



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3029

Introduced 2/23/2011, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/602

from Ch. 48, par. 432

Amends the Unemployment Insurance Act. Provides that no benefit rights shall accrue to any individual based upon wages from any employer for service rendered prior to the day upon which such individual was discharged because of the commission of a misdemeanor in connection with his work. Provides that no benefits may be paid to any individual who is found guilty of or is granted supervision for a felony or misdemeanor committed against his or her former employer and is receiving benefits based on employment with his or her former employer. Effective January 1, 2012.

LRB097 08048 AEK 48171 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 602 as follows:

6 (820 ILCS 405/602) (from Ch. 48, par. 432)

7 Sec. 602. Discharge for misconduct - Felony or misdemeanor.

8 A. An individual shall be ineligible for benefits for the week  
9 in which he has been discharged for misconduct connected with  
10 his work and, thereafter, until he has become reemployed and  
11 has had earnings equal to or in excess of his current weekly  
12 benefit amount in each of four calendar weeks which are either  
13 for services in employment, or have been or will be reported  
14 pursuant to the provisions of the Federal Insurance  
15 Contributions Act by each employing unit for which such  
16 services are performed and which submits a statement certifying  
17 to that fact. The requalification requirements of the preceding  
18 sentence shall be deemed to have been satisfied, as of the date  
19 of reinstatement, if, subsequent to his discharge by an  
20 employing unit for misconduct connected with his work, such  
21 individual is reinstated by such employing unit. For purposes  
22 of this subsection, the term "misconduct" means the deliberate  
23 and willful violation of a reasonable rule or policy of the

1 employing unit, governing the individual's behavior in  
2 performance of his work, provided such violation has harmed the  
3 employing unit or other employees or has been repeated by the  
4 individual despite a warning or other explicit instruction from  
5 the employing unit.

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

25 C. Notwithstanding any other provision of this Act, no  
26 benefits may be paid to any individual who is found guilty of

1 or is granted supervision for a felony or misdemeanor committed  
2 against his or her former employer and is receiving benefits  
3 based on employment with his or her former employer.

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

5 Section 99. Effective date. This Act takes effect January  
6 1, 2012.