was effective
12 on or after the fireman's attainment of age 50, and (c)
13 application for such annuity was made within 60 days after
14 separation from service.

15 (b) The ordinary death benefit shall be payable to such
16 beneficiary or beneficiaries as the fireman has nominated by
17 written direction duly signed and acknowledged before an
18 officer authorized to take acknowledgments, and filed with the
19 board. If no such written direction has been filed or if the
20 designated beneficiaries do not survive the fireman, payment of
21 the benefit shall be made to his estate.

22 (c) Beginning July 1, 1983, if death occurs prior to
23 retirement on annuity and before the fireman's attainment of
24 age 50, the amount of the benefit payable shall be \$12,000.
25 Beginning July 1, 1983, if death occurs prior to retirement, at
26 age 50 or over, the benefit of \$12,000 shall be reduced \$400

1 for each year (commencing on the fireman's attainment of age 50
2 and thereafter on each succeeding birth date) that the
3 fireman's age, at date of death, is more than age 49, but in no
4 event below the amount of \$6,000.

5 Beginning July 1, 1983, if the fireman's death occurs while
6 he is in receipt of an annuity, the benefit shall be \$6,000.

7 (d) For the purposes of this Section only, the death of any
8 fireman as a result of the exposure to and contraction of
9 COVID-19, as evidenced by either (i) a confirmed positive
10 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
11 confirmed diagnosis of COVID-19 from a licensed medical
12 professional, shall be rebuttably presumed to have been
13 contracted while in the performance of an act or acts of duty
14 and the fireman shall be rebuttably presumed to have been
15 fatally injured while in active service. The presumption shall
16 apply to any fireman who was exposed to and contracted COVID-19
17 on or after March 9, 2020 and on or before December 31, 2020;
18 except that the presumption shall not apply if the fireman was
19 on a leave of absence from his or her employment or otherwise
20 not required to report for duty for a period of 14 or more
21 consecutive days immediately prior to the date of contraction
22 of COVID-19. For the purposes of determining when a fireman
23 contracted COVID-19 under this subsection, the date of
24 contraction is either the date that the fireman was diagnosed
25 with COVID-19 or was unable to work due to symptoms that were
26 later diagnosed as COVID-19, whichever occurred first.

1 (Source: P.A. 99-905, eff. 11-29-16.)

2 Section 15. The Workers' Occupational Diseases Act is
3 amended by changing Section 1 as follows:

4 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

5 Sec. 1. This Act shall be known and may be cited as the
6 "Workers' Occupational Diseases Act".

7 (a) The term "employer" as used in this Act shall be
8 construed to be:

9 1. The State and each county, city, town, township,
10 incorporated village, school district, body politic, or
11 municipal corporation therein.

12 2. Every person, firm, public or private corporation,
13 including hospitals, public service, eleemosynary,
14 religious or charitable corporations or associations, who
15 has any person in service or under any contract for hire,
16 express or implied, oral or written.

17 3. Where an employer operating under and subject to the
18 provisions of this Act loans an employee to another such
19 employer and such loaned employee sustains a compensable
20 occupational disease in the employment of such borrowing
21 employer and where such borrowing employer does not provide
22 or pay the benefits or payments due such employee, such
23 loaning employer shall be liable to provide or pay all
24 benefits or payments due such employee under this Act and

1 as to such employee the liability of such loaning and
2 borrowing employers shall be joint and several, provided
3 that such loaning employer shall in the absence of
4 agreement to the contrary be entitled to receive from such
5 borrowing employer full reimbursement for all sums paid or
6 incurred pursuant to this paragraph together with
7 reasonable attorneys' fees and expenses in any hearings
8 before the Illinois Workers' Compensation Commission or in
9 any action to secure such reimbursement. Where any benefit
10 is provided or paid by such loaning employer, the employee
11 shall have the duty of rendering reasonable co-operation in
12 any hearings, trials or proceedings in the case, including
13 such proceedings for reimbursement.

14 Where an employee files an Application for Adjustment
15 of Claim with the Illinois Workers' Compensation
16 Commission alleging that his or her claim is covered by the
17 provisions of the preceding paragraph, and joining both the
18 alleged loaning and borrowing employers, they and each of
19 them, upon written demand by the employee and within 7 days
20 after receipt of such demand, shall have the duty of filing
21 with the Illinois Workers' Compensation Commission a
22 written admission or denial of the allegation that the
23 claim is covered by the provisions of the preceding
24 paragraph and in default of such filing or if any such
25 denial be ultimately determined not to have been bona fide
26 then the provisions of Paragraph K of Section 19 of this

1 Act shall apply.

2 An employer whose business or enterprise or a
3 substantial part thereof consists of hiring, procuring or
4 furnishing employees to or for other employers operating
5 under and subject to the provisions of this Act for the
6 performance of the work of such other employers and who
7 pays such employees their salary or wage notwithstanding
8 that they are doing the work of such other employers shall
9 be deemed a loaning employer within the meaning and
10 provisions of this Section.

11 (b) The term "employee" as used in this Act, shall be
12 construed to mean:

13 1. Every person in the service of the State, county,
14 city, town, township, incorporated village or school
15 district, body politic or municipal corporation therein,
16 whether by election, appointment or contract of hire,
17 express or implied, oral or written, including any official
18 of the State, or of any county, city, town, township,
19 incorporated village, school district, body politic or
20 municipal corporation therein and except any duly
21 appointed member of the fire department in any city whose
22 population exceeds 500,000 according to the last Federal or
23 State census, and except any member of a fire insurance
24 patrol maintained by a board of underwriters in this State.
25 One employed by a contractor who has contracted with the
26 State, or a county, city, town, township, incorporated

1 village, school district, body politic or municipal
2 corporation therein, through its representatives, shall
3 not be considered as an employee of the State, county,
4 city, town, township, incorporated village, school
5 district, body politic or municipal corporation which made
6 the contract.

7 2. Every person in the service of another under any
8 contract of hire, express or implied, oral or written, who
9 contracts an occupational disease while working in the
10 State of Illinois, or who contracts an occupational disease
11 while working outside of the State of Illinois but where
12 the contract of hire is made within the State of Illinois,
13 and any person whose employment is principally localized
14 within the State of Illinois, regardless of the place where
15 the disease was contracted or place where the contract of
16 hire was made, including aliens, and minors who, for the
17 purpose of this Act, except Section 3 hereof, shall be
18 considered the same and have the same power to contract,
19 receive payments and give quittances therefor, as adult
20 employees. An employee or his or her dependents under this
21 Act who shall have a cause of action by reason of an
22 occupational disease, disablement or death arising out of
23 and in the course of his or her employment may elect or
24 pursue his or her remedy in the State where the disease was
25 contracted, or in the State where the contract of hire is
26 made, or in the State where the employment is principally

1 localized.

2 (c) "Commission" means the Illinois Workers' Compensation
3 Commission created by the Workers' Compensation Act, approved
4 July 9, 1951, as amended.

5 (d) In this Act the term "Occupational Disease" means a
6 disease arising out of and in the course of the employment or
7 which has become aggravated and rendered disabling as a result
8 of the exposure of the employment. Such aggravation shall arise
9 out of a risk peculiar to or increased by the employment and
10 not common to the general public.

11 A disease shall be deemed to arise out of the employment if
12 there is apparent to the rational mind, upon consideration of
13 all the circumstances, a causal connection between the
14 conditions under which the work is performed and the
15 occupational disease. The disease need not to have been
16 foreseen or expected but after its contraction it must appear
17 to have had its origin or aggravation in a risk connected with
18 the employment and to have flowed from that source as a
19 rational consequence.

20 An employee shall be conclusively deemed to have been
21 exposed to the hazards of an occupational disease when, for any
22 length of time however short, he or she is employed in an
23 occupation or process in which the hazard of the disease
24 exists; provided however, that in a claim of exposure to atomic
25 radiation, the fact of such exposure must be verified by the
26 records of the central registry of radiation exposure

1 maintained by the Department of Public Health or by some other
2 recognized governmental agency maintaining records of such
3 exposures whenever and to the extent that the records are on
4 file with the Department of Public Health or the agency.

5 Any injury to or disease or death of an employee arising
6 from the administration of a vaccine, including without
7 limitation smallpox vaccine, to prepare for, or as a response
8 to, a threatened or potential bioterrorist incident to the
9 employee as part of a voluntary inoculation program in
10 connection with the person's employment or in connection with
11 any governmental program or recommendation for the inoculation
12 of workers in the employee's occupation, geographical area, or
13 other category that includes the employee is deemed to arise
14 out of and in the course of the employment for all purposes
15 under this Act. This paragraph added by Public Act 93-829 is
16 declarative of existing law and is not a new enactment.

