

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 Sections 401, 403, 602, 611, 1505, and 1506.6 as  
6 follows:

7 (820 ILCS 405/401) (from Ch. 48, par. 401)

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

9 A. With respect to any week beginning in a benefit year  
10 beginning prior to January 4, 2004, an individual's weekly  
11 benefit amount shall be an amount equal to the weekly benefit  
12 amount as defined in the provisions of this Act as amended and  
13 in effect on November 18, 2011.

14 B. 1. With respect to any benefit year beginning on or  
15 after January 4, 2004 and before January 6, 2008, an  
16 individual's weekly benefit amount shall be 48% of his or her  
17 prior average weekly wage, rounded (if not already a multiple  
18 of one dollar) to the next higher dollar; provided, however,  
19 that the weekly benefit amount cannot exceed the maximum weekly  
20 benefit amount and cannot be less than \$51. Except as otherwise  
21 provided in this Section, 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

1 wage, rounded (if not already a multiple of one dollar) to the  
2 next higher dollar; provided, however, that the weekly benefit  
3 amount cannot exceed the maximum weekly benefit amount and  
4 cannot be less than \$51. ~~With respect to any benefit year~~  
5 ~~beginning in calendar year 2016, an individual's weekly benefit~~  
6 ~~amount shall be 42.8% of his or her prior average weekly wage,~~  
7 ~~rounded (if not already a multiple of one dollar) to the next~~  
8 ~~higher dollar; provided, however, that the weekly benefit~~  
9 ~~amount cannot exceed the maximum weekly benefit amount and~~  
10 ~~cannot be less than \$51.~~ With respect to any benefit year  
11 beginning in calendar year 2018, an individual's weekly benefit  
12 amount shall be 42.9% of his or her prior average weekly wage,  
13 rounded (if not already a multiple of one dollar) to the next  
14 higher dollar; provided, however, that the weekly benefit  
15 amount cannot exceed the maximum weekly benefit amount and  
16 cannot be less than \$51.

17 2. For the purposes of this subsection:

18 An individual's "prior average weekly wage" means the total  
19 wages for insured work paid to that individual during the 2  
20 calendar quarters of his base period in which such total wages  
21 were highest, divided by 26. If the quotient is not already a  
22 multiple of one dollar, it shall be rounded to the nearest  
23 dollar; however if the quotient is equally near 2 multiples of  
24 one dollar, it shall be rounded to the higher multiple of one  
25 dollar.

26 "Determination date" means June 1 and December 1 of each

1 calendar year except that, for the purposes of this Act only,  
2 there shall be no June 1 determination date in any year.

3 "Determination period" means, with respect to each June 1  
4 determination date, the 12 consecutive calendar months ending  
5 on the immediately preceding December 31 and, with respect to  
6 each December 1 determination date, the 12 consecutive calendar  
7 months ending on the immediately preceding June 30.

8 "Benefit period" means the 12 consecutive calendar month  
9 period beginning on the first day of the first calendar month  
10 immediately following a determination date, except that, with  
11 respect to any calendar year in which there is a June 1  
12 determination date, "benefit period" shall mean the 6  
13 consecutive calendar month period beginning on the first day of  
14 the first calendar month immediately following the preceding  
15 December 1 determination date and the 6 consecutive calendar  
16 month period beginning on the first day of the first calendar  
17 month immediately following the June 1 determination date.

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

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

26 "Average monthly covered employment" means one-twelfth of

1 the sum of the covered employment for the 12 months of a  
2 determination period.

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

7 "Statewide average weekly wage" means the quotient,  
8 obtained by dividing the statewide average annual wage by 52,  
9 rounded (if not already a multiple of one cent) to the nearest  
10 cent. Notwithstanding any provision of this Section to the  
11 contrary, the statewide average weekly wage for any benefit  
12 period prior to calendar year 2012 shall be as determined by  
13 the provisions of this Act as amended and in effect on November  
14 18, 2011. Notwithstanding any provisions of this Section to the  
15 contrary, the statewide average weekly wage for the benefit  
16 period of calendar year 2012 shall be \$856.55 and for each  
17 calendar year thereafter, the statewide average weekly wage  
18 shall be the statewide average weekly wage, as determined in  
19 accordance with this sentence, for the immediately preceding  
20 benefit period plus (or minus) an amount equal to the  
21 percentage change in the statewide average weekly wage, as  
22 computed in accordance with the first sentence of this  
23 paragraph, between the 2 immediately preceding benefit  
24 periods, multiplied by the statewide average weekly wage, as  
25 determined in accordance with this sentence, for the  
26 immediately preceding benefit period. However, for purposes of

