



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

Introduced 02/09/04, by Robert S. Molaro

**SYNOPSIS AS INTRODUCED:**

820 ILCS 405/612

from Ch. 48, par. 442

Amends the Unemployment Insurance Act. Provides that an individual is ineligible for benefits on the basis of wages for service for a municipality as a school crossing guard between 2 successive academic years or terms or during a vacation period or holiday recess if the individual performed the service in the first of the academic years or terms or before the vacation period or holiday recess and there is a reasonable assurance that the individual will perform the service in the second of the academic years or terms or after the vacation period or holiday recess, subject to specified exceptions. Effective immediately.

LRB093 17912 WGH 47107 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 612 as follows:

6 (820 ILCS 405/612) (from Ch. 48, par. 442)

7 Sec. 612. Academic Personnel; crossing guards -  
8 Ineligibility between academic years or terms.

9 A. Benefits based on wages for services which are  
10 employment under the provisions of Sections 211.1, 211.2, and  
11 302C shall be payable in the same amount, on the same terms,  
12 and subject to the same conditions as benefits payable on the  
13 basis of wages for other services which are employment under  
14 this Act; except that:

15 1. An individual shall be ineligible for benefits, on  
16 the basis of wages for employment in an instructional,  
17 research, or principal administrative capacity performed  
18 for an institution of higher education, for any week which  
19 begins during the period between two successive academic  
20 years, or during a similar period between two regular  
21 terms, whether or not successive, or during a period of  
22 paid sabbatical leave provided for in the individual's  
23 contract, if the individual has a contract or contracts to  
24 perform services in any such capacity for any institution  
25 or institutions of higher education for both such academic  
26 years or both such terms.

27 This paragraph 1 shall apply with respect to any week  
28 which begins prior to January 1, 1978.

29 2. An individual shall be ineligible for benefits, on  
30 the basis of wages for service in employment in any  
31 capacity other than those referred to in paragraph 1,  
32 performed for an institution of higher learning, for any

1 week which begins after September 30, 1983, during a period  
2 between two successive academic years or terms, if the  
3 individual performed such service in the first of such  
4 academic years or terms and there is a reasonable assurance  
5 that the individual will perform such service in the second  
6 of such academic years or terms.

7 3. An individual shall be ineligible for benefits, on  
8 the basis of wages for service in employment in any  
9 capacity other than those referred to in paragraph 1,  
10 performed for an institution of higher education, for any  
11 week which begins after January 5, 1985, during an  
12 established and customary vacation period or holiday  
13 recess, if the individual performed such service in the  
14 period immediately before such vacation period or holiday  
15 recess and there is a reasonable assurance that the  
16 individual will perform such service in the period  
17 immediately following such vacation period or holiday  
18 recess.

19 B. Benefits based on wages for services which are  
20 employment under the provisions of Sections 211.1 and 211.2  
21 shall be payable in the same amount, on the same terms, and  
22 subject to the same conditions, as benefits payable on the  
23 basis of wages for other services which are employment under  
24 this Act, except that:

25 1. An individual shall be ineligible for benefits, on  
26 the basis of wages for service in employment in an  
27 instructional, research, or principal administrative  
28 capacity performed for an educational institution, for any  
29 week which begins after December 31, 1977, during a period  
30 between two successive academic years, or during a similar  
31 period between two regular terms, whether or not  
32 successive, or during a period of paid sabbatical leave  
33 provided for in the individual's contract, if the  
34 individual performed such service in the first of such  
35 academic years (or terms) and if there is a contract or a  
36 reasonable assurance that the individual will perform

1 service in any such capacity for any educational  
2 institution in the second of such academic years (or  
3 terms).

4 2. An individual shall be ineligible for benefits, on  
5 the basis of wages for service in employment in any  
6 capacity other than those referred to in paragraph 1,  
7 performed for an educational institution, for any week  
8 which begins after December 31, 1977, during a period  
9 between two successive academic years or terms, if the  
10 individual performed such service in the first of such  
11 academic years or terms and there is a reasonable assurance  
12 that the individual will perform such service in the second  
13 of such academic years or terms.

