



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3952

Introduced 1/10/2012, by Rep. Michelle Mussman and Dwight Kay

SYNOPSIS AS INTRODUCED:

820 ILCS 405/602

from Ch. 48, par. 432

Amends provisions of the Unemployment Insurance Act stating that no benefit rights shall accrue to an individual based upon wages from an employer for service rendered prior to the day upon which the individual was discharged because of the commission of a felony in connection with his or her work. Expands those provisions so that they also apply to an individual discharged because of the commission of a misdemeanor in connection with his or her work. Also 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, 2013.

LRB097 15675 AEK 60817 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 or her work,
11 or because of theft in connection with his or her work, for
12 which the employer was in no way responsible; provided, that
13 the employer notified the Director of such possible
14 ineligibility within the time limits specified by regulations
15 of the Director, and that the individual has admitted his or
16 her commission of the felony, misdemeanor, or theft to a
17 representative of the Director, or has signed a written
18 admission of such act and such written admission has been
19 presented to a representative of the Director, or such act has
20 resulted in a conviction or order of supervision by a court of
21 competent jurisdiction; and provided further, that if by reason
22 of such act, he or she is in legal custody, held on bail or is a
23 fugitive from justice, the determination of his or her benefit
24 rights shall be held in abeyance pending the result of any
25 legal proceedings arising therefrom.

26 C. Notwithstanding any other provision of this Act, no

1 benefits may be paid to any individual who is found guilty of
2 or is granted supervision for a felony or misdemeanor committed
3 against his or her former employer and is receiving benefits
4 based on employment with his or her former employer.

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

6 Section 99. Effective date. This Act takes effect January
7 1, 2013.