Provides that the Act may be referred to as the COVID-19 Small Business Relief Act. Creates the COVID-19 Immunity Act. Provides that an employer shall not be liable in a civil action claiming an injury from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care of the employer was in compliance or consistent with guidance applicable at the time of the alleged exposure. Creates the COVID-19 Business Operation Compliance Act. Provides that a qualified employer may lawfully operate his or her business in the State by adhering to any health and safety guidance that is in place during a time when there is a COVID-19-related public health emergency. Creates the Temporary Employment Tort Moratorium Act. Provides that any lawsuit against a small business for wrongful termination that occurred in the calendar years of 2020 or 2021 shall be stayed until January 1, 2023. Amends the Illinois Emergency Management Agency Act. Provides that the Governor's 30 days of emergency powers shall not be extended, renewed, or successively issued by any subsequent disaster proclamations for the same disaster. Amends the Unemployment Insurance Act. Provides that for an annual administrative fee not to exceed $5, an employer subject to the payment of contributions may pay its quarterly contributions due for wages paid during the first 3 quarters of a calendar year in equal installments. Provides that the Director of the Department of Employment Security may establish a temporary unemployment tax holiday for the purposes of providing temporary tax payment relief to an eligible employer in the State. Allows for the development and implementation of an unemployment benefits claims-processing and contribution-management model pilot program that is operated by a responsible private entity or administrator. Makes other changes. Effective immediately.
AN ACT concerning COVID-19.

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

Article 1. COVID-19 Small Business Relief

Section 1-1. References to Act. This Act may be referred to as the COVID-19 Small Business Relief Act.

Article 5. Civil Immunity for Small Businesses

Section 5-1. Short title. This Article may be cited as the COVID-19 Immunity Act. References in this Article to "this Act" mean this Article.

Section 5-5. Definitions. As used in this Act:

"COVID-19" means the novel coronavirus identified as SARS-CoV-2, the disease caused by SARS-CoV-2, and conditions associated with the disease.

"Employer" means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee, for which one to 50 persons are gainfully employed on some day within a calendar year. An employer is subject to this Act in a
calendar year on and after the first day in such calendar year
in which he employs one or more persons, and for the following
calendar year.

"Guidance" means written guidelines related to COVID-19
issued by the Centers for Disease Control and Prevention, the
Occupational Safety and Health Administration of the United
States Department of Labor, the Illinois Department of Public
Health, the Illinois Department of Commerce and Economic
Opportunity, or any other State agency, board, or commission.

Section 5-10. Civil immunity. Notwithstanding any other
provision of law, an employer shall not be liable in a civil
action claiming an injury from exposure or potential exposure
to COVID-19 if the act or omission alleged to violate a duty of
care of the employer was in compliance or consistent with
federal or State regulations, a presidential or gubernatorial
executive order, or guidance applicable at the time of the
alleged exposure. If 2 or more sources of guidance apply to the
conduct or risk at the time of the alleged exposure, the
employer shall not be liable if the conduct is consistent with
any applicable guidance.

Section 5-15. Exceptions. The immunity described in
Section 5-10 does not apply to willful misconduct, reckless
infliction of harm, or intentional infliction of harm. This
Act does not affect rights and remedies under the Workers'
Article 10. Businesses Allowed to Operate Under Federal Guidance

Section 10-1. Short title. This Article may be cited as the COVID-19 Business Operation Compliance Act. References in this Article to "this Act" mean this Article.

Section 10-5. Definitions. As used in this Act:

"COVID-19" means the novel coronavirus identified as SARS-CoV-2, the disease caused by SARS-CoV-2, and conditions associated with the disease.

"Guidance" means written guidelines related to COVID-19 issued by the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration of the United States Department of Labor, the Illinois Department of Public Health, the Illinois Department of Commerce and Economic Opportunity, or any other State agency, board, or commission.

"Qualified employer" means any essential businesses and operations as defined in Executive Order 2020-10 dated March 20, 2020.

Section 10-10. Lawful operations during a COVID-19-related public health crisis. Notwithstanding any other provision of law, a qualified employer may lawfully operate his or her
business in the State by adhering to any health and safety
guidance that is in place during a time when there is a
COVID-19-related public health emergency. The qualified
employer may choose to adhere to specific federal guidance in
lieu of any guidance offered by the State or local
governmental agency if the federal guidance is deemed less
stringent by the qualified employer.

Section 10-15. Relation to other laws. This Act supersedes
any State law, including any local law or ordinance, contract,
agreement, policy, plan, practice, or other matter that
reduces, limits, or eliminates in any manner any protection
provided by this Act, including the establishment of
additional prerequisites to the exercise of any such
protection.

Article 15. Temporary Employment Tort Moratorium

Section 15-1. Short title. This Article may be cited as
the Temporary Employment Tort Moratorium Act. References in
this Article to "this Act" mean this Article.

