

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 Illinois Works Jobs Program Act is amended  
5 by changing Section 20-25 as follows:

6 (30 ILCS 559/20-25)

7 Sec. 20-25. The Illinois Works Review Panel.

8 (a) The Illinois Works Review Panel is created and shall be  
9 comprised of 25 members, each serving 3-year terms. The Speaker  
10 of the House of Representatives and the President of the Senate  
11 shall each appoint 5 members within 30 days after the effective  
12 date of this amendatory Act of the 101st General Assembly. The  
13 Minority Leader of the House of Representatives and the  
14 Minority Leader of the Senate shall each appoint 5 members  
15 within 30 days after the effective date of this amendatory Act  
16 of the 101st General Assembly. The Director of Commerce and  
17 Economic Opportunity, or his or her designee, shall serve as a  
18 member. The Governor shall appoint the following individuals to  
19 serve as members within 30 days after the effective date of  
20 this amendatory Act of the 101st General Assembly: a  
21 representative from a contractor organization; a  
22 representative from a labor organization; and 2 members of the  
23 public with workforce development expertise, one of whom shall

1 be a representative of a nonprofit organization that addresses  
2 workforce development.

3 (b) The members of the Illinois Works Review Panel shall  
4 make recommendations to the Department regarding  
5 identification and evaluation of community-based  
6 organizations.

7 (c) The Illinois Works Review Panel shall meet, at least  
8 quarterly, to review and evaluate (i) the Illinois Works  
9 Preapprenticeship Program and the Illinois Works  
10 Apprenticeship Initiative, (ii) ideas to diversify the trainee  
11 corps in the Illinois Works Preapprenticeship Program and the  
12 workforce in the construction industry in Illinois, (iii) ideas  
13 to increase diversity in active apprenticeship programs in  
14 Illinois, and (iv) workforce demographic data collected by the  
15 Illinois Department of Labor. The Illinois Works Review Panel  
16 shall hold its initial meeting no later than 45 days after the  
17 effective date of this amendatory Act of the 101st General  
18 Assembly.

19 (d) All State contracts and grant agreements funding State  
20 contracts shall include a requirement that the contractor and  
21 subcontractor shall, upon reasonable notice, appear before and  
22 respond to requests for information from the Illinois Works  
23 Review Panel.

24 (e) By August 1, 2020, and every August 1 thereafter, the  
25 Illinois Works Review Panel shall report to the General  
26 Assembly on its evaluation of the Illinois Works

1 Preapprenticeship Program and the Illinois Works  
2 Apprenticeship Initiative, including any recommended  
3 modifications.

4 (Source: P.A. 101-31, eff. 6-28-19; 101-601, eff. 12-10-19.)

5 Section 10. The Illinois Pension Code is amended by  
6 changing Sections 5-144, 5-153, 6-140, and 6-150 as follows:

7 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)

8 Sec. 5-144. Death from injury in the performance of acts of  
9 duty; compensation annuity and supplemental annuity.

10 (a) Beginning January 1, 1986, and without regard to  
11 whether or not the annuity in question began before that date,  
12 if the annuity for the widow of a policeman whose death, on or  
13 after January 1, 1940, results from injury incurred in the  
14 performance of an act or acts of duty, is not equal to the sum  
15 hereinafter stated, "compensation annuity" equal to the  
16 difference between the annuity and an amount equal to 75% of  
17 the policeman's salary attached to the position he held by  
18 certification and appointment as a result of competitive civil  
19 service examination that would ordinarily have been paid to him  
20 as though he were in active discharge of his duties shall be  
21 payable to the widow until the policeman, had he lived, would  
22 have attained age 63. The total amount of the widow's annuity  
23 and children's awards payable to the family of such policeman  
24 shall not exceed the amounts stated in Section 5-152.

