



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2042**

Introduced 2/25/2005, by Sen. Martin A. Sandoval

**SYNOPSIS AS INTRODUCED:**

820 ILCS 405/612

from Ch. 48, par. 442

Deletes existing provisions of the Unemployment Insurance Act regarding the eligibility of certain academic and other personnel between academic years and during vacation periods. Inserts language providing that an individual is ineligible for benefits on the basis of wages for services in an instructional, research, or principal administrative capacity performed for an educational institution (including services performed while in the employ of an educational service agency) during the period between 2 successive academic years or terms, during a paid sabbatical leave, or during an established and customary vacation period or holiday recess if the individual performed those services immediately before the period or recess and there is a reasonable assurance that the individual will perform those services after the period or recess.

LRB094 07280 WGH 37437 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning unemployment insurance.

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 - Ineligibility between  
8 academic years or terms.

9 ~~A.~~ Benefits based on wages for services which are  
10 employment under the provisions of Sections 211.1~~7~~ and 211.2~~7~~  
11 ~~and 302C~~ shall be payable in the same amount, on the same  
12 terms, and subject to the same conditions as benefits payable  
13 on the basis of wages for other services which are employment  
14 under this Act; except that an individual is ineligible for  
15 benefits, on the basis of wages for services in an  
16 instructional, research, or principal administrative capacity  
17 performed:

18 1. For an educational institution, for any week that  
19 begins during the period between 2 successive academic  
20 years or terms (or, when an agreement provides instead for  
21 a similar period between 2 regular but not successive  
22 terms, during that period) or during a period of paid  
23 sabbatical leave provided for in the individual's  
24 contract, if the individual performs those services in the  
25 first of the academic years (or terms) and there is a  
26 contract or reasonable assurance that the individual will  
27 perform services in any such capacity for any educational  
28 institution, in the second of those academic years or  
29 terms.

30 2. For an educational institution, for any week that  
31 begins during an established and customary vacation period  
32 or holiday recess, if the individual performs those

1 services in the period immediately before the vacation  
2 period or holiday recess and there is a reasonable  
3 assurance that the individual will perform those services  
4 in the period immediately following the vacation period or  
5 holiday recess.

6 3. In an educational institution, while in the employ  
7 of an educational service agency for any week: (i) during a  
8 period between 2 successive academic years or terms, if the  
9 individual performed those services in the first of those  
10 academic years or terms and there is a reasonable assurance  
11 that the individual will perform those services in the  
12 second of those academic years or terms; and (ii) during an  
13 established and customary vacation period or holiday  
14 recess, if the individual performed those services in the  
15 period immediately before the vacation period or holiday  
16 recess and there is a reasonable assurance that the  
17 individual will perform those services in the period  
18 immediately following the vacation period or holiday  
19 recess. As used in this Section, "educational service  
20 agency" means a governmental agency or governmental entity  
21 that is established and operated exclusively for the  
22 purpose of providing such service to one or more  
23 educational institutions.

24 ~~1. an individual shall be ineligible for benefits, on the~~  
25 ~~basis of wages for employment in an instructional, research, or~~  
26 ~~principal administrative capacity performed for an institution~~  
27 ~~of higher education, for any week which begins during the~~  
28 ~~period between two successive academic years, or during a~~  
29 ~~similar period between two regular terms, whether or not~~  
30 ~~successive, or during a period of paid sabbatical leave~~  
31 ~~provided for in the individual's contract, if the individual~~  
32 ~~has a contract or contracts to perform services in any such~~  
33 ~~capacity for any institution or institutions of higher~~  
34 ~~education for both such academic years or both such terms.~~

35 ~~This paragraph 1 shall apply with respect to any week which~~  
36 ~~begins prior to January 1, 1978.~~

1           ~~2. An individual shall be ineligible for benefits, on~~  
2           ~~the basis of wages for service in employment in any~~  
3           ~~capacity other than those referred to in paragraph 1,~~  
4           ~~performed for an institution of higher learning, for any~~  
5           ~~week which begins after September 30, 1983, during a period~~  
6           ~~between two successive academic years or terms, if the~~  
7           ~~individual performed such service in the first of such~~  
8           ~~academic years or terms and there is a reasonable assurance~~  
9           ~~that the individual will perform such service in the second~~  
10           ~~of such academic years or terms.~~

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

23           ~~B. Benefits based on wages for services which are~~  
24           ~~employment under the provisions of Sections 211.1 and 211.2~~  
25           ~~shall be payable in the same amount, on the same terms, and~~  
26           ~~subject to the same conditions, as benefits payable on the~~  
27           ~~basis of wages for other services which are employment under~~  
28           ~~this Act, except that: 1. an individual shall be ineligible for~~  
29           ~~benefits, on the basis of wages for service in employment in an~~  
30           ~~instructional, research, or principal administrative capacity~~  
31           ~~performed for an educational institution, for any week which~~  
32           ~~begins after December 31, 1977, during a period between two~~  
33           ~~successive academic years, or during a similar period between~~  
34           ~~two regular terms, whether or not successive, or during a~~  
35           ~~period of paid sabbatical leave provided for in the~~  
36           ~~individual's contract, if the individual performed such~~

1 ~~service in the first of such academic years (or terms) and if~~  
2 ~~there is a contract or a reasonable assurance that the~~  
3 ~~individual will perform service in any such capacity for any~~  
4 ~~educational institution in the second of such academic years~~  
5 ~~(or terms).~~

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

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

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

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

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

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

1 ~~of claims for benefits, provided that such benefits were denied~~  
2 ~~solely because of subparagraph (a) of paragraph 4 of subsection~~  
3 ~~B of this Section.~~

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