

HB5536



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5536

Introduced 2/9/2010, by Rep. Jack McGuire

SYNOPSIS AS INTRODUCED:

820 ILCS 405/401

from Ch. 48, par. 401

Amends provisions of the Unemployment Insurance Act concerning dependents' allowances by including, in the definition of "child", a child who is under 23 years of age and enrolled as a full-time student.

LRB096 19214 WGH 34605 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 401 as follows:

6 (820 ILCS 405/401) (from Ch. 48, par. 401)

7 Sec. 401. Weekly Benefit Amount - Dependents' Allowances.

8 A. With respect to any week beginning prior to April 24,
9 1983, an individual's weekly benefit amount shall be an amount
10 equal to the weekly benefit amount as defined in this Act as in
11 effect on November 30, 1982.

12 B. 1. With respect to any week beginning on or after April
13 24, 1983 and before January 3, 1988, an individual's weekly
14 benefit amount shall be 48% of his prior average weekly wage,
15 rounded (if not already a multiple of one dollar) to the next
16 higher dollar; provided, however, that the weekly benefit
17 amount cannot exceed the maximum weekly benefit amount, and
18 cannot be less than 15% of the statewide average weekly wage,
19 rounded (if not already a multiple of one dollar) to the next
20 higher dollar. However, the weekly benefit amount for an
21 individual who has established a benefit year beginning before
22 April 24, 1983, shall be determined, for weeks beginning on or
23 after April 24, 1983 claimed with respect to that benefit year,

1 as provided under this Act as in effect on November 30, 1982.
2 With respect to any week beginning on or after January 3, 1988
3 and before January 1, 1993, an individual's weekly benefit
4 amount shall be 49% of his prior average weekly wage, rounded
5 (if not already a multiple of one dollar) to the next higher
6 dollar; provided, however, that the weekly benefit amount
7 cannot exceed the maximum weekly benefit amount, and cannot be
8 less than \$51. With respect to any week beginning on or after
9 January 3, 1993 and during a benefit year beginning before
10 January 4, 2004, an individual's weekly benefit amount shall be
11 49.5% of his prior average weekly wage, rounded (if not already
12 a multiple of one dollar) to the next higher dollar; provided,
13 however, that the weekly benefit amount cannot exceed the
14 maximum weekly benefit amount and cannot be less than \$51. With
15 respect to any benefit year beginning on or after January 4,
16 2004 and before January 6, 2008, an individual's weekly benefit
17 amount shall be 48% of his or her prior average weekly wage,
18 rounded (if not already a multiple of one dollar) to the next
19 higher dollar; provided, however, that the weekly benefit
20 amount cannot exceed the maximum weekly benefit amount and
21 cannot be less than \$51. With respect to any benefit year
22 beginning on or after January 6, 2008, an individual's weekly
23 benefit amount shall be 47% of his or her prior average weekly
24 wage, rounded (if not already a multiple of one dollar) to the
25 next higher dollar; provided, however, that the weekly benefit
26 amount cannot exceed the maximum weekly benefit amount and

1 cannot be less than \$51.

2 2. For the purposes of this subsection:

3 With respect to any week beginning on or after April 24,
4 1983, an individual's "prior average weekly wage" means the
5 total wages for insured work paid to that individual during the
6 2 calendar quarters of his base period in which such total
7 wages were highest, divided by 26. If the quotient is not
8 already a multiple of one dollar, it shall be rounded to the
9 nearest dollar; however if the quotient is equally near 2
10 multiples of one dollar, it shall be rounded to the higher
11 multiple of one dollar.

12 "Determination date" means June 1, 1982, December 1, 1982
13 and December 1 of each succeeding calendar year thereafter.
14 However, if as of June 30, 1982, or any June 30 thereafter, the
15 net amount standing to the credit of this State's account in
16 the unemployment trust fund (less all outstanding advances to
17 that account, including advances pursuant to Title XII of the
18 federal Social Security Act) is greater than \$100,000,000,
19 "determination date" shall mean December 1 of that year and
20 June 1 of the succeeding year. Notwithstanding the preceding
21 sentence, for the purposes of this Act only, there shall be no
22 June 1 determination date in any year after 1986.

23 "Determination period" means, with respect to each June 1
24 determination date, the 12 consecutive calendar months ending
25 on the immediately preceding December 31 and, with respect to
26 each December 1 determination date, the 12 consecutive calendar

1 months ending on the immediately preceding June 30.

