

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 Department of Employment Security Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Section 1005-47 and by adding Section 1005-165 as follows:

7 (20 ILCS 1005/1005-47)

8 Sec. 1005-47. IllinoisJobLink.com ~~Illinois Skills Match~~  
9 ~~Program.~~

10 (a) The Department of Employment Security, through its  
11 IllinoisJobLink.com ~~Illinois Skills Match~~ System, or a  
12 successor system, shall maintain a web site that allows job  
13 seekers to search online for employment opportunities that  
14 match the skills of the person seeking employment.

15 (b) Each executive branch State agency and any individual  
16 or entity that is party to a contract with an executive branch  
17 State agency, except those individuals or entities that are  
18 party to a contract with a bona fide labor organization and  
19 perform construction or construction-related services as  
20 defined in Section 1-15.20 of the Illinois Procurement Code  
21 ~~agencies with one or more positions subject to any jurisdiction~~  
22 ~~of the Personnel Code~~, must either (i) post employment  
23 vacancies on the Department's IllinoisJobLink.com ~~Skills Match~~

1 System or its successor system or (ii) provide an online link  
2 to its employment vacancies so that this link is accessible  
3 through the web page of the IllinoisJobLink.com ~~Illinois Skills~~  
4 ~~Match~~ System or its successor system. "State agency" has the  
5 meaning as defined in Section 1-5 of the State Officials and  
6 Employees Ethics Act and, for purposes of this Section,  
7 includes community colleges. "Contract" has the meaning given  
8 to that term in Section 1-15.30 of the Illinois Procurement  
9 Code. The Department of Central Management Services shall  
10 comply with this Section on behalf of executive branch State  
11 agencies with one or more positions subject to any jurisdiction  
12 of the Personnel Code ~~provide an online link to its State~~  
13 ~~employment information and career services web page so that~~  
14 ~~this link is accessible through the web page of the Illinois~~  
15 ~~Skills Match System or its successor system.~~

16 This Section does not apply to positions exempt from the  
17 requirements of the Rutan decision or to construction-related  
18 services as defined in Section 1-15.20 of the Illinois  
19 Procurement Code.

20 (c) All units of local government, school districts, and  
21 other public and private employers not subject to subsection  
22 (b) may, and are encouraged to, post employment vacancies on  
23 the IllinoisJobLink.com ~~Illinois Skills Match~~ System or  
24 successor system.

25 (d) The Department may not charge any employer or any  
26 person seeking employment a fee for using the

1 IllinoisJobLink.com ~~Illinois Skills Match~~ System or successor  
2 system.

3 (e) The Department is authorized to adopt all rules  
4 necessary to implement and administer the IllinoisJobLink.com  
5 ~~Illinois Skills Match~~ System or any successor system under this  
6 Section.

7 (Source: P.A. 94-786, eff. 7-1-07.)

8 (20 ILCS 1005/1005-165 new)

9 Sec. 1005-165. Disabled veterans outreach. The Department  
10 shall employ such disabled veterans outreach program  
11 specialists as appropriate and efficient according to Section  
12 4103A of Title 38 of the United States Code, or any successor  
13 legislation, based upon available federal funding for that  
14 purpose.

15 Section 10. The Veterans' Employment Representative Act is  
16 amended by changing Sections 1 and 2 as follows:

17 (330 ILCS 50/1) (from Ch. 48, par. 186a)

18 Sec. 1. Veteran services; representative. The Department  
19 of Employment Security ~~Each full service office of the Job~~  
20 ~~Service~~ shall assign at least one full time Veterans'  
21 Employment Representative, defined by title and classification  
22 under the Personnel Code of Illinois, to each full service  
23 office of the employment service, to work exclusively in job