14 3. An individual shall be ineligible for benefits, on  
15 the basis of wages for service in employment in any  
16 capacity performed for an educational institution, for any  
17 week which begins after January 5, 1985, during an  
18 established and customary vacation period or holiday  
19 recess, if the individual performed such service in the  
20 period immediately before such vacation period or holiday  
21 recess and there is a reasonable assurance that the  
22 individual will perform such service in the period  
23 immediately following such vacation period or holiday  
24 recess.

25 4. An individual shall be ineligible for benefits on  
26 the basis of wages for service in employment in any  
27 capacity performed in an educational institution while in  
28 the employ of an educational service agency for any week  
29 which begins after January 5, 1985, (a) during a period  
30 between two successive academic years or terms, if the  
31 individual performed such service in the first of such  
32 academic years or terms and there is a reasonable assurance  
33 that the individual will perform such service in the second  
34 of such academic years or terms; and (b) during an  
35 established and customary vacation period or holiday  
36 recess, if the individual performed such service in the

1 period immediately before such vacation period or holiday  
2 recess and there is a reasonable assurance that the  
3 individual will perform such service in the period  
4 immediately following such vacation period or holiday  
5 recess. The term "educational service agency" means a  
6 governmental agency or governmental entity which is  
7 established and operated exclusively for the purpose of  
8 providing such services to one or more educational  
9 institutions.

10 C. 1. If benefits are denied to any individual under the  
11 provisions of paragraph 2 of either subsection A or B of this  
12 Section for any week which begins on or after September 3, 1982  
13 and such individual is not offered a bona fide opportunity to  
14 perform such services for the educational institution for the  
15 second of such academic years or terms, such individual shall  
16 be entitled to a retroactive payment of benefits for each week  
17 for which the individual filed a timely claim for benefits as  
18 determined by the rules and regulations issued by the Director  
19 for the filing of claims for benefits, provided that such  
20 benefits were denied solely because of the provisions of  
21 paragraph 2 of either subsection A or B of this Section.

22 2. If benefits on the basis of wages for service in  
23 employment in other than an instructional, research, or  
24 principal administrative capacity performed in an educational  
25 institution while in the employ of an educational service  
26 agency are denied to any individual under the provisions of  
27 subparagraph (a) of paragraph 4 of subsection B and such  
28 individual is not offered a bona fide opportunity to perform  
29 such services in an educational institution while in the employ  
30 of an educational service agency for the second of such  
31 academic years or terms, such individual shall be entitled to a  
32 retroactive payment of benefits for each week for which the  
33 individual filed a timely claim for benefits as determined by  
34 the rules and regulations issued by the Director for the filing  
35 of claims for benefits, provided that such benefits were denied  
36 solely because of subparagraph (a) of paragraph 4 of subsection

1 B of this Section.

2 D. 1. An individual shall be ineligible for benefits, on  
3 the basis of wages for service in employment for a municipality  
4 as a school crossing guard for any week which begins on or  
5 after the effective date of this amendatory Act of the 93rd  
6 General Assembly, during a period between 2 successive academic  
7 years or terms, if the individual performed such service in the  
8 first of such academic years or terms and there is a reasonable  
9 assurance that the individual will perform such service in the  
10 second of such academic years or terms.

11 2. An individual shall be ineligible for benefits, on the  
12 basis of wages for service in employment for a municipality as  
13 a school crossing guard for any week which begins on or after  
14 the effective date of this amendatory Act of the 93rd General  
15 Assembly, during an established and customary vacation period  
16 or holiday recess, if the individual performed such service in  
17 the period immediately before such vacation period or holiday  
18 recess and there is a reasonable assurance that the individual  
19 will perform such service in the period immediately following  
20 such vacation period or holiday recess.

21 3. If benefits are denied to any individual under the  
22 provisions of paragraph 1 of this subsection D for any week  
23 which begins on or after the effective date of this amendatory  
24 Act of the 93rd General Assembly and such individual is not  
25 offered a bona fide opportunity to perform such services for  
26 the second of such academic years or terms, such individual  
27 shall be entitled to a retroactive payment of benefits for each  
28 week for which the individual filed a timely claim for benefits  
29 as determined by the rules and regulations issued by the  
30 Director for the filing of claims for benefits, provided that  
31 such benefits were denied solely because of the provisions of  
32 paragraph 1 of this subsection D.

33 (Source: P.A. 87-1178.)

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