1       For the purposes of this Section only, the death of any  
2 policeman as a result of the exposure to and contraction of  
3 COVID-19, as evidenced by either (i) a confirmed positive  
4 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a  
5 confirmed diagnosis of COVID-19 from a licensed medical  
6 professional, shall be rebuttably presumed to have been  
7 contracted while in the performance of an act or acts of duty  
8 and the policeman shall be rebuttably presumed to have been  
9 fatally injured while in active service. The presumption shall  
10 apply to any policeman who was exposed to and contracted  
11 COVID-19 on or after March 9, 2020 and on or before December  
12 31, 2020; except that the presumption shall not apply if the  
13 policeman was on a leave of absence from his or her employment  
14 or otherwise not required to report for duty for a period of 14  
15 or more consecutive days immediately prior to the date of  
16 contraction of COVID-19. For the purposes of determining when a  
17 policeman contracted COVID-19 under this paragraph, the date of  
18 contraction is either the date that the policeman was diagnosed  
19 with COVID-19 or was unable to work due to symptoms that were  
20 later diagnosed as COVID-19, whichever occurred first.

21       The provisions of this Section, as amended by Public Act  
22 84-1104, including the reference to the date upon which the  
23 deceased policeman would have attained age 63, shall apply to  
24 all widows of policemen whose death occurs on or after January  
25 1, 1940 due to injury incurred in the performance of an act of  
26 duty, regardless of whether such death occurred prior to

1 September 17, 1969. For those widows of policemen that died  
2 prior to September 17, 1969, who became eligible for  
3 compensation annuity by the action of Public Act 84-1104, such  
4 compensation annuity shall begin and be calculated from January  
5 1, 1986. The provisions of this amendatory Act of 1987 are  
6 intended to restate and clarify the intent of Public Act  
7 84-1104, and do not make any substantive change.

8 (b) Upon termination of the compensation annuity,  
9 "supplemental annuity" shall become payable to the widow, equal  
10 to the difference between the annuity for the widow and an  
11 amount equal to 75% of the annual salary (including all salary  
12 increases and longevity raises) that the policeman would have  
13 been receiving when he attained age 63 if the policeman had  
14 continued in service at the same rank (whether career service  
15 or exempt) that he last held in the police department. The  
16 increase in supplemental annuity resulting from this  
17 amendatory Act of the 92nd General Assembly applies without  
18 regard to whether the deceased policeman was in service on or  
19 after the effective date of this amendatory Act and is payable  
20 from July 1, 2002 or the date upon which the supplemental  
21 annuity begins, whichever is later.

22 (c) Neither compensation nor supplemental annuity shall be  
23 paid unless the death of the policeman was a direct result of  
24 the injury, or the injury was of such character as to prevent  
25 him from subsequently resuming service as a policeman; nor  
26 shall compensation or supplemental annuity be paid unless the

1 widow was the wife of the policeman when the injury occurred.

2 (Source: P.A. 92-599, eff. 6-28-02.)

3 (40 ILCS 5/5-153) (from Ch. 108 1/2, par. 5-153)

4 Sec. 5-153. Death benefit.

5 (a) Effective January 1, 1962, an ordinary death benefit is  
6 payable on account of any policeman in service and in receipt  
7 of salary on or after such date, which benefit is in addition  
8 to all other annuities and benefits herein provided. This  
9 benefit is payable upon death of a policeman:

10 (1) occurring in active service while in receipt of  
11 salary;

12 (2) on an authorized and approved leave of absence,  
13 without salary, beginning on or after January 1, 1962, if  
14 the death occurs within 60 days from the date the employee  
15 was in receipt of salary; or otherwise in the service and  
16 not separated by resignation or discharge beginning  
17 January 1, 1962 if death occurs before his resignation or  
18 discharge from the service;

19 (3) receiving duty disability or ordinary disability  
20 benefit;

21 (4) occurring within 60 days from the date of  
22 termination of duty disability or ordinary disability  
23 benefit payments if re-entry into service had not occurred;  
24 or

25 (5) occurring on retirement and while in receipt of an

1 age and service annuity, Tier 2 monthly retirement annuity,  
2 or prior service annuity; provided (a) retirement on such  
3 annuity occurred on or after January 1, 1962, and (b) such  
4 separation from service was effective on or after the  
5 policeman's attainment of age 50, and (c) application for  
6 such annuity was made within 60 days after separation from  
7 service.

8 (b) The ordinary death benefit is payable to such  
9 beneficiary or beneficiaries as the policeman has nominated by  
10 written direction duly signed and acknowledged before an  
11 officer authorized to take acknowledgments, and filed with the  
12 board. If no such written direction has been filed or if the  
13 designated beneficiaries do not survive the policeman, payment  
14 of the benefit shall be made to his estate.

