



Sen. Bill Cunningham

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LRB104 11263 SPS 26287 a

1 AMENDMENT TO HOUSE BILL 3200

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3200 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unemployment Insurance Act is amended by  
5 changing Sections 601, 900, 901, 2206.1, and 2404 and by  
6 adding Section 901.2 as follows:

7 (820 ILCS 405/601) (from Ch. 48, par. 431)

8 Sec. 601. Voluntary leaving.

9 A. An individual shall be ineligible for benefits for the  
10 week in which the individual ~~he or she~~ has left work  
11 voluntarily without good cause attributable to the employing  
12 unit and, thereafter, until the individual ~~he or she~~ has  
13 become reemployed and has had earnings equal to or in excess of  
14 the individual's ~~his or her~~ current weekly benefit amount in  
15 each of four calendar weeks which are either for services in  
16 employment, or have been or will be reported pursuant to the

1 provisions of the Federal Insurance Contributions Act by each  
2 employing unit for which such services are performed and which  
3 submits a statement certifying to that fact.

4 B. The provisions of this Section shall not apply to an  
5 individual who has left work voluntarily:

6 1. Because the individual, prior to voluntarily  
7 leaving: ~~he or she~~

8 (a) is deemed physically unable to perform the  
9 individual's ~~his or her~~ work by a licensed and  
10 practicing physician, licensed and practicing nurse  
11 practitioner, or licensed and practicing physician  
12 assistant and the employer is unable to accommodate  
13 the individual; ~~or~~

14 (b) for claims dated December 28, 2025 through  
15 December 24, 2028, is deemed to be unable to perform  
16 the individual's work due to a mental health  
17 disability by a licensed and practicing psychiatrist  
18 and the employer is unable to accommodate the  
19 individual; or

20 (c) is providing necessary ~~because the~~  
21 individual's assistance to care is necessary for the  
22 purpose of caring for the individual's ~~his or her~~  
23 spouse, child, or parent who, according to a licensed  
24 and practicing physician or as otherwise reasonably  
25 verified, is in poor physical or mental health or is a  
26 person with a mental or physical disability and the

1           employer is unable to accommodate the individual's  
2           need to provide such assistance;

3           2. To accept other bona fide work and, after such  
4           acceptance, the individual is either not unemployed in  
5           each of 2 weeks, or earns remuneration for such work equal  
6           to at least twice the individual's ~~his or her~~ current  
7           weekly benefit amount;

8           3. In lieu of accepting a transfer to other work  
9           offered to the individual by the employing unit under the  
10          terms of a collective bargaining agreement or pursuant to  
11          an established employer plan, program, or policy, if the  
12          acceptance of such other work by the individual would  
13          require the separation from that work of another  
14          individual currently performing it;

15          4. Solely because of the sexual harassment of the  
16          individual by another employee. Sexual harassment means  
17          (1) unwelcome sexual advances, requests for sexual favors,  
18          sexually motivated physical contact or other conduct or  
19          communication which is made a term or condition of the  
20          employment or (2) the employee's submission to or  
21          rejection of such conduct or communication which is the  
22          basis for decisions affecting employment, or (3) when such  
23          conduct or communication has the purpose or effect of  
24          substantially interfering with an individual's work  
25          performance or creating an intimidating, hostile, or  
26          offensive working environment and the employer knows or

1 should know of the existence of the harassment and fails  
2 to take timely and appropriate action;

3 5. Which the individual ~~he or she~~ had accepted after  
4 separation from other work, and the work which the  
5 individual ~~he or she~~ left voluntarily would be deemed  
6 unsuitable under the provisions of Section 603;

7 6.(a) Because the individual left work due to verified  
8 domestic violence as defined in Section 103 of the  
9 Illinois Domestic Violence Act of 1986 where the domestic  
10 violence caused the individual to reasonably believe that  
11 the individual's ~~his or her~~ continued employment would  
12 jeopardize the individual's ~~his or her~~ safety or the  
13 safety of the individual's ~~his or her~~ spouse, minor child,  
14 or parent

15 if the individual provides the following:

16 (i) notice to the employing unit of the reason for  
17 the individual's voluntarily leaving; and

18 (ii) to the Department provides:

19 (A) an order of protection or other  
20 documentation of equitable relief issued by a  
21 court of competent jurisdiction; or

22 (B) a police report or criminal charges  
23 documenting the domestic violence; or

24 (C) medical documentation of the domestic  
25 violence; or

26 (D) evidence of domestic violence from a

1 member of the clergy, attorney, counselor, social  
2 worker, health worker or domestic violence shelter  
3 worker.

