

SB1302



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1302

Introduced 2/5/2013, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

820 ILCS 405/220

from Ch. 48, par. 330

Amends the Unemployment Insurance Act. Provides that the term "employment" does not include service performed after December 31, 2013 in the employ of certain governmental entities if the service is performed on a temporary basis as a public safety employee and the pay received for the service during the calendar quarter is less than \$1,000. Defines terms.

LRB098 07003 JLS 37061 b

A BILL FOR

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 220 as follows:

6 (820 ILCS 405/220) (from Ch. 48, par. 330)

7 Sec. 220. A. The term "employment" shall not include
8 service performed prior to 1972 in the employ of this State, or
9 of any political subdivision thereof, or of any wholly owned
10 instrumentality of this State or its political subdivisions.

11 B. The term "employment" shall not include service,
12 performed after 1971 and before 1978, in the employ of this
13 State or any of its instrumentalities:

14 1. In an elective position;

15 2. Of a professional or consulting nature, compensated
16 on a per diem or retainer basis;

17 3. For a State prison or other State correctional
18 institution, by an inmate of the prison or correctional
19 institution;

20 4. As part of an unemployment work-relief or
21 work-training program assisted or financed in whole or in
22 part by any Federal agency or an agency of this State, by
23 an individual receiving such work-relief or work-training;

1 5. In a facility conducted for the purpose of carrying
2 out a program of rehabilitation for individuals whose
3 earning capacity is impaired by age or physical or mental
4 deficiency or injury or providing remunerative work for
5 individuals who because of their impaired physical or
6 mental capacity cannot be readily absorbed in the
7 competitive labor market, by an individual receiving such
8 rehabilitation or remunerative work;

9 6. Directly for the Illinois State Fair during its
10 active duration (including the week immediately preceding
11 and the week immediately following the Fair);

12 7. Directly and solely in connection with an emergency,
13 in fire-fighting, snow removal, flood control, control of
14 the effects of wind or flood, and the like, by an
15 individual hired solely for the period of such emergency;

16 8. In the Illinois National Guard, directly and solely
17 in connection with its summer training camps or during
18 emergencies, by an individual called to duty solely for
19 such purposes.

20 C. Except as provided in Section 302, the term "employment"
21 shall not include service performed in the employ of a
22 political subdivision or a municipal corporation, or an
23 instrumentality of one or more of the foregoing or of this
24 State and one or more of the foregoing. This subsection shall
25 not apply to service performed after December 31, 1977.

26 D. The term "employment" shall not include service

1 performed after December 31, 1977:

2 1. In the employ of a governmental entity referred to
3 in clause (B) of Section 211.1 if such service is performed
4 in the exercise of duties

5 a. As an elected official;

6 b. As a member of a legislative body, or a member
7 of the judiciary, of this State or a political
8 subdivision or municipal corporation;

9 c. As a member of the Illinois National Guard or
10 Air National Guard;

11 d. As a worker serving on a temporary basis in case
12 of fire, storm, snow, earthquake, flood, or similar
13 emergency;

14 e. In a position which, under or pursuant to the
15 laws of this State, is designated as a major nontenured
16 policymaking or advisory position, or as a
17 policymaking position the performance of the duties of
18 which ordinarily does not require more than 8 hours per
19 week.

20 2. As part of an unemployment work-relief or
21 work-training program assisted or financed in whole or in
22 part by any Federal agency or an agency of this State, or a
23 political subdivision or municipal corporation, by an
24 individual receiving such work-relief or work-training.

25 3. In a facility conducted for the purpose of carrying
26 out a program of rehabilitation for individuals whose

1 earning capacity is impaired by age or physical or mental
2 deficiency or injury or providing remunerative work for
3 individuals who because of their impaired physical or
4 mental capacity cannot be readily absorbed in the
5 competitive labor market, by an individual receiving such
6 rehabilitation or remunerative work.

7 4. By an inmate of a custodial or penal institution.

8 E. The term "employment" shall not include service
9 performed on or after January 1, 2002 in the employ of a
10 governmental entity referred to in clause (B) of Section 211.1
11 if the service is performed in the exercise of duties as an
12 election official or election worker and the amount of
13 remuneration received by the individual during the calendar
14 year for service as an election official or election worker is
15 less than \$1,000.

16 F. The term "employment" shall not include service
17 performed in the employ of an Indian tribe if such service is
18 performed in the exercise of duties:

19 1. as an elected official;

20 2. as a member of a legislative body, or a member of
21 the judiciary, of that Indian tribe;

22 3. as a worker serving on a temporary basis in case of
23 fire, storm, snow, earthquake, flood, or similar
24 emergency;

25 4. in a position which, under or pursuant to tribal
26 law, is designated as a major nontenured policymaking or

1 advisory position, or as a policymaking position the
2 performance of the duties of which ordinarily does not
3 require more than 8 hours per week;

4 5. as part of an unemployment work-relief or
5 work-training program assisted or financed in whole or in
6 part by any federal agency or an agency of this State, or a
7 political subdivision or municipal corporation, or an
8 Indian tribe, by an individual receiving such work-relief
9 or work training;

10 6. in a facility conducted for the purpose of carrying
11 out a program of rehabilitation for individuals whose
12 earning capacity is impaired by age or physical or mental
13 deficiency or injury or providing remunerative work for
14 individuals who because of their impaired physical or
15 mental capacity cannot be readily absorbed in the
16 competitive labor market, by an individual receiving such
17 rehabilitation or remunerative work;

18 7. by an inmate of a custodial or penal institution.

19 G. The term "employment" shall not include service
20 performed after December 31, 2013 in the employ of a
21 governmental entity referred to in clause (B) of Section 211.1
22 if that service is performed in the exercise of duties as a
23 worker serving on temporary basis as a public safety employee
24 and the amount of remuneration received by the individual
25 during the calendar quarter for that service as a public safety
26 employee is less than \$1,000.

1 1. For purposes of this subsection, "temporary basis"
2 means a part-time worker, as defined in Section 407 of this
3 Act, exempt from eligibility under subparagraph d of
4 paragraph 1 of subsection D of Section 220 of this Act who
5 either:

6 (a) does not earn wages, as defined in Section 234
7 of this Act, for 8 of the 12 weeks generally comprising
8 each of the 4 calendar quarters which in turn comprise
9 the base period, as defined in Section 237 of this Act;
10 or

11 (b) has not accrued hours of service, as defined in
12 Section 211.1 of this Act, in excess of 24 hours per
13 week for 10 of the 12 weeks generally comprising each
14 of the 4 calendar quarters which in turn comprise the
15 base period, as defined in Section 237 of this Act.

16 2. For purposes of this subsection, "public safety
17 employee" means: a police officer, detective, deputy
18 sheriff, state trooper, investigator inspector,
19 correctional officer, park ranger, firefighter, paramedic,
20 emergency medical technician, or staffing ambulance
21 attendant or operator who performs work including, but not
22 limited to: crime prevention, detection, or enforcement;
23 pursuit, restraint, apprehension, and detention of
24 criminal suspects or convicts; fire prevention, control,
25 mitigation, investigation, or suppression; rescue and
26 medical treatment of fire, crime, or accident victims;

1 service as a volunteer emergency worker, as defined in
2 Section 3 of the Volunteer Emergency Worker Job Protection
3 Act; or service as a disaster service volunteer, as defined
4 in Section 15 of the Local Government Disaster Service
5 Volunteer Act.

6 (Source: P.A. 92-441, eff. 1-1-02; 92-555, eff. 6-24-02.)