1 the Workers' Compensation Act, the statewide average weekly  
2 wage will be computed using June 1 and December 1 determination  
3 dates of each calendar year and such determination shall not be  
4 subject to the limitation of the statewide average weekly wage  
5 as computed in accordance with the preceding sentence of this  
6 paragraph.

7 With respect to any week beginning in a benefit year  
8 beginning prior to January 4, 2004, "maximum weekly benefit  
9 amount" with respect to each week beginning within a benefit  
10 period shall be as defined in the provisions of this Act as  
11 amended and in effect on November 18, 2011.

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

18 Except as otherwise provided in this Section, with respect  
19 to any benefit year beginning on or after January 6, 2008,  
20 "maximum weekly benefit amount" with respect to each week  
21 beginning within a benefit period means 47% of the statewide  
22 average weekly wage, rounded (if not already a multiple of one  
23 dollar) to the next higher dollar.

24 ~~With respect to any benefit year beginning in calendar year~~  
25 ~~2016, "maximum weekly benefit amount" with respect to each week~~  
26 ~~beginning within a benefit period means 42.8% of the statewide~~

1 ~~average weekly wage, rounded (if not already a multiple of one~~  
2 ~~dollar) to the next higher dollar.~~

3 With respect to any benefit year beginning in calendar year  
4 2018, "maximum weekly benefit amount" with respect to each week  
5 beginning within a benefit period means 42.9% of the statewide  
6 average weekly wage, rounded (if not already a multiple of one  
7 dollar) to the next higher dollar.

8 C. With respect to any week beginning in a benefit year  
9 beginning prior to January 4, 2004, an individual's eligibility  
10 for a dependent allowance with respect to a nonworking spouse  
11 or one or more dependent children shall be as defined by the  
12 provisions of this Act as amended and in effect on November 18,  
13 2011.

14 With respect to any benefit year beginning on or after  
15 January 4, 2004 and before January 6, 2008, an individual to  
16 whom benefits are payable with respect to any week shall, in  
17 addition to those benefits, be paid, with respect to such week,  
18 as follows: in the case of an individual with a nonworking  
19 spouse, 9% of his or her prior average weekly wage, rounded (if  
20 not already a multiple of one dollar) to the next higher  
21 dollar, provided, that the total amount payable to the  
22 individual with respect to a week shall not exceed 57% of the  
23 statewide average weekly wage, rounded (if not already a  
24 multiple of one dollar) to the next higher dollar; and in the  
25 case of an individual with a dependent child or dependent  
26 children, 17.2% of his or her prior average weekly wage,

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

6 With respect to any benefit year beginning on or after  
7 January 6, 2008 and before January 1, 2010, an individual to  
8 whom benefits are payable with respect to any week shall, in  
9 addition to those benefits, be paid, with respect to such week,  
10 as follows: in the case of an individual with a nonworking  
11 spouse, 9% of his or her prior average weekly wage, rounded (if  
12 not already a multiple of one dollar) to the next higher  
13 dollar, provided, that the total amount payable to the  
14 individual with respect to a week shall not exceed 56% of the  
15 statewide average weekly wage, rounded (if not already a  
16 multiple of one dollar) to the next higher dollar; and in the  
17 case of an individual with a dependent child or dependent  
18 children, 18.2% of his or her prior average weekly wage,  
19 rounded (if not already a multiple of one dollar) to the next  
20 higher dollar, provided that the total amount payable to the  
21 individual with respect to a week shall not exceed 65.2% of the  
22 statewide average weekly wage, rounded (if not already a  
23 multiple of one dollar) to the next higher dollar.

