

**SB0766**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB0766**

Introduced 2/4/2015, by Sen. Kyle McCarter

**SYNOPSIS AS INTRODUCED:**

820 ILCS 405/602

from Ch. 48, par. 432

Amends provisions of the Unemployment Insurance Act concerning ineligibility for benefits after a discharge for misconduct. Provides that "misconduct" means the violation (rather than the deliberate and willful violation) of a reasonable rule or policy of the employing unit governing the individual's behavior in performance of his or her work, provided the violation has harmed the employing unit or other employees or has been repeated by the individual despite a warning or other instruction (rather than explicit instruction) from the employing unit.

LRB099 03715 KTG 23727 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 602 as follows:

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

7 Sec. 602. Discharge for misconduct - Felony. A. An  
8 individual shall be ineligible for benefits for the week in  
9 which he has been discharged for misconduct connected with his  
10 work and, thereafter, until he has become reemployed and has  
11 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 in connection with his work, or because of theft in  
11 connection with his work, for which the employer was in no way  
12 responsible; provided, that the employer notified the Director  
13 of such possible ineligibility within the time limits specified  
14 by regulations of the Director, and that the individual has  
15 admitted his commission of the felony or theft to a  
16 representative of the Director, or has signed a written  
17 admission of such act and such written admission has been  
18 presented to a representative of the Director, or such act has  
19 resulted in a conviction or order of supervision by a court of  
20 competent jurisdiction; and provided further, that if by reason  
21 of such act, he is in legal custody, held on bail or is a  
22 fugitive from justice, the determination of his benefit rights  
23 shall be held in abeyance pending the result of any legal  
24 proceedings arising therefrom.

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