15 (c) Until December 31, 1977, if death occurs prior to  
16 retirement on annuity and before the policeman's attainment of  
17 age 50, the amount of the benefit payable is \$6,000. If death  
18 occurs prior to retirement, at age 50 or over, the benefit of  
19 \$6,000 shall be reduced \$400 for each year (commencing on the  
20 policeman's attainment of age 50, and thereafter on each  
21 succeeding birthdate) that the policeman's age, at date of  
22 death, is more than age 50, but in no event below the amount of  
23 \$2,000. However, if death results from injury incurred in the  
24 performance of an act or acts of duty, prior to retirement on  
25 annuity, the amount of the benefit payable is \$6,000  
26 notwithstanding the age attained.

1           Until December 31, 1977, if the policeman's death occurs  
2 while he is in receipt of an annuity, the benefit is \$2,000 if  
3 retirement was effective upon attainment of age 55 or greater.  
4 If the policeman retired at age 50 or over and before age 55,  
5 the benefit of \$2,000 shall be reduced \$100 for each year or  
6 fraction of a year that the policeman's age at retirement was  
7 less than age 55 to a minimum payment of \$1,500.

8           After December 31, 1977, and on or before January 1, 1986,  
9 if death occurs prior to retirement on annuity and before the  
10 policeman's attainment of age 50, the amount of the benefit  
11 payable is \$7,000. If death occurs prior to retirement, at age  
12 50 or over, the benefit of \$7,000 shall be reduced \$400 for  
13 each year (commencing on the policeman's attainment of age 50,  
14 and thereafter on each succeeding birthdate) that the  
15 policeman's age, at date of death, is more than age 50, but in  
16 no event below the amount of \$3,000. However, if death results  
17 from injury incurred in the performance of an act or acts of  
18 duty, prior to retirement on annuity, the amount of the benefit  
19 payable is \$7,000 notwithstanding the age attained.

20           After December 31, 1977, and on or before January 1, 1986,  
21 if the policeman's death occurs while he is in receipt of an  
22 annuity, the benefit is \$2,250 if retirement was effective upon  
23 attainment of age 55 or greater. If the policeman retired at  
24 age 50 or over and before age 55, the benefit of \$2,250 shall  
25 be reduced \$100 for each year or fraction of a year that the  
26 policeman's age at retirement was less than age 55 to a minimum



1 payment of \$1,750.

2 After January 1, 1986, if death occurs prior to retirement  
3 on annuity and before the policeman's attainment of age 50, the  
4 amount of benefit payable is \$12,000. If death occurs prior to  
5 retirement, at age 50 or over, the benefit of \$12,000 shall be  
6 reduced \$400 for each year (commencing on the policeman's  
7 attainment of age 50, and thereafter on each succeeding  
8 birthdate) that the policeman's age, at date of death, is more  
9 than age 50, but in no event below the amount of \$6,000.  
10 However, if death results from injury in the performance of an  
11 act or acts of duty, prior to retirement on annuity, the amount  
12 of benefit payable is \$12,000 notwithstanding the age attained.

13 After January 1, 1986, if the policeman's death occurs  
14 while he is in receipt of an annuity, the benefit is \$6,000.

15 (d) For the purposes of this Section only, the death of any  
16 policeman as a result of the exposure to and contraction of  
17 COVID-19, as evidenced by either (i) a confirmed positive  
18 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a  
19 confirmed diagnosis of COVID-19 from a licensed medical  
20 professional, shall be rebuttably presumed to have been  
21 contracted while in the performance of an act or acts of duty  
22 and the policeman shall be rebuttably presumed to have been  
23 fatally injured while in active service. The presumption shall  
24 apply to any policeman who was exposed to and contracted  
25 COVID-19 on or after March 9, 2020 and on or before December  
26 31, 2020; except that the presumption shall not apply if the

1 policeman was on a leave of absence from his or her employment  
2 or otherwise not required to report for duty for a period of 14  
3 or more consecutive days immediately prior to the date of  
4 contraction of COVID-19. For the purposes of determining when a  
5 policeman contracted COVID-19 under this subsection, the date  
6 of contraction is either the date that the policeman was  
7 diagnosed with COVID-19 or was unable to work due to symptoms  
8 that were later diagnosed as COVID-19, whichever occurred  
9 first.

10 (Source: P.A. 99-905, eff. 11-29-16.)