24 The additional amount paid pursuant to this subsection in  
25 the case of an individual with a dependent child or dependent  
26 children shall be referred to as the "dependent child

1 allowance", and the percentage rate by which an individual's  
2 prior average weekly wage is multiplied pursuant to this  
3 subsection to calculate the dependent child allowance shall be  
4 referred to as the "dependent child allowance rate".

5 Except as otherwise provided in this Section, with respect  
6 to any benefit year beginning on or after January 1, 2010, an  
7 individual to whom benefits are payable with respect to any  
8 week shall, in addition to those benefits, be paid, with  
9 respect to such week, as follows: in the case of an individual  
10 with a nonworking spouse, the greater of (i) 9% of his or her  
11 prior average weekly wage, rounded (if not already a multiple  
12 of one dollar) to the next higher dollar, or (ii) \$15, provided  
13 that the total amount payable to the individual with respect to  
14 a week shall not exceed 56% of the statewide average weekly  
15 wage, rounded (if not already a multiple of one dollar) to the  
16 next higher dollar; and in the case of an individual with a  
17 dependent child or dependent children, the greater of (i) the  
18 product of the dependent child allowance rate multiplied by his  
19 or her prior average weekly wage, rounded (if not already a  
20 multiple of one dollar) to the next higher dollar, or (ii) the  
21 lesser of \$50 or 50% of his or her weekly benefit amount,  
22 rounded (if not already a multiple of one dollar) to the next  
23 higher dollar, provided that the total amount payable to the  
24 individual with respect to a week shall not exceed the product  
25 of the statewide average weekly wage multiplied by the sum of  
26 47% plus the dependent child allowance rate, rounded (if not



1 already a multiple of one dollar) to the next higher dollar.

2 ~~With respect to any benefit year beginning in calendar year~~  
3 ~~2016, an individual to whom benefits are payable with respect~~  
4 ~~to any week shall, in addition to those benefits, be paid, with~~  
5 ~~respect to such week, as follows: in the case of an individual~~  
6 ~~with a nonworking spouse, the greater of (i) 9% of his or her~~  
7 ~~prior average weekly wage, rounded (if not already a multiple~~  
8 ~~of one dollar) to the next higher dollar, or (ii) \$15, provided~~  
9 ~~that the total amount payable to the individual with respect to~~  
10 ~~a week shall not exceed 51.8% of the statewide average weekly~~  
11 ~~wage, rounded (if not already a multiple of one dollar) to the~~  
12 ~~next higher dollar; and in the case of an individual with a~~  
13 ~~dependent child or dependent children, the greater of (i) the~~  
14 ~~product of the dependent child allowance rate multiplied by his~~  
15 ~~or her prior average weekly wage, rounded (if not already a~~  
16 ~~multiple of one dollar) to the next higher dollar, or (ii) the~~  
17 ~~lesser of \$50 or 50% of his or her weekly benefit amount,~~  
18 ~~rounded (if not already a multiple of one dollar) to the next~~  
19 ~~higher dollar, provided that the total amount payable to the~~  
20 ~~individual with respect to a week shall not exceed the product~~  
21 ~~of the statewide average weekly wage multiplied by the sum of~~  
22 ~~42.8% plus the dependent child allowance rate, rounded (if not~~  
23 ~~already a multiple of one dollar) to the next higher dollar.~~

24 With respect to any benefit year beginning in calendar year  
25 2018, an individual to whom benefits are payable with respect  
26 to any week shall, in addition to those benefits, be paid, with

1 respect to such week, as follows: in the case of an individual  
2 with a nonworking spouse, the greater of (i) 9% of his or her  
3 prior average weekly wage, rounded (if not already a multiple  
4 of one dollar) to the next higher dollar, or (ii) \$15, provided  
5 that the total amount payable to the individual with respect to  
6 a week shall not exceed 51.9% of the statewide average weekly  
7 wage, rounded (if not already a multiple of one dollar) to the  
8 next higher dollar; and in the case of an individual with a  
9 dependent child or dependent children, the greater of (i) the  
10 product of the dependent child allowance rate multiplied by his  
11 or her prior average weekly wage, rounded (if not already a  
12 multiple of one dollar) to the next higher dollar, or (ii) the  
13 lesser of \$50 or 50% of his or her weekly benefit amount,  
14 rounded (if not already a multiple of one dollar) to the next  
15 higher dollar, provided that the total amount payable to the  
16 individual with respect to a week shall not exceed the product  
17 of the statewide average weekly wage multiplied by the sum of  
18 42.9% plus the dependent child allowance rate, rounded (if not  
19 already a multiple of one dollar) to the next higher dollar.