2 "Benefit period" means the 12 consecutive calendar month
3 period beginning on the first day of the first calendar month
4 immediately following a determination date, except that, with
5 respect to any calendar year in which there is a June 1
6 determination date, "benefit period" shall mean the 6
7 consecutive calendar month period beginning on the first day of
8 the first calendar month immediately following the preceding
9 December 1 determination date and the 6 consecutive calendar
10 month period beginning on the first day of the first calendar
11 month immediately following the June 1 determination date.
12 Notwithstanding the foregoing sentence, the 6 calendar months
13 beginning January 1, 1982 and ending June 30, 1982 shall be
14 deemed a benefit period with respect to which the determination
15 date shall be June 1, 1981.

16 "Gross wages" means all the wages paid to individuals
17 during the determination period immediately preceding a
18 determination date for insured work, and reported to the
19 Director by employers prior to the first day of the third
20 calendar month preceding that date.

21 "Covered employment" for any calendar month means the total
22 number of individuals, as determined by the Director, engaged
23 in insured work at mid-month.

24 "Average monthly covered employment" means one-twelfth of
25 the sum of the covered employment for the 12 months of a
26 determination period.

1 "Statewide average annual wage" means the quotient,
2 obtained by dividing gross wages by average monthly covered
3 employment for the same determination period, rounded (if not
4 already a multiple of one cent) to the nearest cent.

5 "Statewide average weekly wage" means the quotient,
6 obtained by dividing the statewide average annual wage by 52,
7 rounded (if not already a multiple of one cent) to the nearest
8 cent. Notwithstanding any provisions of this Section to the
9 contrary, the statewide average weekly wage for the benefit
10 period beginning July 1, 1982 and ending December 31, 1982
11 shall be the statewide average weekly wage in effect for the
12 immediately preceding benefit period plus one-half of the
13 result obtained by subtracting the statewide average weekly
14 wage for the immediately preceding benefit period from the
15 statewide average weekly wage for the benefit period beginning
16 July 1, 1982 and ending December 31, 1982 as such statewide
17 average weekly wage would have been determined but for the
18 provisions of this paragraph. Notwithstanding any provisions
19 of this Section to the contrary, the statewide average weekly
20 wage for the benefit period beginning April 24, 1983 and ending
21 January 31, 1984 shall be \$321 and for the benefit period
22 beginning February 1, 1984 and ending December 31, 1986 shall
23 be \$335, and for the benefit period beginning January 1, 1987,
24 and ending December 31, 1987, shall be \$350, except that for an
25 individual who has established a benefit year beginning before
26 April 24, 1983, the statewide average weekly wage used in

1 determining benefits, for any week beginning on or after April
2 24, 1983, claimed with respect to that benefit year, shall be
3 \$334.80, except that, for the purpose of determining the
4 minimum weekly benefit amount under subsection B(1) for the
5 benefit period beginning January 1, 1987, and ending December
6 31, 1987, the statewide average weekly wage shall be \$335; for
7 the benefit periods January 1, 1988 through December 31, 1988,
8 January 1, 1989 through December 31, 1989, and January 1, 1990
9 through December 31, 1990, the statewide average weekly wage
10 shall be \$359, \$381, and \$406, respectively. Notwithstanding
11 the preceding sentences of this paragraph, for the benefit
12 period of calendar year 1991, the statewide average weekly wage
13 shall be \$406 plus (or minus) an amount equal to the percentage
14 change in the statewide average weekly wage, as computed in
15 accordance with the preceding sentences of this paragraph,
16 between the benefit periods of calendar years 1989 and 1990,
17 multiplied by \$406; and, for the benefit periods of calendar
18 years 1992 through 2003 and calendar year 2005 and each
19 calendar year thereafter, the statewide average weekly wage,
20 shall be the statewide average weekly wage, as determined in
21 accordance with this sentence, for the immediately preceding
22 benefit period plus (or minus) an amount equal to the
23 percentage change in the statewide average weekly wage, as
24 computed in accordance with the preceding sentences of this
25 paragraph, between the 2 immediately preceding benefit
26 periods, multiplied by the statewide average weekly wage, as

1 determined in accordance with this sentence, for the
2 immediately preceding benefit period. However, for purposes of
3 the Workers' Compensation Act, the statewide average weekly
4 wage will be computed using June 1 and December 1 determination
5 dates of each calendar year and such determination shall not be
6 subject to the limitation of \$321, \$335, \$350, \$359, \$381, \$406
7 or the statewide average weekly wage as computed in accordance
8 with the preceding sentence of this paragraph.

