



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6090

Introduced 2/11/2010, by Rep. Jim Durkin

#### 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.

LRB096 17762 WGH 33129 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 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

1 perform services in any such capacity for any institution  
2 or institutions of higher education for both such academic  
3 years or both such terms.

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

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 institution of higher learning, for any  
10 week which begins after September 30, 1983, 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 other than those referred to in paragraph 1,  
19 performed for an institution of higher education, for any  
20 week which begins after January 5, 1985, during an  
21 established and customary vacation period or holiday  
22 recess, if the individual performed such service in the  
23 period immediately before such vacation period or holiday  
24 recess and there is a reasonable assurance that the  
25 individual will perform such service in the period  
26 immediately following such vacation period or holiday

1 recess.

2 B. Benefits based on wages for services which are  
3 employment under the provisions of Sections 211.1 and 211.2  
4 shall be payable in the same amount, on the same terms, and  
5 subject to the same conditions, as benefits payable on the  
6 basis of wages for other services which are employment under  
7 this Act, except that:

8 1. An individual shall be ineligible for benefits, on  
9 the basis of wages for service in employment in an  
10 instructional, research, or principal administrative  
11 capacity performed for an educational institution, for any  
12 week which begins after December 31, 1977, during a period  
13 between two successive academic years, or during a similar  
14 period between two regular terms, whether or not  
15 successive, or during a period of paid sabbatical leave  
16 provided for in the individual's contract, if the  
17 individual performed such service in the first of such  
18 academic years (or terms) and if there is a contract or a  
19 reasonable assurance that the individual will perform  
20 service in any such capacity for any educational  
21 institution in the second of such academic years (or  
22 terms).

23 2. An individual shall be ineligible for benefits, on  
24 the basis of wages for service in employment in any  
25 capacity other than those referred to in paragraph 1,  
26 performed for an educational institution, for any week

1           which begins after December 31, 1977, 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 performed for an educational institution, for any  
10          week which begins after January 5, 1985, during an  
11          established and customary vacation period or holiday  
12          recess, if the individual performed such service in the  
13          period immediately before such vacation period or holiday  
14          recess and there is a reasonable assurance that the  
15          individual will perform such service in the period  
16          immediately following such vacation period or holiday  
17          recess.

18          4. An individual shall be ineligible for benefits on  
19          the basis of wages for service in employment in any  
20          capacity performed in an educational institution while in  
21          the employ of an educational service agency for any week  
22          which begins after January 5, 1985, (a) during a period  
23          between two successive academic years or terms, if the  
24          individual performed such service in the first of such  
25          academic years or terms and there is a reasonable assurance  
26          that the individual will perform such service in the second

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

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

25 2. If benefits on the basis of wages for service in  
26 employment in other than an instructional, research, or

1 principal administrative capacity performed in an educational  
2 institution while in the employ of an educational service  
3 agency are denied to any individual under the provisions of  
4 subparagraph (a) of paragraph 4 of subsection B and such  
5 individual is not offered a bona fide opportunity to perform  
6 such services in an educational institution while in the employ  
7 of an educational service agency for the second of such  
8 academic years or terms, such individual shall be entitled to a  
9 retroactive payment of benefits for each week for which the  
10 individual filed a timely claim for benefits as determined by  
11 the rules and regulations issued by the Director for the filing  
12 of claims for benefits, provided that such benefits were denied  
13 solely because of subparagraph (a) of paragraph 4 of subsection  
14 B of this Section.

15 D. 1. An individual shall be ineligible for benefits, on  
16 the basis of wages for service in employment for a municipality  
17 as a school crossing guard for any week which begins on or  
18 after the effective date of this amendatory Act of the 96th  
19 General Assembly, during a period between 2 successive academic  
20 years or terms, if the individual performed such service in the  
21 first of such academic years or terms and there is a reasonable  
22 assurance that the individual will perform such service in the  
23 second of such academic years or terms.

24 2. An individual shall be ineligible for benefits, on the  
25 basis of wages for service in employment for a municipality as  
26 a school crossing guard for any week which begins on or after

1 the effective date of this amendatory Act of the 96th General  
2 Assembly, during an established and customary vacation period  
3 or holiday recess, if the individual performed such service in  
4 the period immediately before such vacation period or holiday  
5 recess and there is a reasonable assurance that the individual  
6 will perform such service in the period immediately following  
7 such vacation period or holiday recess.

8 3. If benefits are denied to any individual under the  
9 provisions of paragraph 1 of this subsection D for any week  
10 which begins on or after the effective date of this amendatory  
11 Act of the 96th General Assembly and such individual is not  
12 offered a bona fide opportunity to perform such services for  
13 the second of such academic years or terms, such individual  
14 shall be entitled to a retroactive payment of benefits for each  
15 week for which the individual filed a timely claim for benefits  
16 as determined by the rules and regulations issued by the  
17 Director for the filing of claims for benefits, provided that  
18 such benefits were denied solely because of the provisions of  
19 paragraph 1 of this subsection D.

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.