

1 AN ACT in relation to unemployment insurance.

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 205 as follows:

6 (820 ILCS 405/205) (from Ch. 48, par. 315)

7 Sec. 205. "Employer" means:

8 A. With respect to the years 1937, 1938, and 1939, any
9 employing unit which has or had in employment ~~8~~ eight or more
10 individuals on some portion of a day, but not necessarily
11 simultaneously, and irrespective of whether the same
12 individuals are or were employed on each such day within each
13 of twenty or more calendar weeks, whether or not such weeks
14 are or were consecutive, within either the current or
15 preceding calendar year;

16 B. 1. With respect to the years 1940 through 1955,
17 inclusive, any employing unit which has or had in employment
18 six or more individuals within each of twenty or more
19 calendar weeks (but not necessarily simultaneously and
20 irrespective of whether the same individuals are or were
21 employed in each such week), whether or not such weeks are or
22 were consecutive, within either the current or preceding
23 calendar year;

24 2. With respect to the years 1956 through 1971,
25 inclusive, any employing unit which has or had in employment
26 four or more individuals within each of twenty or more
27 calendar weeks (but not necessarily simultaneously and
28 irrespective of whether the same individuals are or were
29 employed in each such week), whether or not such weeks are or
30 were consecutive, within either the current or preceding
31 calendar year;

1 3. With respect to the years 1972 and thereafter, except
2 as provided in subsection K and in Section 301, any employing
3 unit which (1) pays or paid, for services in employment,
4 wages of at least \$1500 within any calendar quarter in either
5 the current or preceding calendar year; or (2) has or had in
6 employment at least one individual on some portion of a day,
7 irrespective of whether the same individual is or was
8 employed on each such day, within each of twenty or more
9 calendar weeks, whether or not such weeks are or were
10 consecutive, within either the current or preceding calendar
11 year;

12 4. With respect to the years 1972 and thereafter, any
13 nonprofit organization as defined in Section 211.2, except as
14 provided in subsection K and in Section 301;

15 5. With respect to the years 1972 and thereafter, the
16 State of Illinois and each of its instrumentalities; and with
17 respect to the years 1978 and thereafter, each governmental
18 entity referred to in clause (B) of Section 211.1, except as
19 provided in Section 301;

20 6. With respect to the years 1978 and thereafter, any
21 employing unit for which service in agricultural labor is
22 performed in employment as defined in Section 211.4, except
23 as provided in subsection K and in Section 301;

24 7. With respect to the years 1978 and thereafter, any
25 employing unit for which domestic service is performed in
26 employment as defined in Section 211.5, except as provided in
27 subsection K and in Section 301;

28 C. Any individual or employing unit which succeeded to
29 the organization, trade, or business of another employing
30 unit which at the time of such succession was an employer,
31 and any individual or employing unit which succeeded to the
32 organization, trade, or business of any distinct severable
33 portion of another employing unit, which portion, if treated
34 as a separate employing unit, would have been, at the time of

1 the succession, an employer under subsections A or B of this
2 Section;

3 D. Any individual or employing unit which succeeded to
4 any of the assets of an employer or to any of the assets of a
5 distinct severable portion thereof, if such portion, when
6 treated as a separate employing unit would be an employer
7 under subsections A or B of this Section, by any means
8 whatever, otherwise than in the ordinary course of business,
9 unless and until it is proven in any proceeding where such
10 issue is involved that all of the following exist:

11 1. The successor unit has not assumed a substantial
12 amount of the predecessor unit's obligations; and

13 2. The successor unit has not acquired a
14 substantial amount of the predecessor unit's good will;
15 and

16 3. The successor unit has not continued or resumed
17 a substantial part of the business of the predecessor
18 unit in the same establishment;

19 E. Any individual or employing unit which succeeded to
20 the organization, trade, or business, or to any of the assets
21 of a predecessor unit (unless and until it is proven in any
22 proceeding where such issue is involved that all the
23 conditions enumerated in subsection D of this Section exist),
24 if the experience of the successor unit subsequent to such
25 succession plus the experience of the predecessor unit prior
26 to such succession, both within the same calendar year, would
27 equal the experience necessary to constitute an employing
28 unit an employer under subsections A or B of this Section;

29 For the purposes of this subsection, the term
30 "predecessor unit" shall include any distinct severable
31 portion of an employing unit.

32 F. With respect to the years 1937 through 1955,
33 inclusive, any employing unit which together with one or more
34 other employing units is owned or controlled, directly or

1 indirectly, by legally enforceable means or otherwise, by the
2 same interests, or which owns or controls one or more other
3 employing units directly or indirectly, by legally
4 enforceable means or otherwise, and which if treated as a
5 single unit with such other employing units or interests or
6 both would be an employer under subsections A or B of this
7 Section;

8 G. Any employing unit which, having become an employer
9 under subsections A, B, C, D, E, or F of this Section, has
10 not, under Section 301, ceased to be an employer;

11 H. For the effective period of its election pursuant to
12 Section 302, any other employing unit which has elected to
13 become fully subject to this Act;

14 I. Any employing unit which is an employer under Section
15 245;

16 J. Any employing unit which, having become an employer
17 under Section 245, has not, with respect to the year 1960 or
18 thereafter, ceased to be an employer under Section 301; or

19 J-1. On and after December 21, 2000, any Indian tribe
20 for which service in "employment" as defined under this Act
21 is performed.

22 K. In determining whether or not an employing unit for
23 which service other than domestic service is also performed
24 is an employer under paragraphs 3, 4, or 6 of subsection B,
25 the domestic service of an individual and the wages paid
26 therefor shall not be taken into account. In determining
27 whether or not an employing unit for which service other than
28 agricultural labor is also performed is an employer under
29 paragraphs 4 or 7 of subsection B, the service of an
30 individual in agricultural labor and the wages paid therefor
31 shall not be taken into account. An employing unit which is
32 an employer under paragraph 6 of subsection B is an employer
33 under paragraph 3 of subsection B.

34 (Source: P.A. 92-555, eff. 6-24-02.)