1 counseling, training, and placement of veterans. Preference  
2 for these positions shall be given to qualified persons who  
3 have been members of the armed forces of the United States in  
4 times of hostilities with a foreign country. Any candidate for  
5 these positions shall be deemed to have met and satisfied  
6 examination admission requirements if the candidate served in  
7 the armed forces during times of hostilities with a foreign  
8 country and was honorably discharged therefrom due to a  
9 combat-related disability. The holder of such a position shall  
10 be administratively responsible to the local office manager,  
11 and his or her first line responsibility is functional  
12 supervision of all local office services to veterans. He or she  
13 may also be delegated line supervision of veteran units,  
14 assistant local veterans' employment representative, or  
15 veteran aid. Individualized veterans' services such as  
16 application taking, counseling, job referral, or training will  
17 continue to be provided to veterans on a priority basis by all  
18 local office staff.

19 (Source: P.A. 90-372, eff. 7-1-98.)

20 (330 ILCS 50/2) (from Ch. 48, par. 186b)

21 Sec. 2. Veteran services; funding. Since funding for these  
22 veteran services by the employment service ~~Job Service~~ has  
23 already been provided for by the U.S. Department of Labor, no  
24 additional funds will be required to carry out the provisions  
25 of this Act.

1 (Source: P.A. 90-372, eff. 7-1-98.)

2 Section 15. The Unemployment Insurance Act is amended by  
3 changing Sections 1400, 1510, 1801.1, 2401, and 2800 and by  
4 adding Section 2208.1 as follows:

5 (820 ILCS 405/1400) (from Ch. 48, par. 550)

6 Sec. 1400. Payment of contributions. On and after July 1,  
7 1937, contributions shall accrue and become payable by each  
8 employer for each calendar year in which he is subject to this  
9 Act, with respect to wages payable for employment occurring  
10 during the six months' period beginning July 1, 1937, and the  
11 calendar years 1938, 1939, and 1940. For the year 1941 and for  
12 each calendar year thereafter, contributions shall accrue and  
13 become payable by each employer upon the wages paid with  
14 respect to employment after December 31, 1940. Except as  
15 otherwise provided in Section 1400.2, such contributions shall  
16 become due and shall be paid quarterly on or before the last  
17 day of the month next following the calendar quarter for which  
18 such contributions have accrued; except that any employer who  
19 is delinquent in filing a contribution report or in paying his  
20 contributions for any calendar quarter may, at the discretion  
21 of the Director, be required to report and to pay contributions  
22 on a calendar month basis. Such contributions shall not be  
23 deducted, in whole or in part, from the wages of individuals in  
24 such employer's employ. If the Director shall find that the

1 collection of any contributions will be jeopardized by delay,  
2 he may declare the same to be immediately due and payable.

3 In the payment of any contributions, interest, or  
4 penalties, a fractional part of a cent shall be disregarded  
5 unless it amounts to one-half cent or more, in which case it  
6 shall be increased to one cent.

7 The Director may by regulation provide that if, at any  
8 time, a total amount of less than \$2 is payable with respect to  
9 a quarter, including any contributions, payments in lieu of  
10 contributions, interest or penalties, such amount may be  
11 disregarded. Any amounts disregarded under this paragraph are  
12 deemed to have been paid for all other purposes of this Act.  
13 Nothing in this paragraph is intended to relieve any employer  
14 from filing any reports required by this Act or by any rules or  
15 regulations adopted by the Director pursuant to this Act.

16 Except with respect to the provisions concerning amounts  
17 that may be disregarded pursuant to regulation, this Section  
18 does not apply to any nonprofit organization or any  
19 governmental entity referred to in subsection B of Section 1405  
20 for any period with respect to which it does not incur  
21 liability for the payment of contributions by reason of having  
22 elected to make payments in lieu of contributions, or to any  
23 political subdivision or municipal corporation for any period  
24 with respect to which it is not subject to payments in lieu of  
25 contributions under the provisions of paragraph 1 of Section  
26 302C by reason of having elected to make payments in lieu of

1 contributions under paragraph 2 of that Section, or to the  
2 State of Illinois or any of its instrumentalities.