20 With respect to each benefit year beginning after calendar  
21 year 2012, the dependent child allowance rate shall be the sum  
22 of the allowance adjustment applicable pursuant to Section  
23 1400.1 to the calendar year in which the benefit year begins,  
24 plus the dependent child allowance rate with respect to each  
25 benefit year beginning in the immediately preceding calendar  
26 year, except as otherwise provided in this subsection. The

1 dependent child allowance rate with respect to each benefit  
2 year beginning in calendar year 2010 shall be 17.9%. The  
3 dependent child allowance rate with respect to each benefit  
4 year beginning in calendar year 2011 shall be 17.4%. The  
5 dependent child allowance rate with respect to each benefit  
6 year beginning in calendar year 2012 shall be 17.0% and, with  
7 respect to each benefit year beginning after calendar year  
8 2012, shall not be less than 17.0% or greater than 17.9%.

9 For the purposes of this subsection:

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

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

1 provided, that no person who has been determined to be a child  
2 of an individual who has been allowed benefits with respect to  
3 a week in the individual's benefit year shall be deemed to be a  
4 child of the other parent, and no other person shall be  
5 determined to be a child of such other parent, during the  
6 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; 97-621, eff. 11-18-11;  
23 97-791, eff. 1-1-13.)

24 (820 ILCS 405/403) (from Ch. 48, par. 403)

25 Sec. 403. Maximum total amount of benefits.†

1           A. With respect to any benefit year beginning prior to  
2           September 30, 1979, any otherwise eligible individual shall be  
3           entitled, during such benefit year, to a maximum total amount  
4           of benefits as shall be determined in the manner set forth in  
5           this Act as amended and in effect on November 9, 1977.

6           B. With respect to any benefit year beginning on or after  
7           September 30, 1979, except as otherwise provided in this  
8           Section, any otherwise eligible individual shall be entitled,  
9           during such benefit year, to a maximum total amount of benefits  
10          equal to 26 times his or her weekly benefit amount plus  
11          dependents' allowances, or to the total wages for insured work  
12          paid to such individual during the individual's base period,  
13          whichever amount is smaller. With respect to any benefit year  
14          beginning in calendar year 2012, any otherwise eligible  
15          individual shall be entitled, during such benefit year, to a  
16          maximum total amount of benefits equal to 25 times his or her  
17          weekly benefit amount plus dependents' allowances, or to the  
18          total wages for insured work paid to such individual during the  
19          individual's base period, whichever amount is smaller. If the  
20          maximum amount includable as "wages" pursuant to Section 235 is  
21          \$13,560 with respect to calendar year 2013, then, with respect  
22          to any benefit year beginning after March 31, 2013 and before  
23          April 1, 2014, any otherwise eligible individual shall be  
24          entitled, during such benefit year, to a maximum total amount  
25          of benefits equal to 25 times his or her weekly benefit amount  
26          plus dependents allowances, or to the total wages for insured

1 work paid to such individual during the individual's base  
2 period, whichever amount is smaller. With respect to any  
3 benefit year beginning in calendar year ~~2016~~ or 2018, any  
4 otherwise eligible individual shall be entitled, during such  
5 benefit year, to a maximum total amount of benefits equal to 24  
6 times his or her weekly benefit amount plus dependents'  
7 allowances, or to the total wages for insured work paid to such  
8 individual during the individual's base period, whichever  
9 amount is smaller.

10 (Source: P.A. 97-1, eff. 3-31-11; 97-621, eff. 11-18-11.)