17 The employer liable for the compensation in this Act
18 provided shall be the employer in whose employment the employee
19 was last exposed to the hazard of the occupational disease
20 claimed upon regardless of the length of time of such last
21 exposure, except, in cases of silicosis or asbestosis, the only
22 employer liable shall be the last employer in whose employment
23 the employee was last exposed during a period of 60 days or
24 more after the effective date of this Act, to the hazard of
25 such occupational disease, and, in such cases, an exposure
26 during a period of less than 60 days, after the effective date

1 of this Act, shall not be deemed a last exposure. If a miner
2 who is suffering or suffered from pneumoconiosis was employed
3 for 10 years or more in one or more coal mines there shall,
4 effective July 1, 1973 be a rebuttable presumption that his or
5 her pneumoconiosis arose out of such employment.

6 If a deceased miner was employed for 10 years or more in
7 one or more coal mines and died from a respirable disease there
8 shall, effective July 1, 1973, be a rebuttable presumption that
9 his or her death was due to pneumoconiosis.

10 Any condition or impairment of health of an employee
11 employed as a firefighter, emergency medical technician (EMT),
12 emergency medical technician-intermediate (EMT-I), advanced
13 emergency medical technician (A-EMT), or paramedic which
14 results directly or indirectly from any bloodborne pathogen,
15 lung or respiratory disease or condition, heart or vascular
16 disease or condition, hypertension, tuberculosis, or cancer
17 resulting in any disability (temporary, permanent, total, or
18 partial) to the employee shall be rebuttably presumed to arise
19 out of and in the course of the employee's firefighting, EMT,
20 EMT-I, A-EMT, or paramedic employment and, further, shall be
21 rebuttably presumed to be causally connected to the hazards or
22 exposures of the employment. This presumption shall also apply
23 to any hernia or hearing loss suffered by an employee employed
24 as a firefighter, EMT, EMT-I, A-EMT, or paramedic. However,
25 this presumption shall not apply to any employee who has been
26 employed as a firefighter, EMT, EMT-I, A-EMT, or paramedic for

1 less than 5 years at the time he or she files an Application
2 for Adjustment of Claim concerning this condition or impairment
3 with the Illinois Workers' Compensation Commission. The
4 rebuttable presumption established under this subsection,
5 however, does not apply to an emergency medical technician
6 (EMT), emergency medical technician-intermediate (EMT-I),
7 advanced emergency medical technician (A-EMT), or paramedic
8 employed by a private employer if the employee spends the
9 preponderance of his or her work time for that employer engaged
10 in medical transfers between medical care facilities or
11 non-emergency medical transfers to or from medical care
12 facilities. The changes made to this subsection by this
13 amendatory Act of the 98th General Assembly shall be narrowly
14 construed. The Finding and Decision of the Illinois Workers'
15 Compensation Commission under only the rebuttable presumption
16 provision of this paragraph shall not be admissible or be
17 deemed res judicata in any disability claim under the Illinois
18 Pension Code arising out of the same medical condition;
19 however, this sentence makes no change to the law set forth in
20 *Krohe v. City of Bloomington*, 204 Ill.2d 392.

21 The insurance carrier liable shall be the carrier whose
22 policy was in effect covering the employer liable on the last
23 day of the exposure rendering such employer liable in
24 accordance with the provisions of this Act.

25 (e) "Disablement" means an impairment or partial
26 impairment, temporary or permanent, in the function of the body

1 or any of the members of the body, or the event of becoming
2 disabled from earning full wages at the work in which the
3 employee was engaged when last exposed to the hazards of the
4 occupational disease by the employer from whom he or she claims
5 compensation, or equal wages in other suitable employment; and
6 "disability" means the state of being so incapacitated.

7 (f) No compensation shall be payable for or on account of
8 any occupational disease unless disablement, as herein
9 defined, occurs within two years after the last day of the last
10 exposure to the hazards of the disease, except in cases of
11 occupational disease caused by berylliosis or by the inhalation
12 of silica dust or asbestos dust and, in such cases, within 3
13 years after the last day of the last exposure to the hazards of
14 such disease and except in the case of occupational disease
15 caused by exposure to radiological materials or equipment, and
16 in such case, within 25 years after the last day of last
17 exposure to the hazards of such disease.

18 (g) (1) In any proceeding before the Commission in which the
19 employee is a COVID-19 first responder or front-line worker as
20 defined in this subsection, if the employee's injury or
21 occupational disease resulted from exposure to and contraction
22 of COVID-19, the exposure and contraction shall be rebuttably
23 presumed to have arisen out of and in the course of the
24 employee's first responder or front-line worker employment and
25 the injury or occupational disease shall be rebuttably presumed
26 to be causally connected to the hazards or exposures of the

1 employee's first responder or front-line worker employment.

2 (2) The term "COVID-19 first responder or front-line
3 worker" means: all individuals employed as police, fire
4 personnel, emergency medical technicians, or paramedics; all
5 individuals employed and considered as first responders; all
6 workers for health care providers, including nursing homes and
7 rehabilitation facilities and home care workers; corrections
8 officers; and any individuals employed by essential businesses
9 and operations as defined in Executive Order 2020-10 dated
10 March 20, 2020, as long as individuals employed by essential
11 businesses and operations are required by their employment to
12 encounter members of the general public or to work in
13 employment locations of more than 15 employees. For purposes of
14 this subsection only, an employee's home or place of residence
15 is not a place of employment, except for home care workers.

16 (3) The presumption created in this subsection may be
17 rebutted by evidence, including, but not limited to, the
18 following:

19 (A) the employee was working from his or her home, on
20 leave from his or her employment, or some combination
21 thereof, for a period of 14 or more consecutive days
22 immediately prior to the employee's injury, occupational
23 disease, or period of incapacity resulted from exposure to
24 COVID-19; or

25 (B) the employer was engaging in and applying to the
26 fullest extent possible or enforcing to the best of its

1 ability industry-specific workplace sanitation, social
2 distancing, and health and safety practices based on
3 updated guidance issued by the Centers for Disease Control
4 and Prevention or Illinois Department of Public Health or
5 was using a combination of administrative controls,
6 engineering controls, or personal protective equipment to
7 reduce the transmission of COVID-19 to all employees for at
8 least 14 consecutive days prior to the employee's injury,
9 occupational disease, or period of incapacity resulting
10 from exposure to COVID-19. For purposes of this subsection,
11 "updated" means the guidance in effect at least 14 days
12 prior to the COVID-19 diagnosis. For purposes of this
13 subsection, "personal protective equipment" means
14 industry-specific equipment worn to minimize exposure to
15 hazards that cause illnesses or serious injuries, which may
16 result from contact with biological, chemical,
17 radiological, physical, electrical, mechanical, or other
18 workplace hazards. "Personal protective equipment"
19 includes, but is not limited to, items such as face
20 coverings, gloves, safety glasses, safety face shields,
21 barriers, shoes, earplugs or muffs, hard hats,
22 respirators, coveralls, vests, and full body suits; or

23 (C) the employee was exposed to COVID-19 by an
24 alternate source.

25 (4) The rebuttable presumption created in this subsection
26 applies to all cases tried after the effective date of this

1 amendatory Act of the 101st General Assembly and in which the
2 diagnosis of COVID-19 was made on or after March 9, 2020 and on
3 or before December 31, 2020.

4 (5) Under no circumstances shall any COVID-19 case increase
5 or affect any employer's workers' compensation insurance
6 experience rating or modification, but COVID-19 costs may be
7 included in determining overall State loss costs.

8 (6) In order for the presumption created in this subsection
9 to apply at trial, for COVID-19 diagnoses occurring on or
10 before June 15, 2020, an employee must provide a confirmed
11 medical diagnosis by a licensed medical practitioner or a
12 positive laboratory test for COVID-19 or for COVID-19
13 antibodies; for COVID-19 diagnoses occurring after June 15,
14 2020, an employee must provide a positive laboratory test for
15 COVID-19 or for COVID-19 antibodies.

16 (7) The presumption created in this subsection does not
17 apply if the employee's place of employment was solely the
18 employee's home or residence for a period of 14 or more
19 consecutive days immediately prior to the employee's injury,
20 occupational disease, or period of incapacity resulted from
21 exposure to COVID-19.

22 (8) The date of injury or the beginning of the employee's
23 occupational disease or period of disability is either the date
24 that the employee was unable to work due to contraction of
25 COVID-19 or was unable to work due to symptoms that were later
26 diagnosed as COVID-19, whichever came first.

1 (9) An employee who contracts COVID-19, but fails to
2 establish the rebuttable presumption is not precluded from
3 filing for compensation under this Act or under the Workers'
4 Compensation Act.

5 (10) To qualify for temporary total disability benefits
6 under the presumption created in this subsection, the employee
7 must be certified for or recertified for temporary disability.

8 (11) An employer is entitled to a credit against any
9 liability for temporary total disability due to an employee as
10 a result of the employee contracting COVID-19 for (A) any sick
11 leave benefits or extended salary benefits paid to the employee
12 by the employer under Emergency Family Medical Leave Expansion
13 Act, Emergency Paid Sick Leave Act of the Families First
14 Coronavirus Response Act, or any other federal law, or (B) any
15 other credit to which an employer is entitled under the
16 Workers' Compensation Act.

17 (Source: P.A. 98-291, eff. 1-1-14; 98-973, eff. 8-15-14.)

