



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5067

Introduced 2/10/2026, by Rep. Tracy Katz Muhl

SYNOPSIS AS INTRODUCED:

20 ILCS 5/5-125
820 ILCS 405/803

was 20 ILCS 5/5.13i
from Ch. 48, par. 473

Amends the Civil Administrative Code of Illinois. Provides that the Board of Review within the Department of Employment Security shall consist of 3 members (rather than 5 members). Sets forth provisions concerning the compensation and support of members of the Board of Review. Amends the Unemployment Insurance Act. Provides that each member of the Board of Review shall review the record and certify that fact in each final determination made by the Board of Review.

LRB104 19341 SPS 32788 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Section 5-125 as follows:

6 (20 ILCS 5/5-125) (was 20 ILCS 5/5.13i)

7 Sec. 5-125. Department of Employment Security; Board of
8 Review ~~In the Department of Employment Security.~~

9 (a) The Board of Review is created within the Department
10 of Employment Security. The Board of Review ~~board of review,~~
11 ~~which~~ shall consist of 3 ~~5~~ members, one ~~2~~ of whom shall be
12 representatives of a labor organization recognized under the
13 National Labor Relations Act, one ~~2~~ of whom shall be
14 representative citizens chosen from the employing class, and
15 one of whom shall be a representative citizen not identified
16 with either the employing class or a labor organization.

17 (b) The members of the Board of Review shall devote their
18 full time and attention to their duties and shall be
19 compensated at a rate to be determined by the Director of
20 Employment Security, but no less than the rate of an associate
21 circuit court judge. The compensation shall not be diminished
22 during a member's term of office. Each member of the Board of
23 Review shall be provided by the Department of Employment

1 Security with the full-time services of at least one staff
2 attorney.

3 (Source: P.A. 101-384, eff. 1-1-20.)

4 Section 10. The Unemployment Insurance Act is amended by
5 changing Section 803 as follows:

6 (820 ILCS 405/803) (from Ch. 48, par. 473)

7 Sec. 803. Board of review - Decisions. The Board of Review
8 may, on its own motion or upon appeal by any party to the
9 determination or finding, affirm, modify, or set aside any
10 decision of a Referee. The Board of Review in its discretion,
11 may take additional evidence in hearing such appeals, or may
12 remand the case, in whole or in part, to a Referee or claims
13 adjudicator, and, in such event, shall state the questions
14 requiring further consideration and give such other
15 instructions as may be necessary. The Director may remove to
16 the Board of Review or transfer to another Referee the
17 proceedings on any claim pending before a Referee. Any
18 proceedings so removed to the Board of Review shall be heard in
19 accordance with the requirements of Section 801 by the Board
20 of Review. At any hearing before the Board of Review, in the
21 absence or disqualification of any member thereof representing
22 either the employee or employer class, the hearing shall be
23 conducted by the member not identified with either of such
24 classes. Upon receipt of an appeal by any party to the findings

1 and decision of a Referee, the Board of Review shall promptly
2 notify all parties entitled to notice of the Referee's
3 decision that the appeal has been filed, and shall inform each
4 party of the right to apply for a Notice of Right to Sue as
5 provided for in this Section. The Board of Review shall
6 provide transcripts of the proceedings before the Referee
7 within 35 days of the date of the filing of an appeal by any
8 party. The Board of Review shall make a final determination on
9 the appeal within 120 days of the date of the filing of the
10 appeal and shall notify the parties of its final determination
11 or finding, or both, within the same 120 day period. The period
12 for making a final determination may be extended by the Board
13 of Review to no more than 30 additional days upon written
14 request of either party, for good cause shown. Each member of
15 the Board of Review shall review the record and certify that
16 fact in each final determination made by the Board of Review.

17 At any time after the expiration of the aforesaid 120 day
18 period, or the expiration of any extension thereof, and prior
19 to the date the Board of Review makes a final determination on
20 the appeal, the party claiming to be aggrieved by the decision
21 of the Referee may apply in writing by certified mail, return
22 receipt requested, to the Board of Review for a Notice of Right
23 to Sue. The Board of Review shall issue, within 14 days of the
24 date that the application was mailed to it, a Notice of Right
25 to Sue to all parties entitled to notice of the Referee's
26 decision, unless, within that time, the Board has issued its

1 final decision. The Notice of Right to Sue shall notify the
2 parties that the findings and decision of the Referee shall be
3 the final administrative decision on the appeal, and it shall
4 further notify any party claiming to be aggrieved thereby that
5 he may seek judicial review of the final decision of the
6 referee under the provisions of the Administrative Review Law.
7 If the Board issues a Notice of Right to Sue, the date that
8 such notice is served upon the parties shall determine the
9 time within which to commence an action for judicial review.
10 Any decision issued by the Board after the aforesaid 14 day
11 period shall be null and void. If the Board fails to either
12 issue its decision or issue a Notice of Right to Sue within the
13 prescribed 14 day period, then the findings and decision of
14 the Referee shall, by operation of law, become the final
15 administrative decision on the appeal. In such an instance,
16 the period within which to commence an action for judicial
17 review pursuant to the Administrative Review Law shall begin
18 to run on the 15th day after the date of mailing of the
19 application for the Notice of Right to Sue. If no party applies
20 for a Notice of Right to Sue, the decision of the Board of
21 Review, issued at any time, shall be the final decision on the
22 appeal.

23 (Source: P.A. 84-26.)