Section 15-5. Temporary stay of wrongful termination
suits.
(a) Due to the vast effects of the COVID-19 pandemic on
small businesses and the response from the State government
that made it even more difficult for small businesses to
operate, the purpose of this Act is to give small businesses
time to recuperate some of their losses before any possible
lawsuits may cause them any further harm.

(b) As used in this Section, "small business" means any
business with 50 or fewer employees.

(c) Any wrongful termination lawsuit against a small
business filed on the basis of a termination that occurred in
the calendar years of 2020 or 2021 shall be stayed until
January 1, 2023. This shall not abridge the right of a person
to file or obtain any remedy for a wrongful termination suit
and any statute of limitations period shall be tolled from the
date the wrongful termination occurred or should have been
discovered until January 1, 2023.

Article 20. Claims Against the State of Illinois; IEMA
Disaster Declaration Limitation

Section 20-5. The Illinois Emergency Management Agency Act
is amended by adding Section 7.5 as follows:

(20 ILCS 3305/7.5 new)

Sec. 7.5. Expiration of emergency powers of the Governor.
The Governor's 30 days of emergency powers shall not be
extended, renewed, or successively issued by any subsequent
disaster proclamations for the same disaster. Neither shall
any disaster proclamations be extended, renewed, or successively issued beyond 30 days for the same disaster. Injunctive relief, attorney's fees, and court costs shall be awarded to a prevailing plaintiff in a suit alleging that an executive order by the Governor is in violation of this Section.

Article 25. Unemployment Benefit Charges Relief Extended; No Experience Factor Changes Based on COVID-19-Related Unemployment

Section 30-5. The Unemployment Insurance Act is amended by changing Section 1502.4 and by adding Section 1504.1 as follows:

(820 ILCS 405/1502.4)

Sec. 1502.4. Benefit charges; COVID-19.

A. With respect to any benefits paid for a week of unemployment that begins on or after March 15, 2020, and before June 30, 2021 December 31, 2020, and is directly or indirectly attributable to COVID-19, notwithstanding any other provisions to the contrary an employer that is subject to the payment of contributions shall not be chargeable for any benefit charges.

B. With respect to any regular benefits paid for a week of unemployment that begins on or after March 15, 2020, and
before June 30, 2021 December 31, 2020, and is directly or indirectly attributable to COVID-19, notwithstanding any other provisions to the contrary except subsection E, a nonprofit organization that is subject to making payments in lieu of contributions shall be chargeable for 50% of the benefits paid.

C. With respect to any benefits paid for a week of unemployment that begins on or after March 15, 2020, and before June 30, 2021 December 31, 2020, and is directly or indirectly attributable to COVID-19, notwithstanding any other provisions to the contrary except subsection E, the State and any local government that is subject to making payments in lieu of contributions shall be chargeable for 50% of the benefits paid, irrespective of whether the State or local government paid the individual who received the benefits wages for insured work during the individual's base period.

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

E. No employer shall be chargeable for the week of benefits paid to an individual under the provisions of Section 500D-1.

(Source: P.A. 101-633, eff. 6-5-20.)

(820 ILCS 405/1504.1 new)
Sec. 1504.1. State experience factor evaluation. The Department shall recommend to the General Assembly and the Governor that no change to the State's experience factor should be made in a calendar year if the Department reasonably believes that any change will result in increased costs to employers in the State.

Article 30. Quarterly Unemployment Insurance Contributions

Section 35-5. The Unemployment Insurance Act is amended by adding Section 1400.01 as follows:

(820 ILCS 405/1400.01 new)

Sec. 1400.01. Payments of contributions. For an annual administrative fee not to exceed $5, an employer subject to the payment of contributions may pay its quarterly contributions due for wages paid during the first 3 quarters of a calendar year in equal installments as follows:

(1) For contributions due for wages paid during the first quarter of that calendar year, one-fourth of the contributions due shall be paid on or before April 30 of that calendar year, one-fourth shall be paid on or before July 31 of that calendar year, one-fourth shall be paid on or before October 31 of that calendar year, and one-fourth shall be paid on or before January 31 of the succeeding calendar year.
(2) In addition to the payments specified in paragraph
(1), for contributions due for wages paid during the
second quarter of that calendar year, one-third of the
contributions due shall be paid on or before July 31 of
that calendar year, one-third shall be paid on or before
October 31 of that calendar year, and one-third shall be
paid on or before January 31 of the succeeding calendar
year.

(3) In addition to the payments specified in
paragraphs (1) and (2), for contributions due for wages
paid during the third quarter of that calendar year,
one-half of the contributions due shall be paid on or
before October 31 of that calendar year, and one-half
shall be paid on or before January 31 of the succeeding
calendar year.

(4) The annual administrative fee assessed for
electing to pay under this Section for a calendar year
shall be due and payable on or before April 30 of that
calendar year and shall be deposited into the Special
Administrative Account.