18 Section 20. The Unemployment Insurance Act is amended by
19 changing Sections 401, 409, 500, 612, 1505, and 1506.6 and by
20 adding Section 1502.4 as follows:

21 (820 ILCS 405/401) (from Ch. 48, par. 401)

22 Sec. 401. Weekly Benefit Amount - Dependents' Allowances.

23 A. With respect to any week beginning in a benefit year
24 beginning prior to January 4, 2004, an individual's weekly

1 benefit amount shall be an amount equal to the weekly benefit
2 amount as defined in the provisions of this Act as amended and
3 in effect on November 18, 2011.

4 B. 1. With respect to any benefit year beginning on or
5 after January 4, 2004 and before January 6, 2008, an
6 individual's weekly benefit amount shall be 48% of his or her
7 prior average weekly wage, rounded (if not already a multiple
8 of one dollar) to the next higher dollar; provided, however,
9 that the weekly benefit amount cannot exceed the maximum weekly
10 benefit amount and cannot be less than \$51. Except as otherwise
11 provided in this Section, with respect to any benefit year
12 beginning on or after January 6, 2008, an individual's weekly
13 benefit amount shall be 47% of his or her prior average weekly
14 wage, rounded (if not already a multiple of one dollar) to the
15 next higher dollar; provided, however, that the weekly benefit
16 amount cannot exceed the maximum weekly benefit amount and
17 cannot be less than \$51. With respect to any benefit year
18 beginning in calendar year 2022, an individual's weekly benefit
19 amount shall be 42.4% ~~40.6%~~ of his or her prior average weekly
20 wage, rounded (if not already a multiple of one dollar) to the
21 next higher dollar; provided, however, that the weekly benefit
22 amount cannot exceed the maximum weekly benefit amount and
23 cannot be less than \$51.

24 2. For the purposes of this subsection:

25 An individual's "prior average weekly wage" means the total
26 wages for insured work paid to that individual during the 2

1 calendar quarters of his base period in which such total wages
2 were highest, divided by 26. If the quotient is not already a
3 multiple of one dollar, it shall be rounded to the nearest
4 dollar; however if the quotient is equally near 2 multiples of
5 one dollar, it shall be rounded to the higher multiple of one
6 dollar.

7 "Determination date" means June 1 and December 1 of each
8 calendar year except that, for the purposes of this Act only,
9 there shall be no June 1 determination date in any year.

10 "Determination period" means, with respect to each June 1
11 determination date, the 12 consecutive calendar months ending
12 on the immediately preceding December 31 and, with respect to
13 each December 1 determination date, the 12 consecutive calendar
14 months ending on the immediately preceding June 30.

15 "Benefit period" means the 12 consecutive calendar month
16 period beginning on the first day of the first calendar month
17 immediately following a determination date, except that, with
18 respect to any calendar year in which there is a June 1
19 determination date, "benefit period" shall mean the 6
20 consecutive calendar month period beginning on the first day of
21 the first calendar month immediately following the preceding
22 December 1 determination date and the 6 consecutive calendar
23 month period beginning on the first day of the first calendar
24 month immediately following the June 1 determination date.

25 "Gross wages" means all the wages paid to individuals
26 during the determination period immediately preceding a

1 determination date for insured work, and reported to the
2 Director by employers prior to the first day of the third
3 calendar month preceding that date.

4 "Covered employment" for any calendar month means the total
5 number of individuals, as determined by the Director, engaged
6 in insured work at mid-month.

7 "Average monthly covered employment" means one-twelfth of
8 the sum of the covered employment for the 12 months of a
9 determination period.

10 "Statewide average annual wage" means the quotient,
11 obtained by dividing gross wages by average monthly covered
12 employment for the same determination period, rounded (if not
13 already a multiple of one cent) to the nearest cent.

14 "Statewide average weekly wage" means the quotient,
15 obtained by dividing the statewide average annual wage by 52,
16 rounded (if not already a multiple of one cent) to the nearest
17 cent. Notwithstanding any provision of this Section to the
18 contrary, the statewide average weekly wage for any benefit
19 period prior to calendar year 2012 shall be as determined by
20 the provisions of this Act as amended and in effect on November
21 18, 2011. Notwithstanding any provisions of this Section to the
22 contrary, the statewide average weekly wage for the benefit
23 period of calendar year 2012 shall be \$856.55 and for each
24 calendar year thereafter, the statewide average weekly wage
25 shall be the statewide average weekly wage, as determined in
26 accordance with this sentence, for the immediately preceding

1 benefit period plus (or minus) an amount equal to the
2 percentage change in the statewide average weekly wage, as
3 computed in accordance with the first sentence of this
4 paragraph, between the 2 immediately preceding benefit
5 periods, multiplied by the statewide average weekly wage, as
6 determined in accordance with this sentence, for the
7 immediately preceding benefit period. However, for purposes of
8 the Workers' Compensation Act, the statewide average weekly
9 wage will be computed using June 1 and December 1 determination
10 dates of each calendar year and such determination shall not be
11 subject to the limitation of the statewide average weekly wage
12 as computed in accordance with the preceding sentence of this
13 paragraph.

14 With respect to any week beginning in a benefit year
15 beginning prior to January 4, 2004, "maximum weekly benefit
16 amount" with respect to each week beginning within a benefit
17 period shall be as defined in the provisions of this Act as
18 amended and in effect on November 18, 2011.

19 With respect to any benefit year beginning on or after
20 January 4, 2004 and before January 6, 2008, "maximum weekly
21 benefit amount" with respect to each week beginning within a
22 benefit period means 48% of the statewide average weekly wage,
23 rounded (if not already a multiple of one dollar) to the next
24 higher dollar.

25 Except as otherwise provided in this Section, with respect
26 to any benefit year beginning on or after January 6, 2008,

1 "maximum weekly benefit amount" with respect to each week
2 beginning within a benefit period means 47% of the statewide
3 average weekly wage, rounded (if not already a multiple of one
4 dollar) to the next higher dollar.

5 With respect to any benefit year beginning in calendar year
6 2022, "maximum weekly benefit amount" with respect to each week
7 beginning within a benefit period means 42.4% ~~40.6%~~ of the
8 statewide average weekly wage, rounded (if not already a
9 multiple of one dollar) to the next higher dollar.

10 C. With respect to any week beginning in a benefit year
11 beginning prior to January 4, 2004, an individual's eligibility
12 for a dependent allowance with respect to a nonworking spouse
13 or one or more dependent children shall be as defined by the
14 provisions of this Act as amended and in effect on November 18,
15 2011.

16 With respect to any benefit year beginning on or after
17 January 4, 2004 and before January 6, 2008, an individual to
18 whom benefits are payable with respect to any week shall, in
19 addition to those benefits, be paid, with respect to such week,
20 as follows: in the case of an individual with a nonworking
21 spouse, 9% of his or her prior average weekly wage, rounded (if
22 not already a multiple of one dollar) to the next higher
23 dollar, provided, that the total amount payable to the
24 individual with respect to a week shall not exceed 57% of the
25 statewide average weekly wage, rounded (if not already a
26 multiple of one dollar) to the next higher dollar; and in the

1 case of an individual with a dependent child or dependent
2 children, 17.2% of his or her prior average weekly wage,
3 rounded (if not already a multiple of one dollar) to the next
4 higher dollar, provided that the total amount payable to the
5 individual with respect to a week shall not exceed 65.2% of the
6 statewide average weekly wage, rounded (if not already a
7 multiple of one dollar) to the next higher dollar.

8 With respect to any benefit year beginning on or after
9 January 6, 2008 and before January 1, 2010, an individual to
10 whom benefits are payable with respect to any week shall, in
11 addition to those benefits, be paid, with respect to such week,
12 as follows: in the case of an individual with a nonworking
13 spouse, 9% of his or her prior average weekly wage, rounded (if
14 not already a multiple of one dollar) to the next higher
15 dollar, provided, that the total amount payable to the
16 individual with respect to a week shall not exceed 56% of the
17 statewide average weekly wage, rounded (if not already a
18 multiple of one dollar) to the next higher dollar; and in the
19 case of an individual with a dependent child or dependent
20 children, 18.2% of his or her prior average weekly wage,
21 rounded (if not already a multiple of one dollar) to the next
22 higher dollar, provided that the total amount payable to the
23 individual with respect to a week shall not exceed 65.2% of the
24 statewide average weekly wage, rounded (if not already a
25 multiple of one dollar) to the next higher dollar.

26 The additional amount paid pursuant to this subsection in

1 the case of an individual with a dependent child or dependent
2 children shall be referred to as the "dependent child
3 allowance", and the percentage rate by which an individual's
4 prior average weekly wage is multiplied pursuant to this
5 subsection to calculate the dependent child allowance shall be
6 referred to as the "dependent child allowance rate".