3 The Director may, by regulation, provide that amounts due  
4 from an employing unit for contributions, payments in lieu of  
5 contributions, penalties, or interest be paid by an electronic  
6 funds transfer, including amounts paid on behalf of an  
7 employing unit by an entity representing the employing unit.  
8 The regulation shall not apply to an employing unit until the  
9 Director notifies the employing unit of the regulation. Except  
10 as otherwise provided in this Section, where the employing  
11 unit, within 30 days of the date of service of the notice sent  
12 pursuant to this amendatory Act of the 98th General Assembly,  
13 notifies the Director that it declines to pay by electronic  
14 funds transfer, the regulation shall not apply to the employing  
15 unit. Except as otherwise provided in this Section, where the  
16 employing unit, within 30 days of the date of service of a  
17 notice sent pursuant to Section 1509 of this Act, notifies the  
18 Director that it declines to pay by electronic funds transfer,  
19 the regulation shall not apply to the employing unit with  
20 respect to any payment due after the date the employing unit so  
21 notifies the Director. The Director is authorized to provide by  
22 regulation reasonable penalties for employing units that are  
23 subject to and fail to comply with such a regulation. Any  
24 employing unit that is not subject to the regulation may elect  
25 to become subject to the regulation by paying amounts due for  
26 contributions, payments in lieu of contributions, penalties,

1 or interest by an electronic funds transfer. Notwithstanding  
2 any other provision to the contrary, in the case of an entity  
3 representing 5 or more employing units, neither the entity nor  
4 the employing units (for as long as they are represented by  
5 that entity) shall have the option to decline to pay by  
6 electronic funds transfer.

7 (Source: P.A. 94-723, eff. 1-19-06.)

8 (820 ILCS 405/1510) (from Ch. 48, par. 580)

9 Sec. 1510. Service of notice. Whenever service of notice is  
10 required by Sections 1400, 1508, and 1509, such notice may be  
11 given and be complete by depositing the same with the United  
12 States Mail, addressed to the employer at his last known  
13 address. If represented by counsel in the proceedings before  
14 the Director, then service of notice may be made upon such  
15 employer by mailing same to such counsel. If agreed to by the  
16 person or entity entitled to notice, notice may be given and  
17 completed electronically, in the manner prescribed by rule, by  
18 posting the notice on a secure web site accessible to the  
19 person or entity and sending notice of the posting to the last  
20 known e-mail address of the person or entity.

21 (Source: P.A. 97-621, eff. 11-18-11.)

22 (820 ILCS 405/1801.1)

23 Sec. 1801.1. Directory of New Hires.

24 A. The Director shall establish and operate an automated



1 directory of newly hired employees which shall be known as the  
2 "Illinois Directory of New Hires" which shall contain the  
3 information required to be reported by employers to the  
4 Department under subsection B. In the administration of the  
5 Directory, the Director shall comply with any requirements  
6 concerning the Employer New Hire Reporting Program established  
7 by the federal Personal Responsibility and Work Opportunity  
8 Reconciliation Act of 1996. The Director is authorized to use  
9 the information contained in the Directory of New Hires to  
10 administer any of the provisions of this Act.

11 B. Each employer in Illinois, except a department, agency,  
12 or instrumentality of the United States, shall file with the  
13 Department a report in accordance with rules adopted by the  
14 Department (but in any event not later than 20 days after the  
15 date the employer hires the employee or, in the case of an  
16 employer transmitting reports magnetically or electronically,  
17 by 2 monthly transmissions, if necessary, not less than 12 days  
18 nor more than 16 days apart) providing the following  
19 information concerning each newly hired employee: the  
20 employee's name, address, and social security number, the date  
21 services for remuneration were first performed by the employee,  
22 ~~the employee's projected monthly wages,~~ and the employer's  
23 name, address, Federal Employer Identification Number assigned  
24 under Section 6109 of the Internal Revenue Code of 1986, and  
25 such other information as may be required by federal law or  
26 regulation, provided that each employer may voluntarily file