9 With respect to any week beginning on or after April 24,
10 1983 and before January 3, 1988, "maximum weekly benefit
11 amount" means 48% of the statewide average weekly wage, rounded
12 (if not already a multiple of one dollar) to the nearest
13 dollar, provided however, that the maximum weekly benefit
14 amount for an individual who has established a benefit year
15 beginning before April 24, 1983, shall be determined, for weeks
16 beginning on or after April 24, 1983 claimed with respect to
17 that benefit year, as provided under this Act as amended and in
18 effect on November 30, 1982, except that the statewide average
19 weekly wage used in such determination shall be \$334.80.

20 With respect to any week beginning after January 2, 1988
21 and before January 1, 1993, "maximum weekly benefit amount"
22 with respect to each week beginning within a benefit period
23 means 49% of the statewide average weekly wage, rounded (if not
24 already a multiple of one dollar) to the next higher dollar.

25 With respect to any week beginning on or after January 3,
26 1993 and during a benefit year beginning before January 4,

1 2004, "maximum weekly benefit amount" with respect to each week
2 beginning within a benefit period means 49.5% of the statewide
3 average weekly wage, rounded (if not already a multiple of one
4 dollar) to the next higher dollar.

5 With respect to any benefit year beginning on or after
6 January 4, 2004 and before January 6, 2008, "maximum weekly
7 benefit amount" with respect to each week beginning within a
8 benefit period means 48% of the statewide average weekly wage,
9 rounded (if not already a multiple of one dollar) to the next
10 higher dollar.

11 With respect to any benefit year beginning on or after
12 January 6, 2008, "maximum weekly benefit amount" with respect
13 to each week beginning within a benefit period means 47% of the
14 statewide average weekly wage, rounded (if not already a
15 multiple of one dollar) to the next higher dollar.

16 C. With respect to any week beginning on or after April 24,
17 1983 and before January 3, 1988, an individual to whom benefits
18 are payable with respect to any week shall, in addition to such
19 benefits, be paid, with respect to such week, as follows: in
20 the case of an individual with a nonworking spouse, 7% of his
21 prior average weekly wage, rounded (if not already a multiple
22 of one dollar) to the higher dollar; provided, that the total
23 amount payable to the individual with respect to a week shall
24 not exceed 55% of the statewide average weekly wage, rounded
25 (if not already a multiple of one dollar) to the nearest
26 dollar; and in the case of an individual with a dependent child

1 or dependent children, 14.4% of his prior average weekly wage,
2 rounded (if not already a multiple of one dollar) to the higher
3 dollar; provided, that the total amount payable to the
4 individual with respect to a week shall not exceed 62.4% of the
5 statewide average weekly wage, rounded (if not already a
6 multiple of one dollar) to the next higher dollar with respect
7 to the benefit period beginning January 1, 1987 and ending
8 December 31, 1987, and otherwise to the nearest dollar.
9 However, for an individual with a nonworking spouse or with a
10 dependent child or children who has established a benefit year
11 beginning before April 24, 1983, the amount of additional
12 benefits payable on account of the nonworking spouse or
13 dependent child or children shall be determined, for weeks
14 beginning on or after April 24, 1983 claimed with respect to
15 that benefit year, as provided under this Act as in effect on
16 November 30, 1982, except that the statewide average weekly
17 wage used in such determination shall be \$334.80.

18 With respect to any week beginning on or after January 2,
19 1988 and before January 1, 1991 and any week beginning on or
20 after January 1, 1992, and before January 1, 1993, an
21 individual to whom benefits are payable with respect to any
22 week shall, in addition to those benefits, be paid, with
23 respect to such week, as follows: in the case of an individual
24 with a nonworking spouse, 8% of his prior average weekly wage,
25 rounded (if not already a multiple of one dollar) to the next
26 higher dollar, provided, that the total amount payable to the

1 individual with respect to a week shall not exceed 57% of the
2 statewide average weekly wage, rounded (if not already a
3 multiple of one dollar) to the next higher dollar; and in the
4 case of an individual with a dependent child or dependent
5 children, 15% of his prior average weekly wage, rounded (if not
6 already a multiple of one dollar) to the next higher dollar,
7 provided that the total amount payable to the individual with
8 respect to a week shall not exceed 64% of the statewide average
9 weekly wage, rounded (if not already a multiple of one dollar)
10 to the next higher dollar.