7 Except as otherwise provided in this Section, with respect
8 to any benefit year beginning on or after January 1, 2010, an
9 individual to whom benefits are payable with respect to any
10 week shall, in addition to those benefits, be paid, with
11 respect to such week, as follows: in the case of an individual
12 with a nonworking spouse, the greater of (i) 9% of his or her
13 prior average weekly wage, rounded (if not already a multiple
14 of one dollar) to the next higher dollar, or (ii) \$15, provided
15 that the total amount payable to the individual with respect to
16 a week shall not exceed 56% of the statewide average weekly
17 wage, rounded (if not already a multiple of one dollar) to the
18 next higher dollar; and in the case of an individual with a
19 dependent child or dependent children, the greater of (i) the
20 product of the dependent child allowance rate multiplied by his
21 or her prior average weekly wage, rounded (if not already a
22 multiple of one dollar) to the next higher dollar, or (ii) the
23 lesser of \$50 or 50% of his or her weekly benefit amount,
24 rounded (if not already a multiple of one dollar) to the next
25 higher dollar, provided that the total amount payable to the
26 individual with respect to a week shall not exceed the product

1 of the statewide average weekly wage multiplied by the sum of
2 47% plus the dependent child allowance rate, rounded (if not
3 already a multiple of one dollar) to the next higher dollar.

4 With respect to any benefit year beginning in calendar year
5 2022, an individual to whom benefits are payable with respect
6 to any week shall, in addition to those benefits, be paid, with
7 respect to such week, as follows: in the case of an individual
8 with a nonworking spouse, the greater of (i) 9% of his or her
9 prior average weekly wage, rounded (if not already a multiple
10 of one dollar) to the next higher dollar, or (ii) \$15, provided
11 that the total amount payable to the individual with respect to
12 a week shall not exceed 51.4% ~~49.6%~~ of the statewide average
13 weekly wage, rounded (if not already a multiple of one dollar)
14 to the next higher dollar; and in the case of an individual
15 with a dependent child or dependent children, the greater of
16 (i) the product of the dependent child allowance rate
17 multiplied by his or her prior average weekly wage, rounded (if
18 not already a multiple of one dollar) to the next higher
19 dollar, or (ii) the lesser of \$50 or 50% of his or her weekly
20 benefit amount, rounded (if not already a multiple of one
21 dollar) to the next higher dollar, provided that the total
22 amount payable to the individual with respect to a week shall
23 not exceed the product of the statewide average weekly wage
24 multiplied by the sum of 42.4% ~~40.6%~~ plus the dependent child
25 allowance rate, rounded (if not already a multiple of one
26 dollar) to the next higher dollar.

1 With respect to each benefit year beginning after calendar
2 year 2012, the dependent child allowance rate shall be the sum
3 of the allowance adjustment applicable pursuant to Section
4 1400.1 to the calendar year in which the benefit year begins,
5 plus the dependent child allowance rate with respect to each
6 benefit year beginning in the immediately preceding calendar
7 year, except as otherwise provided in this subsection. The
8 dependent child allowance rate with respect to each benefit
9 year beginning in calendar year 2010 shall be 17.9%. The
10 dependent child allowance rate with respect to each benefit
11 year beginning in calendar year 2011 shall be 17.4%. The
12 dependent child allowance rate with respect to each benefit
13 year beginning in calendar year 2012 shall be 17.0% and, with
14 respect to each benefit year beginning after calendar year
15 2012, shall not be less than 17.0% or greater than 17.9%.

16 For the purposes of this subsection:

17 "Dependent" means a child or a nonworking spouse.

18 "Child" means a natural child, stepchild, or adopted child
19 of an individual claiming benefits under this Act or a child
20 who is in the custody of any such individual by court order,
21 for whom the individual is supplying and, for at least 90
22 consecutive days (or for the duration of the parental
23 relationship if it has existed for less than 90 days)
24 immediately preceding any week with respect to which the
25 individual has filed a claim, has supplied more than one-half
26 the cost of support, or has supplied at least 1/4 of the cost

1 of support if the individual and the other parent, together,
2 are supplying and, during the aforesaid period, have supplied
3 more than one-half the cost of support, and are, and were
4 during the aforesaid period, members of the same household; and
5 who, on the first day of such week (a) is under 18 years of age,
6 or (b) is, and has been during the immediately preceding 90
7 days, unable to work because of illness or other disability:
8 provided, that no person who has been determined to be a child
9 of an individual who has been allowed benefits with respect to
10 a week in the individual's benefit year shall be deemed to be a
11 child of the other parent, and no other person shall be
12 determined to be a child of such other parent, during the
13 remainder of that benefit year.

14 "Nonworking spouse" means the lawful husband or wife of an
15 individual claiming benefits under this Act, for whom more than
16 one-half the cost of support has been supplied by the
17 individual for at least 90 consecutive days (or for the
18 duration of the marital relationship if it has existed for less
19 than 90 days) immediately preceding any week with respect to
20 which the individual has filed a claim, but only if the
21 nonworking spouse is currently ineligible to receive benefits
22 under this Act by reason of the provisions of Section 500E.

23 An individual who was obligated by law to provide for the
24 support of a child or of a nonworking spouse for the aforesaid
25 period of 90 consecutive days, but was prevented by illness or
26 injury from doing so, shall be deemed to have provided more

1 than one-half the cost of supporting the child or nonworking
2 spouse for that period.

3 (Source: P.A. 100-568, eff. 12-15-17; 101-423, eff. 1-1-20.)

4 (820 ILCS 405/409) (from Ch. 48, par. 409)

5 Sec. 409. Extended Benefits.

6 A. For the purposes of this Section:

7 1. "Extended benefit period" means a period which
8 begins with the third week after a week for which there is
9 a State "on" indicator; and ends with either of the
10 following weeks, whichever occurs later: (1) the third week
11 after the first week for which there is a State "off"
12 indicator, or (2) the thirteenth consecutive week of such
13 period. No extended benefit period shall begin by reason of
14 a State "on" indicator before the fourteenth week following
15 the end of a prior extended benefit period.

16 2. There is a "State 'on' indicator" for a week if (a)
17 the Director determines, in accordance with the
18 regulations of the United States Secretary of Labor or
19 other appropriate Federal agency, that for the period
20 consisting of such week and the immediately preceding
21 twelve weeks, the rate of insured unemployment (not
22 seasonally adjusted) in this State (1) equaled or exceeded
23 5% and equaled or exceeded 120% of the average of such
24 rates for the corresponding 13-week period ending in each
25 of the preceding 2 calendar years, or (2) equaled or

1 exceeded 6 percent, or (b) the United States Secretary of
2 Labor determines that (1) the average rate of total
3 unemployment in this State (seasonally adjusted) for the
4 period consisting of the most recent 3 months for which
5 data for all states are published before the close of such
6 week equals or exceeds 6.5%, and (2) the average rate of
7 total unemployment in this State (seasonally adjusted) for
8 the 3-month period referred to in (1) equals or exceeds
9 110% of such average rate for either (or both) of the
10 corresponding 3-month periods ending in the 2 preceding
11 calendar years. Clause (b) of this paragraph shall only
12 apply to weeks beginning on or after February 22, 2009,
13 through the end of the fourth week prior to the last week
14 for which federal sharing is provided as authorized by
15 Section 2005(a) of Public Law 111-5 without regard to
16 Section 2005(c) of Public Law 111-5 and is inoperative as
17 of the end of the last week for which federal sharing is
18 provided as authorized by Section 2005(a) of Public Law
19 111-5 and to weeks beginning on or after March 15, 2020
20 through the end of the fourth week prior to the last week
21 for which federal sharing is provided as authorized by
22 Section 4105 of Public Law 116-127, or any amendments
23 thereto, and is inoperative as of the end of the last week
24 for which federal sharing is provided as authorized by
25 Section 4105 of Public Law 116-127, or any amendments
26 thereto.

1 2.1. With respect to benefits for weeks of unemployment
2 beginning after December 17, 2010, and ending on or before
3 the earlier of the latest date permitted under federal law
4 or the end of the fourth week prior to the last week for
5 which federal sharing is provided as authorized by Section
6 2005(a) of Public Law 111-5 without regard to Section
7 2005(c) of Public Law 111-5, the determination of whether
8 there has been a State "on" indicator pursuant to paragraph
9 2 shall be made as if, in clause (a) of paragraph 2, the
10 phrase "2 calendar years" were "3 calendar years" and as
11 if, in clause (b) of paragraph 2, the word "either" were
12 "any", the word "both" were "all", and the phrase "2
13 preceding calendar years" were "3 preceding calendar
14 years".

15 3. There is a "State 'off' indicator" for a week if
16 there is not a State 'on' indicator for the week pursuant
17 to paragraph 2.

18 4. "Rate of insured unemployment", for the purpose of
19 paragraph 2, means the percentage derived by dividing (a)
20 the average weekly number of individuals filing claims for
21 "regular benefits" in this State for weeks of unemployment
22 with respect to the most recent 13 consecutive week period,
23 as determined by the Director on the basis of his reports
24 to the United States Secretary of Labor or other
25 appropriate Federal agency, by (b) the average monthly
26 employment covered under this Act for the first four of the

1 most recent six completed calendar quarters ending before
2 the close of such 13-week period.

