



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Keith P. Sommer

**SYNOPSIS AS INTRODUCED:**

820 ILCS 405/1502.1

from Ch. 48, par. 572.1

Amends the Unemployment Insurance Act. Provides that an employer is not chargeable for any benefit charges resulting from the payment of benefits to an individual for any week of unemployment if the employer's business is closed solely because of the entrance of the employer, one or more of the partners or officers of the employer, or the majority stockholder of the employer into active duty in the Illinois National Guard or the Armed Forces. Effective immediately.

LRB093 15995 WGH 41619 b

FISCAL NOTE ACT  
MAY APPLY

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 1502.1 as follows:

6 (820 ILCS 405/1502.1) (from Ch. 48, par. 572.1)

7 Sec. 1502.1. Employer's benefit charges.

8 A. Benefit charges which result from payments to any  
9 claimant made on or after July 1, 1989 shall be charged:

10 1. For benefit years beginning prior to July 1, 1989,  
11 to each employer who paid wages to the claimant during his  
12 base period;

13 2. For benefit years beginning on or after July 1, 1989  
14 but before January 1, 1993, to the later of:

15 a. the last employer prior to the beginning of the  
16 claimant's benefit year:

17 i. from whom the claimant was separated or who,  
18 by reduction of work offered, caused the claimant  
19 to become unemployed as defined in Section 239,  
20 and,

21 ii. for whom the claimant performed services  
22 in employment, on each of 30 days whether or not  
23 such days are consecutive, provided that the wages  
24 for such services were earned during the period  
25 from the beginning of the claimant's base period to  
26 the beginning of the claimant's benefit year; but  
27 that employer shall not be charged if:

28 (1) the claimant's last separation from  
29 that employer was a voluntary leaving without  
30 good cause, as the term is used in Section 601A  
31 or under the circumstances described in  
32 paragraphs 1 and 2 of Section 601B; or

1 (2) the claimant's last separation from  
2 that employer was a discharge for misconduct or  
3 a felony or theft connected with his work from  
4 that employer, as these terms are used in  
5 Section 602; or

6 (3) after his last separation from that  
7 employer, prior to the beginning of his benefit  
8 year, the claimant refused to accept an offer  
9 of or to apply for suitable work from that  
10 employer without good cause, as these terms are  
11 used in Section 603; or

12 (4) the claimant, following his last  
13 separation from that employer, prior to the  
14 beginning of his benefit year, is ineligible or  
15 would have been ineligible under Section 612 if  
16 he has or had had base period wages from the  
17 employers to which that Section applies; or

18 (5) the claimant subsequently performed  
19 services for at least 30 days for an individual  
20 or organization which is not an employer  
21 subject to this Act; or

22 b. the single employer who pays wages to the  
23 claimant that allow him to requalify for benefits after  
24 disqualification under Section 601, 602 or 603, if:

25 i. the disqualifying event occurred prior to  
26 the beginning of the claimant's benefit year, and

27 ii. the requalification occurred after the  
28 beginning of the claimant's benefit year, and

29 iii. even if the 30 day requirement given in  
30 this paragraph is not satisfied; but

31 iv. the requalifying employer shall not be  
32 charged if the claimant is held ineligible with  
33 respect to that requalifying employer under  
34 Section 601, 602 or 603.

35 3. For benefit years beginning on or after January 1,  
36 1993, with respect to each week for which benefits are



1                   ineligibility); or

2                   b. the single employer who pays wages to the  
3                   claimant that allow him to requalify for benefits after  
4                   disqualification under Section 601, 602, or 603, even  
5                   if the 30 day requirement given in this paragraph is  
6                   not satisfied; but the requalifying employer shall not  
7                   be charged if the claimant is held ineligible with  
8                   respect to that requalifying employer under Section  
9                   601, 602, or 603.

10                  B. Whenever a claimant is ineligible pursuant to Section  
11                  614 on the basis of wages paid during his base period, any days  
12                  on which such wages were earned shall not be counted in  
13                  determining whether that claimant performed services during at  
14                  least 30 days for the employer that paid such wages as required  
15                  by paragraphs 2 and 3 of subsection A.

16                  C. If no employer meets the requirements of paragraph 2 or  
17                  3 of subsection A, then no employer will be chargeable for any  
18                  benefit charges which result from the payment of benefits to  
19                  the claimant for that benefit year.

20                  D. Notwithstanding the preceding provisions of this  
21                  Section, no employer shall be chargeable for any benefit  
22                  charges which result from the payment of benefits to any  
23                  claimant after the effective date of this amendatory Act of  
24                  1992 where the claimant's separation from that employer  
25                  occurred as a result of his detention, incarceration, or  
26                  imprisonment under State, local, or federal law.

27                  D-1. Notwithstanding any other provision of this Section,  
28                  an employer shall not be chargeable for any benefit charges  
29                  which result from the payment of benefits to an individual for  
30                  any week of unemployment during the period that the employer's  
31                  business is closed solely because of the entrance of the  
32                  employer, one or more of the partners or officers of the  
33                  employer, or the majority stockholder of the employer into  
34                  active duty in the Illinois National Guard or the Armed Forces  
35                  of the United States.

36                  E. For the purposes of Sections 302, 409, 701, 1403, 1404,

1 1405 and 1508.1, last employer means the employer that:

2 1. is charged for benefit payments which become benefit  
3 charges under this Section, or

4 2. would have been liable for such benefit charges if  
5 it had not elected to make payments in lieu of  
6 contributions.

7 (Source: P.A. 93-634, eff. 1-1-04.)

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