



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4143

by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

820 ILCS 405/604

from Ch. 48, par. 434

Amends the Unemployment Insurance Act. Provides that an individual shall be ineligible for benefits for a period totaling and not to exceed 2 weeks (rather than an individual shall be ineligible for benefits for any week) with respect to which it is found that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed. Provides that, after the 2 week period, the individual will be eligible for benefits.

LRB103 34330 SPS 64160 b

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 a period totaling and not to exceed 2 weeks
9 ~~any week~~ with respect to which it is found that his total or
10 partial unemployment is due to a stoppage of work which exists
11 because of a labor dispute at the factory, establishment, or
12 other premises at which he is or was last employed. After the 2
13 week period, the individual will be eligible for benefits. The
14 term "labor dispute" does not include an individual's refusal
15 to work because of his employer's failure to pay accrued
16 earned wages within 10 working days from the date due, or to
17 pay any other uncontested accrued obligation arising out of
18 his employment within 10 working days from the date due.

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

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

24 This Section shall not apply if it is shown that (A) the
25 individual is not participating in or financing or directly
26 interested in the labor dispute which caused the stoppage of

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

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

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