3 5. "Regular benefits" means benefits, other than
4 extended benefits and additional benefits, payable to an
5 individual (including dependents' allowances) under this
6 Act or under any other State unemployment compensation law
7 (including benefits payable to Federal civilian employees
8 and ex-servicemen pursuant to 5 U.S.C. chapter 85).

9 6. "Extended benefits" means benefits (including
10 benefits payable to Federal civilian employees and
11 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to
12 an individual under the provisions of this Section for
13 weeks which begin in his eligibility period.

14 7. "Additional benefits" means benefits totally
15 financed by a State and payable to exhaustees (as defined
16 in subsection C) by reason of conditions of high
17 unemployment or by reason of other specified factors. If an
18 individual is eligible to receive extended benefits under
19 the provisions of this Section and is eligible to receive
20 additional benefits with respect to the same week under the
21 law of another State, he may elect to claim either extended
22 benefits or additional benefits with respect to the week.

23 8. "Eligibility period" means the period consisting of
24 the weeks in an individual's benefit year which begin in an
25 extended benefit period and, if his benefit year ends
26 within such extended benefit period, any weeks thereafter

1 which begin in such period. An individual's eligibility
2 period shall also include such other weeks as federal law
3 may allow.

4 9. Notwithstanding any other provision to the
5 contrary, no employer shall be liable for payments in lieu
6 of contributions pursuant to Section 1404, by reason of the
7 payment of extended benefits which are wholly reimbursed to
8 this State by the Federal Government or would have been
9 wholly reimbursed to this State by the Federal Government
10 if the employer had paid all of the claimant's wages during
11 the applicable base period. Extended benefits shall not
12 become benefit charges under Section 1501.1 if they are
13 wholly reimbursed to this State by the Federal Government
14 or would have been wholly reimbursed to this State by the
15 Federal Government if the employer had paid all of the
16 claimant's wages during the applicable base period. For
17 purposes of this paragraph, extended benefits will be
18 considered to be wholly reimbursed by the Federal
19 Government notwithstanding the operation of Section
20 204(a)(2)(D) of the Federal-State Extended Unemployment
21 Compensation Act of 1970.

22 B. An individual shall be eligible to receive extended
23 benefits pursuant to this Section for any week which begins in
24 his eligibility period if, with respect to such week (1) he has
25 been paid wages for insured work during his base period equal
26 to at least 1 1/2 times the wages paid in that calendar quarter

1 of his base period in which such wages were highest; (2) he has
2 met the requirements of Section 500E of this Act; (3) he is an
3 exhaustee; and (4) except when the result would be inconsistent
4 with the provisions of this Section, he has satisfied the
5 requirements of this Act for the receipt of regular benefits.

6 C. An individual is an exhaustee with respect to a week
7 which begins in his eligibility period if:

8 1. Prior to such week (a) he has received, with respect
9 to his current benefit year that includes such week, the
10 maximum total amount of benefits to which he was entitled
11 under the provisions of Section 403B, and all of the
12 regular benefits (including dependents' allowances) to
13 which he had entitlement (if any) on the basis of wages or
14 employment under any other State unemployment compensation
15 law; or (b) he has received all the regular benefits
16 available to him with respect to his current benefit year
17 that includes such week, under this Act and under any other
18 State unemployment compensation law, after a cancellation
19 of some or all of his wage credits or the partial or total
20 reduction of his regular benefit rights; or (c) his benefit
21 year terminated, and he cannot meet the qualifying wage
22 requirements of Section 500E of this Act or the qualifying
23 wage or employment requirements of any other State
24 unemployment compensation law to establish a new benefit
25 year which would include such week or, having established a
26 new benefit year that includes such week, he is ineligible

1 for regular benefits by reason of Section 607 of this Act
2 or a like provision of any other State unemployment
3 compensation law; and

4 2. For such week (a) he has no right to benefits or
5 allowances, as the case may be, under the Railroad
6 Unemployment Insurance Act, or such other Federal laws as
7 are specified in regulations of the United States Secretary
8 of Labor or other appropriate Federal agency; and (b) he
9 has not received and is not seeking benefits under the
10 unemployment compensation law of Canada, except that if he
11 is seeking such benefits and the appropriate agency finally
12 determines that he is not entitled to benefits under such
13 law, this clause shall not apply.

14 3. For the purposes of clauses (a) and (b) of paragraph
15 1 of this subsection, an individual shall be deemed to have
16 received, with respect to his current benefit year, the
17 maximum total amount of benefits to which he was entitled
18 or all of the regular benefits to which he had entitlement,
19 or all of the regular benefits available to him, as the
20 case may be, even though (a) as a result of a pending
21 reconsideration or appeal with respect to the "finding"
22 defined in Section 701, or of a pending appeal with respect
23 to wages or employment or both under any other State
24 unemployment compensation law, he may subsequently be
25 determined to be entitled to more regular benefits; or (b)
26 by reason of a seasonality provision in a State

1 unemployment compensation law which establishes the weeks
2 of the year for which regular benefits may be paid to
3 individuals on the basis of wages in seasonal employment he
4 may be entitled to regular benefits for future weeks but
5 such benefits are not payable with respect to the week for
6 which he is claiming extended benefits, provided that he is
7 otherwise an exhaustee under the provisions of this
8 subsection with respect to his rights to regular benefits,
9 under such seasonality provision, during the portion of the
10 year in which that week occurs; or (c) having established a
11 benefit year, no regular benefits are payable to him with
12 respect to such year because his wage credits were
13 cancelled or his rights to regular benefits were totally
14 reduced by reason of the application of a disqualification
15 provision of a State unemployment compensation law.

16 D. 1. The provisions of Section 607 and the waiting period
17 requirements of Section 500D shall not be applicable to any
18 week with respect to which benefits are otherwise payable
19 under this Section.

20 2. An individual shall not cease to be an exhaustee
21 with respect to any week solely because he meets the
22 qualifying wage requirements of Section 500E for a part of
23 such week.

24 E. With respect to any week which begins in his eligibility
25 period, an exhaustee's "weekly extended benefit amount" shall
26 be the same as his weekly benefit amount during his benefit

1 year which includes such week or, if such week is not in a
2 benefit year, during his applicable benefit year, as defined in
3 regulations issued by the United States Secretary of Labor or
4 other appropriate Federal agency. If the exhaustee had more
5 than one weekly benefit amount during his benefit year, his
6 weekly extended benefit amount with respect to such week shall
7 be the latest of such weekly benefit amounts.

8 F. 1. An eligible exhaustee shall be entitled, during any
9 eligibility period, to a maximum total amount of extended
10 benefits equal to the lesser of the following amounts, not
11 including any Federal Pandemic Unemployment Compensation
12 amounts provided for in Section 2104 of Public Law 116-136:

13 a. Fifty percent of the maximum total amount of
14 benefits to which he was entitled under Section 403B during
15 his applicable benefit year;

16 b. Thirteen times his weekly extended benefit amount as
17 determined under subsection E; or

18 c. Thirty-nine times his or her average weekly extended
19 benefit amount, reduced by the regular benefits (not
20 including any dependents' allowances) paid to him or her
21 during such benefit year.

22 2. An eligible exhaustee shall be entitled, during a "high
23 unemployment period", to a maximum total amount of extended
24 benefits equal to the lesser of the following amounts:

25 a. Eighty percent of the maximum total amount of
26 benefits to which he or she was entitled under Section 403B

1 during his or her applicable benefit year;

2 b. Twenty times his or her weekly extended benefit
3 amount as determined under subsection E; or

4 c. Forty-six times his or her average weekly extended
5 benefit amount, reduced by the regular benefits (not
6 including any dependents' allowances) paid to him or her
7 during such benefit year.

8 For purposes of this paragraph, the term "high unemployment
9 period" means any period during which (i) clause (b) of
10 paragraph (2) of subsection A is operative and (ii) an extended
11 benefit period would be in effect if clause (b) of paragraph
12 (2) of subsection A of this Section were applied by
13 substituting "8%" for "6.5%".

14 3. Notwithstanding paragraphs 1 and 2 of this subsection F,
15 and if the benefit year of an individual ends within an
16 extended benefit period, the remaining balance of extended
17 benefits that the individual would, but for this subsection F,
18 be otherwise entitled to receive in that extended benefit
19 period, for weeks of unemployment beginning after the end of
20 the benefit year, shall be reduced (but not below zero) by the
21 product of the number of weeks for which the individual
22 received any amounts as trade readjustment allowances as
23 defined in the federal Trade Act of 1974 within that benefit
24 year multiplied by his weekly benefit amount for extended
25 benefits.