4 (b) If the individual does not meet the provisions of  
5 subparagraph (a), the individual shall be held to have  
6 voluntarily terminated employment for the purpose of  
7 determining the individual's eligibility for benefits  
8 pursuant to subsection A.

9 (c) Notwithstanding any other provision to the  
10 contrary, evidence of domestic violence experienced by an  
11 individual, or the individual's ~~his or her~~ spouse, minor  
12 child, or parent, including the individual's statement and  
13 corroborating evidence, shall not be disclosed by the  
14 Department unless consent for disclosure is given by the  
15 individual.

16 7. Because, due to a change in location of employment  
17 of the individual's spouse, the individual left work to  
18 accompany the individual's ~~his or her~~ spouse to a place  
19 from which it is impractical to commute or because the  
20 individual left employment to accompany a spouse who has  
21 been reassigned from one military assignment to another.  
22 The employer's account, however, shall not be charged for  
23 any benefits paid out to the individual who leaves work  
24 under a circumstance described in this paragraph.

25 C. Within 90 days of the effective date of this amendatory  
26 Act of the 96th General Assembly, the Department shall

1 promulgate rules, pursuant to the Illinois Administrative  
2 Procedure Act and consistent with Section 903(f)(3)(B) of the  
3 Social Security Act, to clarify and provide guidance regarding  
4 eligibility and the prevention of fraud.

5 D. On or before January 1, 2030, the Department shall file  
6 a report with the General Assembly setting forth the estimated  
7 fiscal impact of subparagraph (b) of paragraph 1 of subsection  
8 B of Section 601 on the Unemployment Insurance Trust Fund.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 (820 ILCS 405/900) (from Ch. 48, par. 490)

11 Sec. 900. Recoupment and recovery.→

12 A. Whenever an individual has received any sum as benefits  
13 for which he or she is found to have been ineligible, the  
14 individual must be provided written notice of the individual's  
15 ~~his or her~~ appeal rights, including the ability to request  
16 waiver of any recoupment ordered and the standard for such  
17 waiver to be granted. Thereafter, the amount thereof may be  
18 recovered by suit in the name of the People of the State of  
19 Illinois, or, from benefits payable to the individual ~~him~~, may  
20 be recouped:

21 1. At any time, if, to receive such sum, the  
22 individual ~~he~~ knowingly made a false statement or  
23 knowingly failed to disclose a material fact.

24 2. Within 3 years from any date prior to January 1,  
25 1984, on which the individual ~~he~~ has been found to have

1           been ineligible for any other reason, pursuant to a  
2           reconsidered finding or a reconsidered determination, or  
3           pursuant to the decision of a Referee (or of the Director  
4           or Director's ~~his~~ representative under Section 604) which  
5           modifies or sets aside a finding or a reconsidered finding  
6           or a determination or a reconsidered determination; or  
7           within 5 years from any date after December 31, 1983, on  
8           which the individual ~~he~~ has been found to have been  
9           ineligible for any other reason, pursuant to a  
10          reconsidered finding or a reconsidered determination, or  
11          pursuant to the decision of a Referee (or of the Director  
12          or Director's ~~his~~ representative under Section 604) which  
13          modifies or sets aside a finding or a reconsidered finding  
14          or a determination or a reconsidered determination.  
15          Recoupment pursuant to the provisions of this paragraph  
16          from benefits payable to an individual for any week may be  
17          waived upon the individual's request, if the sum referred  
18          to in paragraph A was received by the individual without  
19          fault on the individual's ~~his~~ part and if such recoupment  
20          would be against equity and good conscience. Such waiver  
21          may be denied with respect to any subsequent week if, in  
22          that week, the facts and circumstances upon which waiver  
23          was based no longer exist.