11 (820 ILCS 405/602) (from Ch. 48, par. 432)

12 Sec. 602. Discharge for misconduct - Felony. A. An  
13 individual shall be ineligible for benefits for the week in  
14 which he has been discharged for misconduct connected with his  
15 work and, thereafter, until he has become reemployed and has  
16 had earnings equal to or in excess of his current weekly  
17 benefit amount in each of four calendar weeks which are either  
18 for services in employment, or have been or will be reported  
19 pursuant to the provisions of the Federal Insurance  
20 Contributions Act by each employing unit for which such  
21 services are performed and which submits a statement certifying  
22 to that fact. The requalification requirements of the preceding  
23 sentence shall be deemed to have been satisfied, as of the date  
24 of reinstatement, if, subsequent to his discharge by an  
25 employing unit for misconduct connected with his work, such

1 individual is reinstated by such employing unit. For purposes  
2 of this subsection, the term "misconduct" means the deliberate  
3 and willful violation of a reasonable rule or policy of the  
4 employing unit, governing the individual's behavior in  
5 performance of his work, provided such violation has harmed the  
6 employing unit or other employees or has been repeated by the  
7 individual despite a warning or other explicit instruction from  
8 the employing unit. The previous definition notwithstanding,  
9 "misconduct" shall include any of the following work-related  
10 circumstances:

11 1. Falsification of an employment application, or any  
12 other documentation provided to the employer, to obtain  
13 employment through subterfuge.

14 2. Failure to maintain licenses, registrations, and  
15 certifications reasonably required by the employer, or  
16 those that the individual is required to possess by law, to  
17 perform his or her regular job duties, unless the failure  
18 is not within the control of the individual.

19 3. Knowing, repeated violation of the attendance  
20 policies of the employer that are in compliance with State  
21 and federal law following a written warning for an  
22 attendance violation, unless the individual can  
23 demonstrate that he or she has made a reasonable effort to  
24 remedy the reason or reasons for the violations or that the  
25 reason or reasons for the violations were out of the  
26 individual's control. Attendance policies of the employer

1 shall be reasonable and provided to the individual in  
2 writing, electronically, or via posting in the workplace.

3 4. Damaging the employer's property through conduct  
4 that is grossly negligent.

5 5. Refusal to obey an employer's reasonable and lawful  
6 instruction, unless the refusal is due to the lack of  
7 ability, skills, or training for the individual required to  
8 obey the instruction or the instruction would result in an  
9 unsafe act.

10 6. Consuming alcohol or illegal or non-prescribed  
11 prescription drugs, or using an impairing substance in an  
12 off-label manner, on the employer's premises during  
13 working hours in violation of the employer's policies.

14 7. Reporting to work under the influence of alcohol,  
15 illegal or non-prescribed prescription drugs, or an  
16 impairing substance used in an off-label manner in  
17 violation of the employer's policies, unless the  
18 individual is compelled to report to work by the employer  
19 outside of scheduled and on-call working hours and informs  
20 the employer that he or she is under the influence of  
21 alcohol, illegal or non-prescribed prescription drugs, or  
22 an impairing substance used in an off-label manner in  
23 violation of the employer's policies.

24 8. Grossly negligent conduct endangering the safety of  
25 the individual or co-workers.

26 For purposes of paragraphs 4 and 8, conduct is "grossly



1 negligent" when the individual is, or reasonably should be,  
2 aware of a substantial risk that the conduct will result in the  
3 harm sought to be prevented and the conduct constitutes a  
4 substantial deviation from the standard of care a reasonable  
5 person would exercise in the situation.

6 Nothing in paragraph 6 or 7 prohibits the lawful use of  
7 over-the-counter drug products as defined in Section 206 of the  
8 Illinois Controlled Substances Act, provided that the  
9 medication does not affect the safe performance of the  
10 employee's work duties.

11 B. Notwithstanding any other provision of this Act, no  
12 benefit rights shall accrue to any individual based upon wages  
13 from any employer for service rendered prior to the day upon  
14 which such individual was discharged because of the commission  
15 of a felony in connection with his work, or because of theft in  
16 connection with his work, for which the employer was in no way  
17 responsible; provided, that the employer notified the Director  
18 of such possible ineligibility within the time limits specified  
19 by regulations of the Director, and that the individual has  
20 admitted his commission of the felony or theft to a  
21 representative of the Director, or has signed a written  
22 admission of such act and such written admission has been  
23 presented to a representative of the Director, or such act has  
24 resulted in a conviction or order of supervision by a court of  
25 competent jurisdiction; and provided further, that if by reason  
26 of such act, he is in legal custody, held on bail or is a

1 fugitive from justice, the determination of his benefit rights  
2 shall be held in abeyance pending the result of any legal  
3 proceedings arising therefrom.