26 G. 1. A claims adjudicator shall examine the first claim

1 filed by an individual with respect to his eligibility
2 period and, on the basis of the information in his
3 possession, shall make an "extended benefits finding".
4 Such finding shall state whether or not the individual has
5 met the requirement of subsection B(1), is an exhaustee
6 and, if he is, his weekly extended benefit amount and the
7 maximum total amount of extended benefits to which he is
8 entitled. The claims adjudicator shall promptly notify the
9 individual of his "extended benefits finding", and shall
10 promptly notify the individual's most recent employing
11 unit and the individual's last employer (referred to in
12 Section 1502.1) that the individual has filed a claim for
13 extended benefits. The claims adjudicator may reconsider
14 his "extended benefits finding" at any time within one year
15 after the close of the individual's eligibility period, and
16 shall promptly notify the individual of such reconsidered
17 finding. All of the provisions of this Act applicable to
18 reviews from findings or reconsidered findings made
19 pursuant to Sections 701 and 703 which are not inconsistent
20 with the provisions of this subsection shall be applicable
21 to reviews from extended benefits findings and
22 reconsidered extended benefits findings.

23 2. If, pursuant to the reconsideration or appeal with
24 respect to a "finding", referred to in paragraph 3 of
25 subsection C, an exhaustee is found to be entitled to more
26 regular benefits and, by reason thereof, is entitled to

1 more extended benefits, the claims adjudicator shall make a
2 reconsidered extended benefits finding and shall promptly
3 notify the exhaustee thereof.

4 H. Whenever an extended benefit period is to begin in this
5 State because there is a State "on" indicator, or whenever an
6 extended benefit period is to end in this State because there
7 is a State "off" indicator, the Director shall make an
8 appropriate public announcement.

9 I. Computations required by the provisions of paragraph 4
10 of subsection A shall be made by the Director in accordance
11 with regulations prescribed by the United States Secretary of
12 Labor, or other appropriate Federal agency.

13 J. 1. Interstate Benefit Payment Plan means the plan
14 approved by the Interstate Conference of Employment
15 Security Agencies under which benefits shall be payable to
16 unemployed individuals absent from the state (or states) in
17 which benefit credits have been accumulated.

18 2. An individual who commutes from his state of
19 residence to work in another state and continues to reside
20 in such state of residence while filing his claim for
21 unemployment insurance under this Section of the Act shall
22 not be considered filing a claim under the Interstate
23 Benefit Payment Plan so long as he files his claim in and
24 continues to report to the employment office under the
25 regulations applicable to intrastate claimants in the
26 state in which he was so employed.

1 3. "State" when used in this subsection includes States
2 of the United States of America, the District of Columbia,
3 Puerto Rico and the Virgin Islands. For purposes of this
4 subsection, the term "state" shall also be construed to
5 include Canada.

6 4. Notwithstanding any other provision of this Act, an
7 individual shall be eligible for a maximum of 2 weeks of
8 benefits payable under this Section after he files his
9 initial claim for extended benefits in an extended benefit
10 period, as defined in paragraph 1 of subsection A, under
11 the Interstate Benefit Payment Plan unless there also
12 exists an extended benefit period, as defined in paragraph
13 1 of subsection A, in the state where such claim is filed.
14 Such maximum eligibility shall continue as long as the
15 individual continues to file his claim under the Interstate
16 Benefit Payment Plan, notwithstanding that the individual
17 moves to another state where an extended benefit period
18 exists and files for weeks prior to his initial Interstate
19 claim in that state.

20 5. To assure full tax credit to the employers of this
21 state against the tax imposed by the Federal Unemployment
22 Tax Act, the Director shall take any action or issue any
23 regulations necessary in the administration of this
24 subsection to insure that its provisions are so interpreted
25 and applied as to meet the requirements of such Federal Act
26 as interpreted by the United States Secretary of Labor or

1 other appropriate Federal agency.

2 K. 1. Notwithstanding any other provisions of this Act, an
3 individual shall be ineligible for the payment of extended
4 benefits for any week of unemployment in his eligibility
5 period if the Director finds that during such period:

6 a. he failed to accept any offer of suitable work
7 (as defined in paragraph 3 below) or failed to apply
8 for any suitable work to which he was referred by the
9 Director; or

10 b. he failed to actively engage in seeking work as
11 prescribed under paragraph 5 below.

12 2. Any individual who has been found ineligible for
13 extended benefits by reason of the provisions of paragraph
14 1 of this subsection shall be denied benefits beginning
15 with the first day of the week in which such failure has
16 occurred and until he has been employed in each of 4
17 subsequent weeks (whether or not consecutive) and has
18 earned remuneration equal to at least 4 times his weekly
19 benefit amount.

20 3. For purposes of this subsection only, the term
21 "suitable work" means, with respect to any individual, any
22 work which is within such individual's capabilities,
23 provided, however, that the gross average weekly
24 remuneration payable for the work:

25 a. must exceed the sum of (i) the individual's
26 extended weekly benefit amount as determined under

1 subsection E above plus (ii) the amount, if any, of
2 supplemental unemployment benefits (as defined in
3 Section 501(c)(17)(D) of the Internal Revenue Code of
4 1954) payable to such individual for such week; and
5 further,

6 b. is not less than the higher of --

7 (i) the minimum wage provided by Section 6
8 (a)(1) of the Fair Labor Standards Act of 1938,
9 without regard to any exemption; or

10 (ii) the applicable state or local minimum
11 wage;

12 c. provided, however, that no individual shall be
13 denied extended benefits for failure to accept an offer
14 of or apply for any job which meets the definition of
15 suitability as described above if:

16 (i) the position was not offered to such
17 individual in writing or was not listed with the
18 employment service;

19 (ii) such failure could not result in a denial
20 of benefits under the definition of suitable work
21 for regular benefits claimants in Section 603 to
22 the extent that the criteria of suitability in that
23 Section are not inconsistent with the provisions
24 of this paragraph 3;

25 (iii) the individual furnishes satisfactory
26 evidence to the Director that his prospects for

1 obtaining work in his customary occupation within
2 a reasonably short period are good. If such
3 evidence is deemed satisfactory for this purpose,
4 the determination of whether any work is suitable
5 with respect to such individual shall be made in
6 accordance with the definition of suitable work
7 for regular benefits in Section 603 without regard
8 to the definition specified by this paragraph.

9 4. Notwithstanding the provisions of paragraph 3 to the
10 contrary, no work shall be deemed to be suitable work for
11 an individual which does not accord with the labor standard
12 provisions required by Section 3304(a)(5) of the Internal
13 Revenue Code of 1954 and set forth herein under Section 603
14 of this Act.

15 5. For the purposes of subparagraph b of paragraph 1,
16 an individual shall be treated as actively engaged in
17 seeking work during any week if --

18 a. the individual has engaged in a systematic and
19 sustained effort to obtain work during such week, and

20 b. the individual furnishes tangible evidence that
21 he has engaged in such effort during such week.

22 6. The employment service shall refer any individual
23 entitled to extended benefits under this Act to any
24 suitable work which meets the criteria prescribed in
25 paragraph 3.

26 7. Notwithstanding any other provision of this Act, an

1 individual shall not be eligible to receive extended
2 benefits, otherwise payable under this Section, with
3 respect to any week of unemployment in his eligibility
4 period if such individual has been held ineligible for
5 benefits under the provisions of Sections 601, 602 or 603
6 of this Act until such individual had requalified for such
7 benefits by returning to employment and satisfying the
8 monetary requalification provision by earning at least his
9 weekly benefit amount.

10 8. In response to the COVID-19 public health emergency,
11 the Director may prescribe such rules as allowed by federal
12 law limiting the work search requirements under subsection
13 K.

14 L. The Governor may, if federal law so allows, elect, in
15 writing, to pay individuals, otherwise eligible for extended
16 benefits pursuant to this Section, any other federally funded
17 unemployment benefits, including but not limited to benefits
18 payable pursuant to the federal Supplemental Appropriations
19 Act, 2008, as amended, and Public Law 116-136, prior to paying
20 them benefits under this Section.

21 M. The provisions of this Section, as revised by this
22 amendatory Act of the 96th General Assembly, are retroactive to
23 February 22, 2009. The provisions of this amendatory Act of the
24 96th General Assembly with regard to subsection L and paragraph
25 8 of subsection A clarify authority already provided.

26 N. The provisions of this Section, as revised by this

1 amendatory Act of the 101st General Assembly, are retroactive
2 to March 15, 2020.

3 (Source: P.A. 96-30, eff. 6-30-09; 97-1, eff. 3-31-11.)

4 (820 ILCS 405/500) (from Ch. 48, par. 420)

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

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

19 B. He has made a claim for benefits with respect to
20 such week in accordance with such regulations as the
21 Director may prescribe.

22 C. He is able to work, and is available for work;
23 provided that during the period in question he was actively
24 seeking work and he has certified such. Whenever requested
25 to do so by the Director, the individual shall, in the

1 manner the Director prescribes by regulation, inform the
2 Department of the places at which he has sought work during
3 the period in question. Nothing in this subsection shall
4 limit the Director's approval of alternate methods of
5 demonstrating an active search for work based on regular
6 reporting to a trade union office.

