



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0131

Introduced 1/14/2021, by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

820 ILCS 405/604

from Ch. 48, par. 434

Amends the Unemployment Insurance Act. Provides that a claimant is not disqualified from obtaining benefits during a period of unemployment caused by a labor dispute if the labor dispute is caused by the failure or refusal of the employer to comply with an agreement or contract between the employer and the claimant, including a collective bargaining agreement with a union representing the claimant, or a State or federal law pertaining to hours, wages, or other conditions of work. Provides that a claimant shall not be provided benefits for a period of the first 30 days following the commencement of unemployment caused by a labor dispute, including a strike or other concerted activities of employees at the claimant's workplace, whether or not authorized or sanctioned by a union representing the claimant, but not including a dispute during which benefits are otherwise available. Provides that the 30-day waiting period shall not apply if the employer hires a permanent replacement worker for the claimant's position. Provides that if the employer does not permit the claimant to return to his or her prior position upon conclusion of the dispute, the claimant shall be entitled to recover any benefits lost as a result of the 30-day waiting period before receiving benefits. Effective immediately.

LRB102 02771 KTG 12778 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 604 as follows:

6 (820 ILCS 405/604) (from Ch. 48, par. 434)

7 Sec. 604. Labor dispute. An individual shall be ineligible
8 for benefits for any week with respect to which it is found
9 that his total or partial unemployment is due to a stoppage of
10 work which exists because of a labor dispute at the factory,
11 establishment, or other premises at which he is or was last
12 employed. The term "labor dispute" does not include an
13 individual's refusal to work because of his employer's failure
14 to pay accrued earned wages within 10 working days from the
15 date due, or to pay any other uncontested accrued obligation
16 arising out of his employment within 10 working days from the
17 date due.

18 For the purpose of disqualification under this Section the
19 term "labor dispute" does not include a lockout by an
20 employer, and no individual shall be denied benefits by reason
21 of a lockout, provided that no individual shall be eligible
22 for benefits during a lockout who is ineligible for benefits
23 under another Section of this Act, and provided further that

1 no individual locked out by an employer shall be eligible for
2 benefits for any week during which (1) the recognized or
3 certified collective bargaining representative of the locked
4 out employees refuses to meet under reasonable conditions with
5 the employer to discuss the issues giving rise to the lockout
6 or (2) there is a final adjudication under the National Labor
7 Relations Act that during the period of the lockout the
8 recognized or certified collective bargaining representative
9 of the locked-out employees has refused to bargain in good
10 faith with the employer over issues giving rise to the
11 lockout, or (3) the lockout has resulted as a direct
12 consequence of a violation by the recognized or certified
13 collective bargaining representative of the locked out
14 employees of the provisions of an existing collective
15 bargaining agreement. An individual's total or partial
16 unemployment resulting from any reduction in operations or
17 reduction of force or layoff of employees by an employer made
18 in the course of or in anticipation of collective bargaining
19 negotiations between a labor organization and such employer,
20 is not due to a stoppage of work which exists because of a
21 labor dispute until the date of actual commencement of a
22 strike or lockout.

23 This Section shall not apply if it is shown that (A) the
24 individual is not participating in or financing or directly
25 interested in the labor dispute which caused the stoppage of
26 work and (B) he does not belong to a grade or class of workers

1 of which immediately before the commencement of the stoppage
2 there were members employed at the premises at which the
3 stoppage occurs, any of whom are participating in or financing
4 or directly interested in the dispute; provided, that a
5 lockout by the employer or an individual's failure to cross a
6 picket line at such factory, establishment, or other premises
7 shall not, in itself, be deemed to be participation by him in
8 the labor dispute. If in any case, separate branches of work
9 which are commonly conducted as separate businesses in
10 separate premises are conducted in separate departments of the
11 same premises, each such department shall, for the purpose of
12 this Section, be deemed to be a separate factory,
13 establishment, or other premises.

14 For any claim for a period of unemployment commencing on
15 or after the effective date of this amendatory Act of the 102nd
16 General Assembly, no disqualification under this Section shall
17 apply if the labor dispute is caused by the failure or refusal
18 of the employer to comply with an agreement or contract
19 between the employer and the claimant, including a collective
20 bargaining agreement with a union representing the claimant,
21 or a State or federal law pertaining to hours, wages, or other
22 conditions of work.

23 For any claim for a period of unemployment commencing on
24 or after the effective date of this amendatory Act of the 102nd
25 General Assembly, if the unemployment is caused by a labor
26 dispute, including a strike or other concerted activities of

1 employees at the claimant's workplace, whether or not
2 authorized or sanctioned by a union representing the claimant,
3 but not including a dispute during which benefits are
4 otherwise available under this Section, the claimant shall not
5 be provided benefits for a period of the first 30 days
6 following the commencement of the unemployment caused by the
7 labor dispute, except that the period without benefits shall
8 not apply if the employer hires a permanent replacement worker
9 for the claimant's position. A replacement worker shall be
10 presumed to be permanent unless the employer certifies in
11 writing that the claimant will be permitted to return to his or
12 her prior position upon conclusion of the dispute. If the
13 employer does not permit the return, the claimant shall be
14 entitled to recover any benefits lost as a result of the 30-day
15 waiting period before receiving benefits, and the Department
16 may impose a penalty upon the employer of up to \$750 per
17 employee per week of benefits lost. The penalty collected
18 shall be paid into the Special Administrative Account.

19 Whenever any claim involves the provisions of this
20 Section, the claims adjudicator referred to in Section 702
21 shall make a separate determination as to the eligibility or
22 ineligibility of the claimant with respect to the provisions
23 of this Section. This separate determination may be appealed
24 to the Director in the manner prescribed by Section 800.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.