11 With respect to any week beginning on or after January 1,
12 1991 and before January 1, 1992, an individual to whom benefits
13 are payable with respect to any week shall, in addition to the
14 benefits, be paid, with respect to such week, as follows: in
15 the case of an individual with a nonworking spouse, 8.3% of his
16 prior average weekly wage, rounded (if not already a multiple
17 of one dollar) to the next higher dollar, provided, that the
18 total amount payable to the individual with respect to a week
19 shall not exceed 57.3% of the statewide average weekly wage,
20 rounded (if not already a multiple of one dollar) to the next
21 higher dollar; and in the case of an individual with a
22 dependent child or dependent children, 15.3% of his prior
23 average weekly wage, rounded (if not already a multiple of one
24 dollar) to the next higher dollar, provided that the total
25 amount payable to the individual with respect to a week shall
26 not exceed 64.3% of the statewide average weekly wage, rounded

1 (if not already a multiple of one dollar) to the next higher
2 dollar.

3 With respect to any week beginning on or after January 3,
4 1993, during a benefit year beginning before January 4, 2004,
5 an individual to whom benefits are payable with respect to any
6 week shall, in addition to those benefits, be paid, with
7 respect to such week, as follows: in the case of an individual
8 with a nonworking spouse, 9% of his prior average weekly wage,
9 rounded (if not already a multiple of one dollar) to the next
10 higher dollar, provided, that the total amount payable to the
11 individual with respect to a week shall not exceed 58.5% of the
12 statewide average weekly wage, rounded (if not already a
13 multiple of one dollar) to the next higher dollar; and in the
14 case of an individual with a dependent child or dependent
15 children, 16% of his prior average weekly wage, rounded (if not
16 already a multiple of one dollar) to the next higher dollar,
17 provided that the total amount payable to the individual with
18 respect to a week shall not exceed 65.5% of the statewide
19 average weekly wage, rounded (if not already a multiple of one
20 dollar) to the next higher dollar.

21 With respect to any benefit year beginning on or after
22 January 4, 2004 and before January 6, 2008, an individual to
23 whom benefits are payable with respect to any week shall, in
24 addition to those benefits, be paid, with respect to such week,
25 as follows: in the case of an individual with a nonworking
26 spouse, 9% of his or her prior average weekly wage, rounded (if

1 not already a multiple of one dollar) to the next higher
2 dollar, provided, that the total amount payable to the
3 individual with respect to a week shall not exceed 57% of the
4 statewide average weekly wage, rounded (if not already a
5 multiple of one dollar) to the next higher dollar; and in the
6 case of an individual with a dependent child or dependent
7 children, 17.2% of his or her prior average weekly wage,
8 rounded (if not already a multiple of one dollar) to the next
9 higher dollar, provided that the total amount payable to the
10 individual with respect to a week shall not exceed 65.2% of the
11 statewide average weekly wage, rounded (if not already a
12 multiple of one dollar) to the next higher dollar.

13 With respect to any benefit year beginning on or after
14 January 6, 2008 and before January 1, 2010, an individual to
15 whom benefits are payable with respect to any week shall, in
16 addition to those benefits, be paid, with respect to such week,
17 as follows: in the case of an individual with a nonworking
18 spouse, 9% of his or her prior average weekly wage, rounded (if
19 not already a multiple of one dollar) to the next higher
20 dollar, provided, that the total amount payable to the
21 individual with respect to a week shall not exceed 56% of the
22 statewide average weekly wage, rounded (if not already a
23 multiple of one dollar) to the next higher dollar; and in the
24 case of an individual with a dependent child or dependent
25 children, 18.2% of his or her prior average weekly wage,
26 rounded (if not already a multiple of one dollar) to the next

1 higher dollar, provided that the total amount payable to the
2 individual with respect to a week shall not exceed 65.2% of the
3 statewide average weekly wage, rounded (if not already a
4 multiple of one dollar) to the next higher dollar.

5 The additional amount paid pursuant to this subsection in
6 the case of an individual with a dependent child or dependent
7 children shall be referred to as the "dependent child
8 allowance", and the percentage rate by which an individual's
9 prior average weekly wage is multiplied pursuant to this
10 subsection to calculate the dependent child allowance shall be
11 referred to as the "dependent child allowance rate".

