



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2019

Introduced 2/9/2023, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/800  
820 ILCS 405/801

from Ch. 48, par. 470  
from Ch. 48, par. 471

Amends the Unemployment Insurance Act. Provides that specified determinations by the Director of Employment Security or a Referee may be appealed within 120 calendar days (rather than 30 calendar days).

LRB103 27291 SPS 53662 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 Sections 800 and 801 as follows:

6 (820 ILCS 405/800) (from Ch. 48, par. 470)

7 Sec. 800. Appeals to referee or director. Except as  
8 hereinafter provided, appeals from a claims adjudicator shall  
9 be taken to a Referee. Whenever a "determination" of a claims  
10 adjudicator involves a decision as to eligibility under  
11 Section 604, appeals shall be taken to the Director or his  
12 representative designated for such purpose. Unless the  
13 claimant or any other party entitled to notice of the claims  
14 adjudicator's "finding" or "determination," as the case may  
15 be, or the Director, within 120 ~~30~~ calendar days after the  
16 delivery of the claims adjudicator's notification of such  
17 "finding" or "determination," or within 120 ~~30~~ calendar days  
18 after such notification was mailed to his last known address,  
19 files an appeal therefrom, such "finding" or "determination"  
20 shall be final as to all parties given notice thereof.

21 (Source: P.A. 81-1521.)

22 (820 ILCS 405/801) (from Ch. 48, par. 471)

1           Sec. 801. Decision of referee or director.

2           A. Unless such appeal is withdrawn, a Referee or the  
3 Director, as the case may be, shall afford the parties  
4 reasonable opportunity for a fair hearing. At any hearing, the  
5 record of the claimant's registration for work, or of the  
6 claimant's certification that, during the week or weeks  
7 affected by the hearing, he was able to work, available for  
8 work, and actively seeking work, or any document in the files  
9 of the Department of Employment Security submitted to it by  
10 any of the parties, shall be a part of the record, and shall be  
11 competent evidence bearing upon the issues. The failure of the  
12 claimant or other party to appear at a hearing, unless he is  
13 the appellant, shall not preclude a decision in his favor if,  
14 on the basis of all the information in the record, he is  
15 entitled to such decision. The Referee or the Director, as the  
16 case may be, shall affirm, modify, or set aside the claims  
17 adjudicator's "finding" or "determination," or both, as the  
18 case may be, or may remand the case, in whole or in part, to  
19 the claims adjudicator, and, in such event, shall state the  
20 questions requiring further consideration, and give such other  
21 instructions as may be necessary. The parties shall be duly  
22 notified of such decision, together with the reasons therefor.  
23 The decision of the Referee shall be final, unless, within 120  
24 ~~30~~ calendar days after the date of mailing of such decision,  
25 further appeal to the Board of Review is initiated pursuant to  
26 Section 803.

1           B. Except as otherwise provided in this subsection, the  
2 Director may by regulation allow the Referee, upon the request  
3 of a party for good cause shown, before or after the Referee  
4 issues his decision, to reopen the record to take additional  
5 evidence or to reconsider the Referee's decision or both to  
6 reopen the record and reconsider the Referee's decision. Where  
7 the Referee issues a decision, he shall not reconsider his  
8 decision or reopen the record to take additional evidence  
9 after an appeal of the decision is initiated pursuant to  
10 Section 803 or if the request is made more than 120 ~~30~~ calendar  
11 days, or fewer days if prescribed by the Director, after the  
12 date of mailing of the Referee's decision. The allowance or  
13 denial of a request to reopen the record, where the request is  
14 made before the Referee issues a decision, is not separately  
15 appealable but may be raised as part of the appeal of the  
16 Referee's decision. The allowance of a request to reconsider  
17 is not separately appealable but may be raised as part of the  
18 appeal of the Referee's reconsidered decision. A party may  
19 appeal the denial of a timely request to reconsider a decision  
20 within 120 ~~30~~ calendar days after the date of mailing of notice  
21 of such denial, and any such appeal shall constitute a timely  
22 appeal of both the denial of the request to reconsider and the  
23 Referee's decision. Whenever reference is made in this Act to  
24 the Referee's decision, the term "decision" includes a  
25 reconsidered decision under this subsection.

26       (Source: P.A. 88-655, eff. 9-16-94.)