24          Recovery by suit in the name of the People of the State of  
25          Illinois, recoupment pursuant to paragraph 2 of this  
26          subsection A from benefits payable to an individual for any

1 week, and, notwithstanding any provision to the contrary in  
2 the Illinois State Collection Act of 1986, withholding  
3 pursuant to subsection E shall be permanently waived if the  
4 sum referred to in this subsection A was received by the  
5 individual without fault on the individual's ~~his or her~~ part  
6 and if such recoupment would be against equity and good  
7 conscience, and the sum referred to in this subsection A was  
8 received by the individual on or after March 8, 2020, but prior  
9 to the last day of a disaster period established by the  
10 gubernatorial disaster proclamation in response to COVID-19,  
11 dated March 9, 2020, and any consecutive gubernatorial  
12 disaster proclamation in response to COVID-19. To be eligible  
13 for permanent waiver under this paragraph, an individual must  
14 request a waiver pursuant to this paragraph within 45 days of  
15 the mailing date of the notice from the Department that the  
16 individual may request a waiver. A determination under this  
17 paragraph may be appealed to a Referee within the time limits  
18 prescribed by Section 800 for an appeal from a determination.  
19 Any such appeal, and any appeal from the Referee's decision  
20 thereon, shall be governed by the applicable provisions of  
21 Sections 801, 803, 804, and 805. This paragraph shall not  
22 apply with respect to benefits that are received pursuant to  
23 any program that the Department administers as an agent of the  
24 federal government and for which the individual is found to  
25 have been ineligible.

26 B. Whenever the claims adjudicator referred to in Section

1 702 decides that any sum received by a claimant as benefits  
2 shall be recouped, or denies recoupment waiver requested by  
3 the claimant, the Department ~~he~~ shall promptly notify the  
4 claimant of the ~~his~~ decision and the reasons therefor. The  
5 decision and the notice thereof shall state the amount to be  
6 recouped, the weeks with respect to which such sum was  
7 received by the claimant, and the time within which it may be  
8 recouped and, as the case may be, the reasons for denial of  
9 recoupment waiver. The claims adjudicator may reconsider the  
10 ~~his~~ decision within one year after the date when the decision  
11 was made. Such decision or reconsidered decision may be  
12 appealed to a Referee within the time limits prescribed by  
13 Section 800 for appeal from a determination. Any such appeal,  
14 and any appeal from the Referee's decision thereon, shall be  
15 governed by the applicable provisions of Sections 801, 803,  
16 804 and 805. No recoupment shall be begun until the expiration  
17 of the time limits prescribed by Section 800 of this Act or, if  
18 an appeal has been filed, until the decision of a Referee has  
19 been made thereon affirming the decision of the claims  
20 adjudicator ~~Claims Adjudicator~~.

21 C. Any sums recovered under the provisions of this Section  
22 shall be treated as repayments to the Department of sums  
23 improperly obtained by the claimant.

24 D. Whenever, by reason of a back pay award made by any  
25 governmental agency or pursuant to arbitration proceedings, or  
26 by reason of a payment of wages wrongfully withheld by an

1     employing unit, an individual has received wages for weeks  
2     with respect to which the individual ~~he~~ has received benefits,  
3     the amount of such benefits may be recouped or otherwise  
4     recovered as herein provided. An employing unit making a back  
5     pay award to an individual for weeks with respect to which the  
6     individual has received benefits shall make the back pay award  
7     by check payable jointly to the individual and to the  
8     Department.

9             E. The amount recouped pursuant to paragraph 2 of  
10     subsection A from benefits payable to an individual for any  
11     week shall not exceed 25% of the individual's weekly benefit  
12     amount.