4 (Source: P.A. 85-956.)

5 (820 ILCS 405/611) (from Ch. 48, par. 441)

6 Sec. 611. Retirement pay. A. For the purposes of this  
7 Section "disqualifying income" means:

8 1. The entire amount which an individual has received or  
9 will receive with respect to a week in the form of a retirement  
10 payment (a) from an individual or organization (i) for which he  
11 performed services during his base period or which is liable  
12 for benefit charges or payments in lieu of contributions as a  
13 result of the payment of benefits to such individual and (ii)  
14 which pays all of the cost of such retirement payment, or (b)  
15 from a trust, annuity or insurance fund or under an annuity or  
16 insurance contract, to or under which an individual or  
17 organization for which he performed services during his base  
18 period or which is liable for benefit charges or payments in  
19 lieu of contributions as a result of the payment of benefits to  
20 such individual pays or has paid all of the premiums or  
21 contributions; and

22 2. One-half the amount which an individual has received or  
23 will receive with respect to a week in the form of a retirement  
24 payment (a) from an individual or organization (i) for which he  
25 performed services during his base period or which is liable

1 for benefit charges or payments in lieu of contributions as a  
2 result of the payment of benefits to such individual and (ii)  
3 which pays some, but not all, of the cost of such retirement  
4 payment, or (b) from a trust, annuity or insurance fund  
5 ~~(including primary social security old age and disability~~  
6 ~~retirement benefits, including those based on self employment)~~  
7 or under an annuity or insurance contract, to or under which an  
8 individual or organization for which he performed services  
9 during his base period or which is liable for benefit charges  
10 or payments in lieu of contributions as a result of the payment  
11 of benefits to such individual pays or has paid some, but not  
12 all, of the premiums or contributions.

13 3. Notwithstanding paragraphs ~~paragraph~~ 1 and 2 above, the  
14 entire amount which an individual has received or will receive,  
15 with respect to any week which begins after March 31, 1980, of  
16 any governmental or other pension, retirement, or retired pay,  
17 annuity or any other similar periodic payment which is based on  
18 any previous work of such individual during his base period or  
19 which is liable for benefit charges or payments in lieu of  
20 contributions as a result of the payment of benefits to such  
21 individual. This paragraph shall be in effect only if it is  
22 required as a condition for full tax credit against the tax  
23 imposed by the Federal Unemployment Tax Act.

24 4. Notwithstanding paragraphs 1, 2, and 3 above, none of  
25 the amount that an individual has received or will receive with  
26 respect to a week in the form of social security old age,

1 survivors, and disability benefits under 42 U.S.C. Section 401  
2 et seq., including those based on self-employment, shall  
3 constitute disqualifying income.

4 B. Whenever an individual has received or will receive a  
5 retirement payment for a month, an amount shall be deemed to  
6 have been paid him for each day equal to one-thirtieth of such  
7 retirement payment. If the retirement payment is for a  
8 half-month, an amount shall be deemed to have been paid the  
9 individual for each day equal to one-fifteenth of such  
10 retirement payment. If the retirement payment is for any other  
11 period, an amount shall be deemed to have been paid the  
12 individual for each day in such period equal to the retirement  
13 payment divided by the number of days in the period.

14 C. An individual shall be ineligible for benefits for any  
15 week with respect to which his disqualifying income equals or  
16 exceeds his weekly benefit amount. If such disqualifying income  
17 with respect to a week totals less than the benefits for which  
18 he would otherwise be eligible under this Act, he shall be  
19 paid, with respect to such week, benefits reduced by the amount  
20 of such disqualifying income.

21 D. To assure full tax credit to the employers of this State  
22 against the tax imposed by the Federal Unemployment Tax Act,  
23 the Director shall take any action as may be necessary in the  
24 administration of paragraph 3 of subsection A of this Section  
25 to insure that the application of its provisions conform to the  
26 requirements of such Federal Act as interpreted by the United

1 States Secretary of Labor or other appropriate Federal agency.

2 (Source: P.A. 86-3.)