1 the address to which the employer wants income withholding  
2 orders to be mailed, if it is different from the address given  
3 on the Federal Employer Identification Number. An employer in  
4 Illinois which transmits its reports electronically or  
5 magnetically and which also has employees in another state may  
6 report all newly hired employees to a single designated state  
7 in which the employer has employees if it has so notified the  
8 Secretary of the United States Department of Health and Human  
9 Services in writing. An employer may, at its option, submit  
10 information regarding any rehired employee in the same manner  
11 as information is submitted regarding a newly hired employee.  
12 Each report required under this subsection shall, to the extent  
13 practicable, be made on an Internal Revenue Service Form W-4  
14 or, at the option of the employer, an equivalent form, and may  
15 be transmitted by first class mail, by telefax, magnetically,  
16 or electronically.

17 C. An employer which knowingly fails to comply with the  
18 reporting requirements established by this Section shall be  
19 subject to a civil penalty of \$15 for each individual whom it  
20 fails to report. An employer shall be considered to have  
21 knowingly failed to comply with the reporting requirements  
22 established by this Section with respect to an individual if  
23 the employer has been notified by the Department that it has  
24 failed to report an individual, and it fails, without  
25 reasonable cause, to supply the required information to the  
26 Department within 21 days after the date of mailing of the

1 notice. Any individual who knowingly conspires with the newly  
2 hired employee to cause the employer to fail to report the  
3 information required by this Section or who knowingly conspires  
4 with the newly hired employee to cause the employer to file a  
5 false or incomplete report shall be guilty of a Class B  
6 misdemeanor with a fine not to exceed \$500 with respect to each  
7 employee with whom the individual so conspires.

8 D. As used in this Section, "newly hired employee" means an  
9 individual who (i) is an employee within the meaning of Chapter  
10 24 of the Internal Revenue Code of 1986 and (ii) either has not  
11 previously been employed by the employer or was previously  
12 employed by the employer but has been separated from that prior  
13 employment for at least 60 consecutive days; however, "newly  
14 hired employee" does not include an employee of a federal or  
15 State agency performing intelligence or counterintelligence  
16 functions, if the head of that agency has determined that the  
17 filing of the report required by this Section with respect to  
18 the employee could endanger the safety of the employee or  
19 compromise an ongoing investigation or intelligence mission.

20 Notwithstanding Section 205, and for the purposes of this  
21 Section only, the term "employer" has the meaning given by  
22 Section 3401(d) of the Internal Revenue Code of 1986 and  
23 includes any governmental entity and labor organization as  
24 defined by Section 2(5) of the National Labor Relations Act,  
25 and includes any entity (also known as a hiring hall) which is  
26 used by the organization and an employer to carry out the

1 requirements described in Section 8(f)(3) of that Act of an  
2 agreement between the organization and the employer.

3 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;  
4 97-791, eff. 1-1-13; revised 7-23-12.)

5 (820 ILCS 405/2208.1 new)

6 Sec. 2208.1. Return receipts. Whenever any provision of  
7 this Act requires service by certified or registered mail,  
8 either a paper return receipt issued by the United States  
9 Postal Service or an electronic return receipt issued by the  
10 United States Postal Service shall constitute proof of service.

11 (820 ILCS 405/2401) (from Ch. 48, par. 721)

12 Sec. 2401. Recording and release of lien. A. The lien  
13 created by Section 2400 shall be invalid only as to any  
14 innocent purchaser for value of stock in trade of any employer  
15 in the usual course of such employer's business, and shall be  
16 invalid as to any innocent purchaser for value of any of the  
17 other assets to which such lien has attached, unless notice  
18 thereof has been filed by the Director in the office of the  
19 recorder of the county within which the property subject to the  
20 lien is situated. The Director may, in his discretion, for good  
21 cause shown and upon the reimbursement of any recording fees  
22 paid by the Director with respect to the lien, issue a  
23 certificate of withdrawal of notice of lien filed against any  
24 employer, which certificate shall be recorded in the same

