



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3103

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

820 ILCS 405/1502.1

from Ch. 48, par. 572.1

Amends provisions of the Unemployment Insurance Act concerning an employer's benefit charges. Provides that an employer is not regarded as having caused a claimant to become unemployed by reduction of work offered if: the claimant performed services for the employer in each of the 6 weeks immediately preceding the claimant's current benefit year and those services did not result in the claimant ceasing to be an unemployed individual, and the claimant performed services for the employer in each week of the claimant's current benefit year and those services did not result in the claimant ceasing to be an unemployed individual for more than 2 weeks during the claimant's current benefit year.

LRB098 09360 JLS 39501 b

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

1 for such services were earned during the period
2 from the beginning of the claimant's base period to
3 the beginning of the claimant's benefit year; but
4 that employer shall not be charged if:

5 (1) the claimant's last separation from
6 that employer was a voluntary leaving without
7 good cause, as the term is used in Section 601A
8 or under the circumstances described in
9 paragraphs 1 and 2 of Section 601B; or

10 (2) the claimant's last separation from
11 that employer was a discharge for misconduct or
12 a felony or theft connected with his work from
13 that employer, as these terms are used in
14 Section 602; or

15 (3) after his last separation from that
16 employer, prior to the beginning of his benefit
17 year, the claimant refused to accept an offer
18 of or to apply for suitable work from that
19 employer without good cause, as these terms are
20 used in Section 603; or

21 (4) the claimant, following his last
22 separation from that employer, prior to the
23 beginning of his benefit year, is ineligible or
24 would have been ineligible under Section 612 if
25 he has or had had base period wages from the
26 employers to which that Section applies; or

1 (5) the claimant subsequently performed
2 services for at least 30 days for an individual
3 or organization which is not an employer
4 subject to this Act; or

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

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

10 ii. the requalification occurred after the
11 beginning of the claimant's benefit year, and

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

14 iv. the requalifying employer shall not be
15 charged if the claimant is held ineligible with
16 respect to that requalifying employer under
17 Section 601, 602 or 603.

18 3. For benefit years beginning on or after January 1,
19 1993, with respect to each week for which benefits are
20 paid, to the later of:

21 a. the last employer:

22 i. from whom the claimant was separated or who,
23 by reduction of work offered, caused the claimant
24 to become unemployed as defined in Section 239, and

25 ii. for whom the claimant performed services
26 in employment, on each of 30 days whether or not

1 such days are consecutive, provided that the wages
2 for such services were earned since the beginning
3 of the claimant's base period; but that employer
4 shall not be charged if:

5 (1) the claimant's separation from that
6 employer was a voluntary leaving without good
7 cause, as the term is used in Section 601A or
8 under the circumstances described in
9 paragraphs 1, 2, and 6 of Section 601B; or

10 (2) the claimant's separation from that
11 employer was a discharge for misconduct or a
12 felony or theft connected with his work from
13 that employer, as these terms are used in
14 Section 602; or

15 (3) the claimant refused to accept an
16 offer of or to apply for suitable work from
17 that employer without good cause, as these
18 terms are used in Section 603 (but only for
19 weeks following the refusal of work); or

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

24 (5) the claimant, following his separation
25 from that employer, is ineligible or would have
26 been ineligible under Section 612 if he has or

1 had had base period wages from the employers to
2 which that Section applies (but only for the
3 period of ineligibility or potential
4 ineligibility); or

5 b. the single employer who pays wages to the
6 claimant that allow him to requalify for benefits after
7 disqualification under Section 601, 602, or 603, even
8 if the 30 day requirement given in this paragraph is
9 not satisfied; but the requalifying employer shall not
10 be charged if the claimant is held ineligible with
11 respect to that requalifying employer under Section
12 601, 602, or 603.

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

19 C. If no employer meets the requirements of paragraph 2 or
20 3 of subsection A, then no employer will be chargeable for any
21 benefit charges which result from the payment of benefits to
22 the claimant for that benefit year.

23 D. Notwithstanding the preceding provisions of this
24 Section, no employer shall be chargeable for any benefit
25 charges which result from the payment of benefits to any
26 claimant after the effective date of this amendatory Act of

1 1992 where the claimant's separation from that employer
2 occurred as a result of his detention, incarceration, or
3 imprisonment under State, local, or federal law.

4 D-1. Notwithstanding any other provision of this Act,
5 including those affecting finality of benefit charges or rates,
6 an employer shall not be chargeable for any benefit charges
7 which result from the payment of benefits to an individual for
8 any week of unemployment after January 1, 2003, during the
9 period that the employer's business is closed solely because of
10 the entrance of the employer, one or more of the partners or
11 officers of the employer, or the majority stockholder of the
12 employer into active duty in the Illinois National Guard or the
13 Armed Forces of the United States.

14 D-2. For purposes of subparagraph a of paragraph 3 of
15 subsection A, with respect to benefit years beginning on and
16 after the effective date of this amendatory Act of the 98th
17 General Assembly, an employer shall not be regarded as having
18 caused a claimant to become unemployed by reduction of work
19 offered if (1) the claimant performed services for the employer
20 in each of the 6 weeks immediately preceding the claimant's
21 current benefit year and those services did not result in the
22 claimant ceasing to be an unemployed individual, as defined in
23 Section 239, based upon the weekly benefit amount for the
24 claimant's current benefit year and (2) the claimant has
25 performed services for the employer in each week of the
26 claimant's current benefit year and those services did not

1 result in the claimant ceasing to be an unemployed individual,
2 as defined in Section 239, for more than 2 weeks during the
3 claimant's current benefit year.

4 E. For the purposes of Sections 302, 409, 701, 1403, 1404,
5 1405 and 1508.1, last employer means the employer that:

6 1. is charged for benefit payments which become benefit
7 charges under this Section, or

8 2. would have been liable for such benefit charges if
9 it had not elected to make payments in lieu of
10 contributions.

11 (Source: P.A. 93-634, eff. 1-1-04; 93-1012, eff. 8-24-04;
12 94-152, eff. 7-8-05.)