3 (820 ILCS 405/1505) (from Ch. 48, par. 575)

4 Sec. 1505. Adjustment of state experience factor. The state  
5 experience factor shall be adjusted in accordance with the  
6 following provisions:

7 A. For calendar years prior to 1988, the state experience  
8 factor shall be adjusted in accordance with the provisions of  
9 this Act as amended and in effect on November 18, 2011.

10 B. (Blank).

11 C. For calendar year 1988 and each calendar year  
12 thereafter, for which the state experience factor is being  
13 determined.

14 1. For every \$50,000,000 (or fraction thereof) by which  
15 the adjusted trust fund balance falls below the target  
16 balance set forth in this subsection, the state experience  
17 factor for the succeeding year shall be increased one  
18 percent absolute.

19 For every \$50,000,000 (or fraction thereof) by which  
20 the adjusted trust fund balance exceeds the target balance  
21 set forth in this subsection, the state experience factor  
22 for the succeeding year shall be decreased by one percent  
23 absolute.

24 The target balance in each calendar year prior to 2003  
25 is \$750,000,000. The target balance in calendar year 2003

1 is \$920,000,000. The target balance in calendar year 2004  
2 is \$960,000,000. The target balance in calendar year 2005  
3 and each calendar year thereafter is \$1,000,000,000.

4 2. For the purposes of this subsection:

5 "Net trust fund balance" is the amount standing to the  
6 credit of this State's account in the unemployment trust  
7 fund as of June 30 of the calendar year immediately  
8 preceding the year for which a state experience factor is  
9 being determined.

10 "Adjusted trust fund balance" is the net trust fund  
11 balance minus the sum of the benefit reserves for fund  
12 building for July 1, 1987 through June 30 of the year prior  
13 to the year for which the state experience factor is being  
14 determined. The adjusted trust fund balance shall not be  
15 less than zero. If the preceding calculation results in a  
16 number which is less than zero, the amount by which it is  
17 less than zero shall reduce the sum of the benefit reserves  
18 for fund building for subsequent years.

19 For the purpose of determining the state experience  
20 factor for 1989 and for each calendar year thereafter, the  
21 following "benefit reserves for fund building" shall apply  
22 for each state experience factor calculation in which that  
23 12 month period is applicable:

24 a. For the 12 month period ending on June 30, 1988,  
25 the "benefit reserve for fund building" shall be  
26 8/104th of the total benefits paid from January 1, 1988

1 through June 30, 1988.

2 b. For the 12 month period ending on June 30, 1989,  
3 the "benefit reserve for fund building" shall be the  
4 sum of:

5 i. 8/104ths of the total benefits paid from  
6 July 1, 1988 through December 31, 1988, plus

7 ii. 4/108ths of the total benefits paid from  
8 January 1, 1989 through June 30, 1989.

9 c. For the 12 month period ending on June 30, 1990,  
10 the "benefit reserve for fund building" shall be  
11 4/108ths of the total benefits paid from July 1, 1989  
12 through December 31, 1989.

13 d. For 1992 and for each calendar year thereafter,  
14 the "benefit reserve for fund building" for the 12  
15 month period ending on June 30, 1991 and for each  
16 subsequent 12 month period shall be zero.

17 3. Notwithstanding the preceding provisions of this  
18 subsection, for calendar years 1988 through 2003, the state  
19 experience factor shall not be increased or decreased by  
20 more than 15 percent absolute.

21 D. Notwithstanding the provisions of subsection C, the  
22 adjusted state experience factor:

23 1. Shall be 111 percent for calendar year 1988;

24 2. Shall not be less than 75 percent nor greater than  
25 135 percent for calendar years 1989 through 2003; and shall  
26 not be less than 75% nor greater than 150% for calendar

1 year 2004 and each calendar year thereafter, not counting  
2 any increase pursuant to subsection D-1, D-2, or D-3;

3 3. Shall not be decreased by more than 5 percent  
4 absolute for any calendar year, beginning in calendar year  
5 1989 and through calendar year 1992, by more than 6%  
6 absolute for calendar years 1993 through 1995, by more than  
7 10% absolute for calendar years 1999 through 2003 and by  
8 more than 12% absolute for calendar year 2004 and each  
9 calendar year thereafter, from the adjusted state  
10 experience factor of the calendar year preceding the  
11 calendar year for which the adjusted state experience  
12 factor is being determined;