13             In addition to the remedies provided by this Section, when  
14     an individual has received any sum as benefits for which the  
15     individual ~~he~~ is found to be ineligible, the Director may  
16     request the Comptroller to withhold such sum in accordance  
17     with Section 10.05 of the State Comptroller Act and the  
18     Director may request the Secretary of the Treasury to withhold  
19     such sum to the extent allowed by and in accordance with  
20     Section 6402(f) of the federal Internal Revenue Code of 1986,  
21     as amended. Benefits paid pursuant to this Act shall not be  
22     subject to such withholding. Where the Director requests  
23     withholding by the Secretary of the Treasury pursuant to this  
24     Section, in addition to the amount of benefits for which the  
25     individual has been found ineligible, the individual shall be  
26     liable for any legally authorized administrative fee assessed

1 by the Secretary, with such fee to be added to the amount to be  
2 withheld by the Secretary.

3 F. The Director may cooperate with and enter into  
4 agreements with the State Treasurer for the recovery of  
5 unclaimed property held by the State Treasurer in the name of  
6 an individual who received benefits for which the individual  
7 was determined to be ineligible under this Act. The amount of  
8 unclaimed property the Director is authorized to recover under  
9 this subsection is limited to the amount of benefits an  
10 individual received for which the individual was determined to  
11 be ineligible and any penalties provided for in this Act and  
12 rules adopted under this Act. Any funds recovered under this  
13 subsection shall be returned to the fund from which they were  
14 withdrawn.

15 (Source: P.A. 102-26, eff. 6-25-21.)

16 (820 ILCS 405/901) (from Ch. 48, par. 491)

17 Sec. 901. Fraud - Repayment - Ineligibility.

18 A. An individual who, for the purpose of obtaining  
19 benefits, knowingly makes a false statement or knowingly fails  
20 to disclose a material fact, and thereby obtains any sum as  
21 benefits for which the individual ~~he~~ is not eligible:

22 1. A. Shall be required to repay such sum in cash, or  
23 the amount thereof may be recovered or recouped pursuant  
24 to the provisions of Section 900.

25 2. B. Shall be ineligible, except to the extent that

1 such benefits are subject to recoupment pursuant to this  
2 Section, for benefits for the week in which the individual  
3 ~~he or she~~ has been notified of the determination of the  
4 claims adjudicator referred to in Section 702 that the  
5 individual ~~he or she~~ has committed the offense described  
6 in the first paragraph and, thereafter, for 6 weeks (with  
7 respect to each of which the individual ~~he or she~~ would be  
8 eligible for benefits but for the provisions of this  
9 paragraph, not including weeks for which such benefits are  
10 subject to recoupment pursuant to this Section) for the  
11 first offense, and for 2 additional weeks (with respect to  
12 each of which the individual ~~he or she~~ would be eligible  
13 for benefits but for the provisions of this paragraph, not  
14 including weeks for which such benefits are subject to  
15 recoupment pursuant to this Section) for each subsequent  
16 offense. For the purposes of this paragraph, a separate  
17 offense shall be deemed to have been committed in each  
18 week for which such an individual has received a sum as  
19 benefits for which the individual ~~he or she~~ was not  
20 eligible. No ineligibility under the provisions of this  
21 paragraph shall accrue with respect to any week beginning  
22 after whichever of the following occurs first: (1) 26  
23 weeks (with respect to each of which the individual would  
24 be eligible for benefits but for the provisions of this  
25 paragraph, not including weeks for which such benefits are  
26 subject to recoupment pursuant to this Section) have

1        elapsed since the date that the individual ~~he or she~~ is  
2        notified of the determination of the claims adjudicator  
3        referred to in Section 702 that the individual ~~he or she~~  
4        has committed the offense described in the first  
5        paragraph, or (2) 2 years have elapsed since the date that  
6        ~~he or she~~ is notified of the determination of the claims  
7        adjudicator referred to in Section 702 that the individual  
8        ~~he or she~~ has committed the offense described in the first  
9        paragraph.