1 manner as herein provided for the recording of notice of liens.  
2 Such withdrawal of notice of lien shall invalidate such lien as  
3 against any person acquiring any of such employer's property or  
4 any interest therein, subsequent to the recordation of the  
5 withdrawal of notice of lien, but shall not otherwise affect  
6 the validity of such lien, nor shall it prevent the Director  
7 from re-recording notice of such lien. In the event notice of  
8 such lien is re-recorded, such notice shall be effective as  
9 against third persons only as of the date of such  
10 re-recordation.

11 B. The recorder of each county shall procure at the expense  
12 of the county a file labeled "Unemployment Compensation  
13 Contribution Lien Notice" and an index book labeled  
14 "Unemployment Compensation Contribution Lien Index." When a  
15 notice of any such lien is presented to him for filing, he  
16 shall file it in numerical order in the file and shall enter it  
17 alphabetically in the index. The entry shall show the name and  
18 last known business address of the employer named in the  
19 notice, the serial number of the notice, the date and hour of  
20 filing, and the amount of contribution, interest and penalty  
21 thereon due and unpaid. When a certificate of complete or  
22 partial release of such lien issued by the Director is  
23 presented for filing in the office of the recorder where a  
24 notice of lien was filed, the recorder shall permanently attach  
25 the certificate of release to the notice of lien and shall  
26 enter the certificate of release and the date in the

1 Unemployment Compensation Contribution Lien Index on the line  
2 where the notice of lien is entered. In case title to land to  
3 be affected by the Notice of Lien is registered under the  
4 provisions of "An Act Concerning Land Titles", approved May 1,  
5 1897, as amended, such notice shall be filed in the office of  
6 the Registrar of Titles of the county within which the property  
7 subject to the lien is situated and shall be entered upon the  
8 register of titles as a memorial or charge upon each folium of  
9 the register of title affected by such notice, and the Director  
10 shall not have a preference over the rights of any bona fide  
11 purchaser, mortgagee, judgment creditor or other lien holder  
12 arising prior to the registration of such notice.

13 C. The Director shall have the power to issue a certificate  
14 of partial release of any part of the property subject to the  
15 lien, upon the reimbursement of any recording fees paid by the  
16 Director with respect to the lien, if he shall find that the  
17 fair market value of that part of such property remaining  
18 subject to the lien is at least equal to the amount of all  
19 prior liens upon such property plus double the amount of the  
20 liability for contributions, interest and penalties thereon  
21 remaining unsatisfied.

22 D. Where the amount of or the liability for the payment of  
23 any contribution, interest or penalty is contested by any  
24 employing unit against whose property a lien has attached, and  
25 the determination of the Director with reference to such  
26 contribution has not become final, the Director may issue a

1 certificate of release of lien upon the reimbursement of any  
2 recording fees paid by the Director with respect to the lien  
3 and the furnishing of bond by such employing unit in 125% the  
4 amount of the sum of such contribution, interest and penalty,  
5 for which lien is claimed, with good and sufficient surety to  
6 be approved by the Director conditioned upon the prompt payment  
7 of such contribution, together with interest and penalty  
8 thereon, by such employing unit to the Director immediately  
9 upon the decision of the Director in respect to the liability  
10 for such contribution, interest and penalty becoming final.

11 E. When a lien obtained pursuant to this Act has been  
12 satisfied and upon the reimbursement of any recording fees paid  
13 by the Director with respect to the lien, the Department shall  
14 issue a release to the person, or his agent, against whom the  
15 lien was obtained and such release shall contain in legible  
16 letters a statement as follows:

17 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL  
18 BE FILED WITH THE RECORDER OR THE REGISTRAR  
19 OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

20 (Source: P.A. 83-358.)