13 4. Shall not be increased by more than 15% absolute for  
14 calendar year 1993, by more than 14% absolute for calendar  
15 years 1994 and 1995, by more than 10% absolute for calendar  
16 years 1999 through 2003 and by more than 16% absolute for  
17 calendar year 2004 and each calendar year thereafter, from  
18 the adjusted state experience factor for the calendar year  
19 preceding the calendar year for which the adjusted state  
20 experience factor is being determined;

21 5. Shall be 100% for calendar years 1996, 1997, and  
22 1998.

23 D-1. The adjusted state experience factor for each of  
24 calendar years 2013 through 2015 shall be increased by 5%  
25 absolute above the adjusted state experience factor as  
26 calculated without regard to this subsection. The adjusted



1 state experience factor for each of calendar years 2016 through  
2 2018 shall be increased by 6% absolute above the adjusted state  
3 experience factor as calculated without regard to this  
4 subsection. The increase in the adjusted state experience  
5 factor for calendar year 2018 pursuant to this subsection shall  
6 not be counted for purposes of applying paragraph 3 or 4 of  
7 subsection D to the calculation of the adjusted state  
8 experience factor for calendar year 2019.

9 D-2. (Blank). ~~The adjusted state experience factor for~~  
10 ~~calendar year 2016 shall be increased by 19% absolute above the~~  
11 ~~adjusted state experience factor as calculated without regard~~  
12 ~~to this subsection. The increase in the adjusted state~~  
13 ~~experience factor for calendar year 2016 pursuant to this~~  
14 ~~subsection shall not be counted for purposes of applying~~  
15 ~~paragraph 3 or 4 of subsection D to the calculation of the~~  
16 ~~adjusted state experience factor for calendar year 2017.~~

17 D-3. The adjusted state experience factor for calendar year  
18 2018 shall be increased by 19% absolute above the adjusted  
19 state experience factor as calculated without regard to this  
20 subsection. The increase in the adjusted state experience  
21 factor for calendar year 2018 pursuant to this subsection shall  
22 not be counted for purposes of applying paragraph 3 or 4 of  
23 subsection D to the calculation of the adjusted state  
24 experience factor for calendar year 2019.

25 E. The amount standing to the credit of this State's  
26 account in the unemployment trust fund as of June 30 shall be

1 deemed to include as part thereof (a) any amount receivable on  
2 that date from any Federal governmental agency, or as a payment  
3 in lieu of contributions under the provisions of Sections 1403  
4 and 1405 B and paragraph 2 of Section 302C, in reimbursement of  
5 benefits paid to individuals, and (b) amounts credited by the  
6 Secretary of the Treasury of the United States to this State's  
7 account in the unemployment trust fund pursuant to Section 903  
8 of the Federal Social Security Act, as amended, including any  
9 such amounts which have been appropriated by the General  
10 Assembly in accordance with the provisions of Section 2100 B  
11 for expenses of administration, except any amounts which have  
12 been obligated on or before that date pursuant to such  
13 appropriation.

14 (Source: P.A. 97-621, eff. 11-18-11; 97-791, eff. 1-1-13.)

15 (820 ILCS 405/1506.6)

16 Sec. 1506.6. Surcharge; specified period. For each  
17 employer whose contribution rate for calendar year ~~2016~~ or 2018  
18 is determined pursuant to Section 1500 or 1506.1, including but  
19 not limited to an employer whose contribution rate pursuant to  
20 Section 1506.1 is 0.0%, in addition to the contribution rate  
21 established pursuant to Section 1506.3, an additional  
22 surcharge of 0.3% shall be added to the contribution rate. The  
23 surcharge established by this Section shall be due at the same  
24 time as other contributions with respect to the quarter are  
25 due, as provided in Section 1400. Payments attributable to the

1 surcharge established pursuant to this Section shall be  
2 contributions and deposited into the clearing account.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law, except that the changes to Sections 602 and 611  
6 of the Unemployment Insurance Act take effect January 3, 2016.