10       B. The amount of benefits that an individual received for  
11       which the individual was determined to be ineligible due to  
12       fraud, plus any penalties provided for by this Act and rules  
13       adopted under this Act, may be recovered in any manner  
14       provided for in Sections 2206, 2400, 2401, 2401.1, 2402, and  
15       2403 for the recovery of past-due contributions, interest, and  
16       penalties from employers, and those Sections of this Act shall  
17       apply to an individual who received benefits for which the  
18       individual was determined to be ineligible due to fraud.

19       (Source: P.A. 91-342, eff. 1-1-00.)

20       (820 ILCS 405/901.2 new)

21       Sec. 901.2. Return of debit card funds.

22       A. As allowed for under federal law, the Director is  
23       authorized to directly request and accept the return of funds  
24       from a debit card issuer for any debit card account that  
25       received benefits, if there is no transfer of funds through

1 the benefits system to the debit card account during the  
2 preceding 12 months and if the account has never been  
3 activated.

4 B. As provided under federal law, the Director may  
5 directly request and accept the return of funds from a debit  
6 card issuer for any debit card account that received benefits  
7 and was activated if no transaction has been conducted on the  
8 account during the preceding 12 months and the individual  
9 associated with the account received benefits for which the  
10 individual was determined to be ineligible. The amount that  
11 the Director is authorized to accept from the debit card  
12 issuer under this subsection is limited to the amount of  
13 benefits an individual received for which the individual was  
14 determined to be ineligible and any penalties provided for in  
15 this Act and rules adopted under this Act.

16 C. Any funds recovered under this Section shall be  
17 returned to the fund from which they were withdrawn.

18 (820 ILCS 405/2206.1) (from Ch. 48, par. 686.1)

19 Sec. 2206.1. Additional recovery. In addition to the  
20 remedies provided by this Act, when an employing unit defaults  
21 in any payment or contribution required to be made to the State  
22 under the provisions of this Act, the Director may:

23 1. Request ~~request~~ the Comptroller to withhold the  
24 amount due in accordance with the provisions of Section  
25 10.05 of the State Comptroller Act and the Director may

1 request the Secretary of the Treasury to withhold the  
2 amount due to the extent allowed by and in accordance with  
3 Section 6402(f) of the federal Internal Revenue Code of  
4 1986, as amended. Where the Director requests withholding  
5 by the Secretary of the Treasury pursuant to this Section,  
6 in addition to the amount of the payment otherwise owed by  
7 the employing unit, the employing unit shall be liable for  
8 any legally authorized administrative fee assessed by the  
9 Secretary, with such fee to be added to the amount to be  
10 withheld by the Secretary.

11 2. Cooperate with and enter into agreements with the  
12 State Treasurer for the recovery of unclaimed property  
13 held by the State Treasurer in the name of an employer who  
14 owes contributions, interest, or penalties under this Act.  
15 The amount of unclaimed property the Director is  
16 authorized to recover under this subsection is limited to  
17 the amount of contributions, interest, penalties, and fees  
18 owed by the employer.

19 (Source: P.A. 97-621, eff. 11-18-11.)

20 (820 ILCS 405/2404) (from Ch. 48, par. 724)

21 Sec. 2404. Court may enjoin delinquent employing unit. Any  
22 employing unit which willfully refuses or fails to pay any  
23 contribution, interest, or penalties found to be due to the  
24 Director by the Director's ~~his~~ final determination and  
25 assessment, or refuses or fails to file new hire reports or

1 reports of wages paid to the workforce as required by this Act,  
2 after 30 days' written notice of intent to proceed under this  
3 Section, sent by the Director to the employing unit at its last  
4 known address by registered or certified mail, may be enjoined  
5 from operating any business as an "employer", as defined in  
6 this Act, anywhere in this State, while such contribution,  
7 interest, or penalties remain unpaid, or while either new hire  
8 reports or reports of wages paid to the workforce as required  
9 by this Act remain unfiled, upon the complaint of the Director  
10 in the Circuit Court of the county in which the employing unit  
11 resides or has or had a place of business within the State. The  
12 provisions of this Section shall be deemed cumulative and in  
13 addition to any provision of this Act relating to the  
14 collection of contributions by the Director.

15 (Source: Laws 1965, p. 1792.)".