12 With respect to any benefit year beginning on or after
13 January 1, 2010, an individual to whom benefits are payable
14 with respect to any week shall, in addition to those benefits,
15 be paid, with respect to such week, as follows: in the case of
16 an individual with a nonworking spouse, the greater of (i) 9%
17 of his or her prior average weekly wage, rounded (if not
18 already a multiple of one dollar) to the next higher dollar, or
19 (ii) \$15, provided that the total amount payable to the
20 individual with respect to a week shall not exceed 56% of the
21 statewide average weekly wage, rounded (if not already a
22 multiple of one dollar) to the next higher dollar; and in the
23 case of an individual with a dependent child or dependent
24 children, the greater of (i) the product of the dependent child
25 allowance rate multiplied by his or her prior average weekly
26 wage, rounded (if not already a multiple of one dollar) to the

1 next higher dollar, or (ii) the lesser of \$50 or 50% of his or
2 her weekly benefit amount, rounded (if not already a multiple
3 of one dollar) to the next higher dollar, provided that the
4 total amount payable to the individual with respect to a week
5 shall not exceed the product of the statewide average weekly
6 wage multiplied by the sum of 47% plus the dependent child
7 allowance rate, rounded (if not already a multiple of one
8 dollar) to the next higher dollar.

9 With respect to each benefit year beginning after calendar
10 year 2009, the dependent child allowance rate shall be the sum
11 of the allowance adjustment applicable pursuant to Section
12 1400.1 to the calendar year in which the benefit year begins,
13 plus the dependent child allowance rate with respect to each
14 benefit year beginning in the immediately preceding calendar
15 year, except as otherwise provided in this subsection. The
16 dependent child allowance rate with respect to each benefit
17 year beginning in calendar year 2010 shall not be greater than
18 18.2%. The dependent child allowance rate with respect to each
19 benefit year beginning in calendar year 2011 shall be reduced
20 by 0.2% absolute below the rate it would otherwise have been
21 pursuant to this subsection and, with respect to each benefit
22 year beginning after calendar year 2010, except as otherwise
23 provided, shall not be less than 17.1% or greater than 18.0%.
24 Unless, as a result of this sentence, the agreement between the
25 Federal Government and State regarding the Federal Additional
26 Compensation program established under Section 2002 of the

1 American Recovery and Reinvestment Act, or a successor program,
2 would not apply or would cease to apply, the dependent child
3 allowance rate with respect to each benefit year beginning in
4 calendar year 2012 shall be reduced by 0.1% absolute below the
5 rate it would otherwise have been pursuant to this subsection
6 and, with respect to each benefit year beginning after calendar
7 year 2011, shall not be less than 17.0% or greater than 17.9%.

8 For the purposes of this subsection:

9 "Dependent" means a child or a nonworking spouse.

10 "Child" means a natural child, stepchild, or adopted child
11 of an individual claiming benefits under this Act or a child
12 who is in the custody of any such individual by court order,
13 for whom the individual is supplying and, for at least 90
14 consecutive days (or for the duration of the parental
15 relationship if it has existed for less than 90 days)
16 immediately preceding any week with respect to which the
17 individual has filed a claim, has supplied more than one-half
18 the cost of support, or has supplied at least 1/4 of the cost
19 of support if the individual and the other parent, together,
20 are supplying and, during the aforesaid period, have supplied
21 more than one-half the cost of support, and are, and were
22 during the aforesaid period, members of the same household; and
23 who, on the first day of such week (a) is under 18 years of age,
24 ~~or~~ (b) is, and has been during the immediately preceding 90
25 days, unable to work because of illness or other disability, or
26 (c) is under 23 years of age and enrolled as a full-time

1 student: provided, that no person who has been determined to be
2 a child of an individual who has been allowed benefits with
3 respect to a week in the individual's benefit year shall be
4 deemed to be a child of the other parent, and no other person
5 shall be determined to be a child of such other parent, during
6 the remainder of that benefit year.

7 "Nonworking spouse" means the lawful husband or wife of an
8 individual claiming benefits under this Act, for whom more than
9 one-half the cost of support has been supplied by the
10 individual for at least 90 consecutive days (or for the
11 duration of the marital relationship if it has existed for less
12 than 90 days) immediately preceding any week with respect to
13 which the individual has filed a claim, but only if the
14 nonworking spouse is currently ineligible to receive benefits
15 under this Act by reason of the provisions of Section 500E.

16 An individual who was obligated by law to provide for the
17 support of a child or of a nonworking spouse for the aforesaid
18 period of 90 consecutive days, but was prevented by illness or
19 injury from doing so, shall be deemed to have provided more
20 than one-half the cost of supporting the child or nonworking
21 spouse for that period.

22 (Source: P.A. 96-30, eff. 6-30-09.)