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

25 2. An individual shall be considered to be
26 unavailable for work on days listed as whole holidays

1 in "An Act to revise the law in relation to promissory
2 notes, bonds, due bills and other instruments in
3 writing," approved March 18, 1874, as amended; on days
4 which are holidays in his religion or faith, and on
5 days which are holidays according to the custom of his
6 trade or occupation, if his failure to work on such day
7 is a result of the holiday. In determining the
8 claimant's eligibility for benefits and the amount to
9 be paid him, with respect to the week in which such
10 holiday occurs, he shall have attributed to him as
11 additional earnings for that week an amount equal to
12 one-fifth of his weekly benefit amount for each normal
13 work day on which he does not work because of a holiday
14 of the type above enumerated.

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

21 4. An individual shall be deemed unavailable for
22 work with respect to any week which occurs in a period
23 when his principal occupation is that of a student in
24 attendance at, or on vacation from, a public or private
25 school.

26 5. Notwithstanding any other provisions of this

1 Act, an individual shall not be deemed unavailable for
2 work or to have failed actively to seek work, nor shall
3 he be ineligible for benefits by reason of the
4 application of the provisions of Section 603, with
5 respect to any week, because he is enrolled in and is
6 in regular attendance at a training course approved for
7 him by the Director:

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

1 not receiving and is not eligible (other than
2 because he has claimed benefits under this Act) for
3 subsistence payments or similar assistance under
4 any public or private retraining program:
5 Provided, that the Director shall not disapprove
6 such course solely by reason of clause (5) if the
7 subsistence payment or similar assistance is
8 subject to reduction by an amount equal to any
9 benefits payable to the individual under this Act
10 in the absence of the clause. In the event that an
11 individual's weekly unemployment compensation
12 benefit is less than his certified training
13 allowance, that person shall be eligible to
14 receive his entire unemployment compensation
15 benefits, plus such supplemental training
16 allowances that would make an applicant's total
17 weekly benefit identical to the original certified
18 training allowance.

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

26 (c) The Director shall for purposes of

1 paragraph C have the authority to issue a blanket
2 approval of training programs implemented pursuant
3 to the federal Workforce Innovation and
4 Opportunity Act if both the training program and
5 the criteria for an individual's participation in
6 such training meet the requirements of this
7 paragraph C.

8 (d) Notwithstanding the requirements of
9 subparagraph (a), the Director shall have the
10 authority to issue blanket approval of training
11 programs implemented under the terms of a
12 collective bargaining agreement.

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

1 80% of his average weekly wage as determined under the
2 federal Trade Act of 1974.

3 D. If his benefit year begins prior to July 6, 1975 or
4 subsequent to January 2, 1982, he has been unemployed for a
5 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 and
8 entitled to benefits for such week.

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

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

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

25 E. With respect to any benefit year beginning prior to
26 January 3, 1982, he has been paid during his base period

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

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

2 (820 ILCS 405/612) (from Ch. 48, par. 442)

3 Sec. 612. Academic Personnel - Ineligibility between
4 academic years or terms.

5 A. Benefits based on wages for services which are
6 employment under the provisions of Sections 211.1, 211.2, and
7 302C shall be payable in the same amount, on the same terms,
8 and subject to the same conditions as benefits payable on the
9 basis of wages for other services which are employment under
10 this Act; except that:

11 1. An individual shall be ineligible for benefits, on
12 the basis of wages for employment in an instructional,
13 research, or principal administrative capacity performed
14 for an institution of higher education, for any week which
15 begins during the period between two successive academic
16 years, or during a similar period between two regular
17 terms, whether or not successive, or during a period of
18 paid sabbatical leave provided for in the individual's
19 contract, if the individual has a contract or contracts to
20 perform services in any such capacity for any institution
21 or institutions of higher education for both such academic
22 years or both such terms.

23 This paragraph 1 shall apply with respect to any week
24 which begins prior to January 1, 1978.

25 2. An individual shall be ineligible for benefits, on

1 the basis of wages for service in employment in any
2 capacity other than those referred to in paragraph 1,
3 performed for an institution of higher learning, for any
4 week which begins after September 30, 1983, during a period
5 between two successive academic years or terms, if the
6 individual performed such service in the first of such
7 academic years or terms and there is a reasonable assurance
8 that the individual will perform such service in the second
9 of such academic years or terms.

10 3. An individual shall be ineligible for benefits, on
11 the basis of wages for service in employment in any
12 capacity other than those referred to in paragraph 1,
13 performed for an institution of higher education, for any
14 week which begins after January 5, 1985, during an
15 established and customary vacation period or holiday
16 recess, if the individual performed such service in the
17 period immediately before such vacation period or holiday
18 recess and there is a reasonable assurance that the
19 individual will perform such service in the period
20 immediately following such vacation period or holiday
21 recess.

22 B. Benefits based on wages for services which are
23 employment under the provisions of Sections 211.1 and 211.2
24 shall be payable in the same amount, on the same terms, and
25 subject to the same conditions, as benefits payable on the
26 basis of wages for other services which are employment under

1 this Act, except that:

2 1. An individual shall be ineligible for benefits, on
3 the basis of wages for service in employment in an
4 instructional, research, or principal administrative
5 capacity performed for an educational institution, for any
6 week which begins after December 31, 1977, during a period
7 between two successive academic years, or during a similar
8 period between two regular terms, whether or not
9 successive, or during a period of paid sabbatical leave
10 provided for in the individual's contract, if the
11 individual performed such service in the first of such
12 academic years (or terms) and if there is a contract or a
13 reasonable assurance that the individual will perform
14 service in any such capacity for any educational
15 institution in the second of such academic years (or
16 terms).

17 2. An individual shall be ineligible for benefits, on
18 the basis of wages for service in employment in any
19 capacity other than those referred to in paragraph 1,
20 performed for an educational institution, for any week
21 which begins after December 31, 1977, during a period
22 between two successive academic years or terms, if the
23 individual performed such service in the first of such
24 academic years or terms and there is a reasonable assurance
25 that the individual will perform such service in the second
26 of such academic years or terms.

1 3. An individual shall be ineligible for benefits, on
2 the basis of wages for service in employment in any
3 capacity performed for an educational institution, for any
4 week which begins after January 5, 1985, during an
5 established and customary vacation period or holiday
6 recess, if the individual performed such service in the
7 period immediately before such vacation period or holiday
8 recess and there is a reasonable assurance that the
9 individual will perform such service in the period
10 immediately following such vacation period or holiday
11 recess.

12 4. An individual shall be ineligible for benefits on
13 the basis of wages for service in employment in any
14 capacity performed in an educational institution while in
15 the employ of an educational service agency for any week
16 which begins after January 5, 1985, (a) during a period
17 between two successive academic years or terms, if the
18 individual performed such service in the first of such
19 academic years or terms and there is a reasonable assurance
20 that the individual will perform such service in the second
21 of such academic years or terms; and (b) during an
22 established and customary vacation period or holiday
23 recess, if the individual performed such service in the
24 period immediately before such vacation period or holiday
25 recess and there is a reasonable assurance that the
26 individual will perform such service in the period

1 immediately following such vacation period or holiday
2 recess. The term "educational service agency" means a
3 governmental agency or governmental entity which is
4 established and operated exclusively for the purpose of
5 providing such services to one or more educational
6 institutions.

7 C. 1. If benefits are denied to any individual under the
8 provisions of paragraph 2 of either subsection A or B of this
9 Section for any week which begins on or after September 3, 1982
10 and such individual is not offered a bona fide opportunity to
11 perform such services for the educational institution for the
12 second of such academic years or terms, such individual shall
13 be entitled to a retroactive payment of benefits for each week
14 for which the individual filed a timely claim for benefits as
15 determined by the rules and regulations issued by the Director
16 for the filing of claims for benefits, provided that such
17 benefits were denied solely because of the provisions of
18 paragraph 2 of either subsection A or B of this Section.

19 2. If benefits on the basis of wages for service in
20 employment in other than an instructional, research, or
21 principal administrative capacity performed in an educational
22 institution while in the employ of an educational service
23 agency are denied to any individual under the provisions of
24 subparagraph (a) of paragraph 4 of subsection B and such
25 individual is not offered a bona fide opportunity to perform
26 such services in an educational institution while in the employ

1 of an educational service agency for the second of such
2 academic years or terms, such individual shall be entitled to a
3 retroactive payment of benefits for each week for which the
4 individual filed a timely claim for benefits as determined by
5 the rules and regulations issued by the Director for the filing
6 of claims for benefits, provided that such benefits were denied
7 solely because of subparagraph (a) of paragraph 4 of subsection
8 B of this Section.

9 D. Notwithstanding any other provision in this Section or
10 paragraph 2 of subsection C of Section 500 to the contrary,
11 with respect to a week of unemployment beginning on or after
12 March 15, 2020, and before December 31, 2020, benefits shall be
13 payable to an individual on the basis of wages for employment
14 in other than an instructional, research, or principal
15 administrative capacity performed for an educational
16 institution or an educational service agency under any of the
17 circumstances described in this Section, to the extent
18 permitted under Section 3304(a)(6) of the Federal Unemployment
19 Tax Act, as long as the individual is otherwise eligible for
20 benefits.

21 (Source: P.A. 87-1178.)