Interest shall not accrue on any contribution that becomes
due for wages paid during the first 3 quarters of a calendar
year if the employer elects to use the provisions of this
Section and pays its contributions and administrative fee in
accordance with paragraphs (1) through (4). If an employer
elects to use the provisions of this Section but fails to pay
its contributions when due in accordance with paragraphs (1) through (4), interest shall accrue as of the date that the payment was originally due without regard to this Section.

The Director may adopt such rules as the Director deems necessary to carry out this Section.

Article 35. Unemployment Tax Holiday

Section 40-5. The Unemployment Insurance Act is amended by adding Section 1400.3 as follows:

(820 ILCS 405/1400.3 new)

Sec. 1400.3. Employer's contribution holiday. For calendar year 2021, the Director may establish a temporary unemployment tax holiday for the purposes of providing temporary tax payment relief to an eligible employer in the State. As used in this Section, "eligible employer" means an employer with 50 or fewer employees who is subject to this Act.

Article 40. Private Sector Option for Unemployment Insurance Contribution and Benefit Pilot Program

Section 45-5. The Unemployment Insurance Act is amended by adding Section 101 as follows:

(820 ILCS 405/101 new)
Sec. 101. Private Sector Option for Unemployment Insurance Contribution and Benefit Pilot Program.

(a) The State is facing one of the most challenging financial times in State history that was brought about by the 2019 novel coronavirus. While at the beginning of the global pandemic, and to this day, the novel coronavirus created a public health crisis, its continued impacts on public health have additionally given way to an economic crisis. This has placed an incredible strain on the Department of Employment Security. Facing an unprecedented need for unemployment and other assistance, the Department has proven ineffectual in its safe, secure, and timely handling and processing of unemployment claims and benefits. All across this State, there have been countless cases of reported and suspected unemployment fraud committed against State residents. The great need for assistance by legitimate claimants and the seemingly unknown levels of fraudulent claims has resulted in an unworkable benefits delivery model that does not appear to be improving. Therefore, the State affirms herein the need to employ a new alternative method of processing unemployment claims that allows Illinois workers and businesses greater flexibility, security, and cost-effectiveness.

(b) The Department may allow for the development and implementation of an unemployment benefits claims-processing and contribution-management model pilot program that is operated by a responsible private entity or administrator with
all appropriate, safe, and secure integrity measures that are
required by State and federal laws governing the
administration of unemployment insurance benefit systems.

(c) In establishing the pilot program, the Department may
establish an unemployment insurance contribution model that
allows qualified employers to, in lieu of making regular
unemployment insurance contributions under the provisions of
this Act, secure a bond that is managed by the responsible
private entity or administrator for purposes of paying out any
qualified unemployment claims. Similarly, a qualified employee
may secure a bond that is managed by the responsible private
dentity or administrator for purposes of accessing qualified
unemployment claims. In establishing the pilot program, the
Department may, additionally, allow for the portability of any
unemployment insurance that allows qualified employees to work
with the responsible private entity or administrator to ensure
that timely and secure payments are made from the bond. The
Department may set any reasonable criteria for the
establishment of the pilot program and may establish any
necessary guidelines to ensure the State's compliance with any
federal law.

(d) The pilot program shall be overseen by the Department
and the Department, in consultation with the Department of
Revenue, may adopt any rules necessary to ensure that the
pilot program and the responsible private entity or
administrator that acts as the administrator of the pilot
The program is abiding by all applicable State and federal laws.

(e) The Department may receive any and all information deemed necessary and appropriate from the responsible private entity or administrator to ensure the compliance of the responsible private entity or administrator with all State and federal laws, including any reporting requirements that the Department may deem reasonable and appropriate.

(f) Participation in the pilot program created under this Section may be limited to any qualified employee that:

(1) has filed for and received unemployment insurance benefits in calendar year 2020 or 2021; or

(2) has been the victim of unemployment insurance fraud; and

(3) is an employee of a qualified employer in the State that employs less than 50 employees in the State.

(g) The pilot program under this Section shall become effective beginning on January 1, 2022 and shall be in effect until January 1, 2025.

(h) Nothing in this Section shall be interpreted to create a new tax or increase the rate of contribution of any employer required under this Act.

(i) As used in this Section:

"Private administration of unemployment insurance benefits" means the direct administration of State unemployment insurance benefits for qualifying taxpayers and businesses that elect to participate in the pilot program.
"Qualified employee" means an Illinois worker who filed for and received unemployment benefits in calendar year 2020 or 2021 or an Illinois worker who was the victim of unemployment insurance benefit fraud in calendar year 2020 or 2021.

"Qualified employer" means any business with 50 or fewer employees.

"Responsible private entity or administrator" means a nonpublic entity that has operated in the business of insurance or unemployment insurance administration and is licensed in the State and deemed capable and competent to implement the provisions of the pilot program created under this Section.

Article 99. Effective Date

Section 99-99. Effective date. This Act takes effect upon becoming law.