21 (820 ILCS 405/2800) (from Ch. 48, par. 780)

22 Sec. 2800. Violations and penalties.

23 A. It shall be unlawful for any person or employing unit  
24 to--

25 1. Make a false statement or representation or fail to

1 disclose a material fact:

2 a. To obtain, or increase, or prevent, or reduce any  
3 benefit or payment under the provisions of this Act, or under  
4 the unemployment compensation law of any State or the Federal  
5 Government, either for himself or for any other person; or

6 b. To avoid or reduce any contribution or other payment  
7 required from an employing unit under this Act.

8 2. Fail to pay a contribution due under the provisions of  
9 this Act.

10 3. Fail to furnish any report, audit, or information duly  
11 required by the Director under this Act.

12 4. Refuse to allow the Director or his duly authorized  
13 representative to inspect or copy the pay roll or other records  
14 or documents relative to the enforcement of this Act or  
15 required by this Act.

16 5. Make any deduction from the wages of any individual in  
17 its employ because of its liability for the payment of  
18 contributions required by this Act.

19 6. Knowingly fail to furnish to any individual in its  
20 employ any notice, report, or information duly required under  
21 the provisions of this Act or the rules or regulations of the  
22 Director.

23 7. Attempt to induce any individual, directly or indirectly  
24 (by promise of re-employment or by threat not to employ or not  
25 to re-employ or by any other means), to refrain from claiming  
26 or accepting benefits or to waive any other rights under this



1 Act; or to maintain a rehiring policy which discriminates  
2 against former individuals in its employ by reason of their  
3 having claimed benefits.

4 8. Pay contributions upon wages for services not rendered  
5 for such employing unit if the purpose of such payment is  
6 either to reduce the amount of contributions due or to become  
7 due from any employing unit or to affect the benefit rights of  
8 any individual.

9 9. Solicit, or aid or abet the solicitation of, information  
10 from any individual concerning his place of employment,  
11 residence, assets or earnings, by any means which are intended  
12 to mislead such individual to believe that the person or  
13 employing unit seeking such information is the Department or  
14 one of its Divisions or branches, or a representative thereof.

15 B. Any employing unit or person who willfully violates any  
16 provision of this Section or any other provision of this Act or  
17 any rule or regulation promulgated thereunder, or does any act  
18 prohibited by this Act, or who fails, neglects, or refuses to  
19 perform any duty required by any provision of this Act or rule  
20 or regulation of the Director, within the time prescribed by  
21 the Director, for which no penalty has been specifically  
22 provided, or who fails, neglects, or refuses to obey any lawful  
23 order given or made by the Director, shall be guilty of a Class  
24 B misdemeanor, and each such act, failure, neglect, or refusal  
25 shall constitute a separate and distinct offense. An employing  
26 unit's or person's willful filing of a fraudulent quarterly

1 wage report shall constitute a Class 4 felony if the amount of  
2 contributions owed with respect to the quarter is less than  
3 \$300 and a Class 3 felony if the amount of contributions owed  
4 with respect to the quarter is \$300 or more. An employing  
5 unit's or person's willful failure to honor a subpoena issued  
6 by the Department shall constitute a Class 4 felony. If a ~~such~~  
7 person or employing unit described in this Section is a  
8 corporation, the president, the secretary, and the treasurer,  
9 and any other officer exercising corresponding functions,  
10 shall each be subject to the aforesaid penalties for the  
11 violation of any provisions of this Section of which he or they  
12 had or, in the exercise of his or their duties, ought to have  
13 had knowledge, not including the provisions regarding the  
14 filing of a fraudulent quarterly wage report or the willful  
15 failure to honor a subpoena.

16 (Source: P.A. 77-2439.)

17 (820 ILCS 405/1704 rep.)

18 (820 ILCS 405/2105 rep.)

19 Section 20. The Unemployment Insurance Act is amended by  
20 repealing Sections 1704 and 2105.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law, except that the provisions amending Section 2401  
23 of the Unemployment Insurance Act take effect July 1, 2014.