22 (820 ILCS 405/1502.4 new)

23 Sec. 1502.4. Benefit charges; COVID-19.

24 A. With respect to any benefits paid for a week of
25 unemployment that begins on or after March 15, 2020, and before

1 December 31, 2020, and is directly or indirectly attributable
2 to COVID-19, notwithstanding any other provisions to the
3 contrary an employer that is subject to the payment of
4 contributions shall not be chargeable for any benefit charges.

5 B. With respect to any regular benefits paid for a week of
6 unemployment that begins on or after March 15, 2020, and before
7 December 31, 2020, and is directly or indirectly attributable
8 to COVID-19, notwithstanding any other provisions to the
9 contrary except subsection E, a nonprofit organization that is
10 subject to making payments in lieu of contributions shall be
11 chargeable for 50% of the benefits paid.

12 C. With respect to any benefits paid for a week of
13 unemployment that begins on or after March 15, 2020, and before
14 December 31, 2020, and is directly or indirectly attributable
15 to COVID-19, notwithstanding any other provisions to the
16 contrary except subsection E, the State and any local
17 government that is subject to making payments in lieu of
18 contributions shall be chargeable for 50% of the benefits paid,
19 irrespective of whether the State or local government paid the
20 individual who received the benefits wages for insured work
21 during the individual's base period.

22 D. Subsections A, B, and C shall only apply to the extent
23 that the employer can show that the individual's unemployment
24 for the week was directly or indirectly attributable to
25 COVID-19.

26 E. No employer shall be chargeable for the week of benefits

1 paid to an individual under the provisions of Section 500D-1.

2 (820 ILCS 405/1505) (from Ch. 48, par. 575)

3 Sec. 1505. Adjustment of state experience factor. The state
4 experience factor shall be adjusted in accordance with the
5 following provisions:

6 A. For calendar years prior to 1988, the state experience
7 factor shall be adjusted in accordance with the provisions of
8 this Act as amended and in effect on November 18, 2011.

9 B. (Blank).

10 C. For calendar year 1988 and each calendar year
11 thereafter, for which the state experience factor is being
12 determined.

13 1. For every \$50,000,000 (or fraction thereof) by which
14 the adjusted trust fund balance falls below the target
15 balance set forth in this subsection, the state experience
16 factor for the succeeding year shall be increased one
17 percent absolute.

18 For every \$50,000,000 (or fraction thereof) by which
19 the adjusted trust fund balance exceeds the target balance
20 set forth in this subsection, the state experience factor
21 for the succeeding year shall be decreased by one percent
22 absolute.

23 The target balance in each calendar year prior to 2003
24 is \$750,000,000. The target balance in calendar year 2003
25 is \$920,000,000. The target balance in calendar year 2004

1 is \$960,000,000. The target balance in calendar year 2005
2 and each calendar year thereafter is \$1,000,000,000.

3 2. For the purposes of this subsection:

4 "Net trust fund balance" is the amount standing to the
5 credit of this State's account in the unemployment trust
6 fund as of June 30 of the calendar year immediately
7 preceding the year for which a state experience factor is
8 being determined.

9 "Adjusted trust fund balance" is the net trust fund
10 balance minus the sum of the benefit reserves for fund
11 building for July 1, 1987 through June 30 of the year prior
12 to the year for which the state experience factor is being
13 determined. The adjusted trust fund balance shall not be
14 less than zero. If the preceding calculation results in a
15 number which is less than zero, the amount by which it is
16 less than zero shall reduce the sum of the benefit reserves
17 for fund building for subsequent years.

18 For the purpose of determining the state experience
19 factor for 1989 and for each calendar year thereafter, the
20 following "benefit reserves for fund building" shall apply
21 for each state experience factor calculation in which that
22 12 month period is applicable:

23 a. For the 12 month period ending on June 30, 1988,
24 the "benefit reserve for fund building" shall be
25 8/104th of the total benefits paid from January 1, 1988
26 through June 30, 1988.

1 b. For the 12 month period ending on June 30, 1989,
2 the "benefit reserve for fund building" shall be the
3 sum of:

4 i. 8/104ths of the total benefits paid from
5 July 1, 1988 through December 31, 1988, plus

6 ii. 4/108ths of the total benefits paid from
7 January 1, 1989 through June 30, 1989.

8 c. For the 12 month period ending on June 30, 1990,
9 the "benefit reserve for fund building" shall be
10 4/108ths of the total benefits paid from July 1, 1989
11 through December 31, 1989.

12 d. For 1992 and for each calendar year thereafter,
13 the "benefit reserve for fund building" for the 12
14 month period ending on June 30, 1991 and for each
15 subsequent 12 month period shall be zero.

16 3. Notwithstanding the preceding provisions of this
17 subsection, for calendar years 1988 through 2003, the state
18 experience factor shall not be increased or decreased by
19 more than 15 percent absolute.

20 D. Notwithstanding the provisions of subsection C, the
21 adjusted state experience factor:

22 1. Shall be 111 percent for calendar year 1988;

23 2. Shall not be less than 75 percent nor greater than
24 135 percent for calendar years 1989 through 2003; and shall
25 not be less than 75% nor greater than 150% for calendar
26 year 2004 and each calendar year thereafter, not counting

1 any increase pursuant to subsection D-1, D-2, or D-3;

2 3. Shall not be decreased by more than 5 percent
3 absolute for any calendar year, beginning in calendar year
4 1989 and through calendar year 1992, by more than 6%
5 absolute for calendar years 1993 through 1995, by more than
6 10% absolute for calendar years 1999 through 2003 and by
7 more than 12% absolute for calendar year 2004 and each
8 calendar year thereafter, from the adjusted state
9 experience factor of the calendar year preceding the
10 calendar year for which the adjusted state experience
11 factor is being determined;

12 4. Shall not be increased by more than 15% absolute for
13 calendar year 1993, by more than 14% absolute for calendar
14 years 1994 and 1995, by more than 10% absolute for calendar
15 years 1999 through 2003 and by more than 16% absolute for
16 calendar year 2004 and each calendar year thereafter, from
17 the adjusted state experience factor for the calendar year
18 preceding the calendar year for which the adjusted state
19 experience factor is being determined;

20 5. Shall be 100% for calendar years 1996, 1997, and
21 1998.

22 D-1. The adjusted state experience factor for each of
23 calendar years 2013 through 2015 shall be increased by 5%
24 absolute above the adjusted state experience factor as
25 calculated without regard to this subsection. The adjusted
26 state experience factor for each of calendar years 2016 through

1 2018 shall be increased by 6% absolute above the adjusted state
2 experience factor as calculated without regard to this
3 subsection. The increase in the adjusted state experience
4 factor for calendar year 2018 pursuant to this subsection shall
5 not be counted for purposes of applying paragraph 3 or 4 of
6 subsection D to the calculation of the adjusted state
7 experience factor for calendar year 2019.

8 D-2. (Blank).

9 D-3. The adjusted state experience factor for calendar year
10 2022 shall be increased by 16% ~~22%~~ absolute above the adjusted
11 state experience factor as calculated without regard to this
12 subsection. The increase in the adjusted state experience
13 factor for calendar year 2022 pursuant to this subsection shall
14 not be counted for purposes of applying paragraph 3 or 4 of
15 subsection D to the calculation of the adjusted state
16 experience factor for calendar year 2023.

17 E. The amount standing to the credit of this State's
18 account in the unemployment trust fund as of June 30 shall be
19 deemed to include as part thereof (a) any amount receivable on
20 that date from any Federal governmental agency, or as a payment
21 in lieu of contributions under the provisions of Sections 1403
22 and 1405 B and paragraph 2 of Section 302C, in reimbursement of
23 benefits paid to individuals, and (b) amounts credited by the
24 Secretary of the Treasury of the United States to this State's
25 account in the unemployment trust fund pursuant to Section 903
26 of the Federal Social Security Act, as amended, including any

1 such amounts which have been appropriated by the General
2 Assembly in accordance with the provisions of Section 2100 B
3 for expenses of administration, except any amounts which have
4 been obligated on or before that date pursuant to such
5 appropriation.

6 (Source: P.A. 100-568, eff. 12-15-17; 101-423, eff. 1-1-20.)

7 (820 ILCS 405/1506.6)

8 Sec. 1506.6. Surcharge; specified period. For each
9 employer whose contribution rate for calendar year 2022 is
10 determined pursuant to Section 1500 or 1506.1, in addition to
11 the contribution rate established pursuant to Section 1506.3,
12 an additional surcharge of 0.325% ~~0.425%~~ shall be added to the
13 contribution rate. The surcharge established by this Section
14 shall be due at the same time as other contributions with
15 respect to the quarter are due, as provided in Section 1400.
16 Payments attributable to the surcharge established pursuant to
17 this Section shall be contributions and deposited into the
18 clearing account.

19 (Source: P.A. 100-568, eff. 12-15-17; 101-423, eff. 1-1-20.)

20 Section 90. The State Mandates Act is amended by adding
21 Section 8.44 as follows:

22 (30 ILCS 805/8.44 new)

23 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 101st General Assembly.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".