11 (40 ILCS 5/6-140) (from Ch. 108 1/2, par. 6-140)

12 Sec. 6-140. Death in the line of duty.

13 (a) The annuity for the widow of a fireman whose death  
14 results from the performance of an act or acts of duty shall be  
15 an amount equal to 50% of the current annual salary attached to  
16 the classified position to which the fireman was certified at  
17 the time of his death and 75% thereof after December 31, 1972.

18 Unless the performance of an act or acts of duty results  
19 directly in the death of the fireman, or prevents him from  
20 subsequently resuming active service in the fire department,  
21 the annuity herein provided shall not be paid; nor shall such  
22 annuities be paid unless the widow was the wife of the fireman  
23 at the time of the act or acts of duty which resulted in his  
24 death.

25 For the purposes of this Section only, the death of any

1 fireman as a result of the exposure to and contraction of  
2 COVID-19, as evidenced by either (i) a confirmed positive  
3 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a  
4 confirmed diagnosis of COVID-19 from a licensed medical  
5 professional, shall be rebuttably presumed to have been  
6 contracted while in the performance of an act or acts of duty  
7 and the fireman shall be rebuttably presumed to have been  
8 fatally injured while in active service. The presumption shall  
9 apply to any fireman who was exposed to and contracted COVID-19  
10 on or after March 9, 2020 and on or before December 31, 2020;  
11 except that the presumption shall not apply if the fireman was  
12 on a leave of absence from his or her employment or otherwise  
13 not required to report for duty for a period of 14 or more  
14 consecutive days immediately prior to the date of contraction  
15 of COVID-19. For the purposes of determining when a fireman  
16 contracted COVID-19 under this paragraph, the date of  
17 contraction is either the date that the fireman was diagnosed  
18 with COVID-19 or was unable to work due to symptoms that were  
19 later diagnosed as COVID-19, whichever occurred first.

20 (b) The changes made to this Section by this amendatory Act  
21 of the 92nd General Assembly apply without regard to whether  
22 the deceased fireman was in service on or after the effective  
23 date of this amendatory Act. In the case of a widow receiving  
24 an annuity under this Section that has been reduced to 40% of  
25 current salary because the fireman, had he lived, would have  
26 attained the age prescribed for compulsory retirement, the

1 annuity shall be restored to the amount provided in subsection  
2 (a), with the increase beginning to accrue on the later of  
3 January 1, 2001 or the day the annuity first became payable.

4 (Source: P.A. 92-50, eff. 7-12-01.)

5 (40 ILCS 5/6-150) (from Ch. 108 1/2, par. 6-150)

6 Sec. 6-150. Death benefit.

7 (a) Effective January 1, 1962, an ordinary death benefit  
8 shall be payable on account of any fireman in service and in  
9 receipt of salary on or after such date, which benefit shall be  
10 in addition to all other annuities and benefits herein  
11 provided. This benefit shall be payable upon death of a  
12 fireman:

13 (1) occurring in active service while in receipt of  
14 salary;

15 (2) on an authorized and approved leave of absence,  
16 without salary, beginning on or after January 1, 1962, if  
17 the death occurs within 60 days from the date the fireman  
18 was in receipt of salary;

19 (3) receiving duty, occupational disease, or ordinary  
20 disability benefit;

21 (4) occurring within 60 days from the date of  
22 termination of duty disability, occupational disease  
23 disability or ordinary disability benefit payments if  
24 re-entry into service had not occurred; or

25 (5) occurring on retirement and while in receipt of an

1 age and service annuity, prior service annuity, Tier 2  
2 monthly retirement annuity, or minimum annuity; provided  
3 (a) retirement on such annuity occurred on or after January  
4 1, 1962, and (b) such separation from service was effective  
5 on or after the fireman's attainment of age 50, and (c)  
6 application for such annuity was made within 60 days after  
7 separation from service.

8 (b) The ordinary death benefit shall be payable to such  
9 beneficiary or beneficiaries as the fireman has nominated by  
10 written direction duly signed and acknowledged before an  
11 officer authorized to take acknowledgments, and filed with the  
12 board. If no such written direction has been filed or if the  
13 designated beneficiaries do not survive the fireman, payment of  
14 the benefit shall be made to his estate.

15 (c) Beginning July 1, 1983, if death occurs prior to  
16 retirement on annuity and before the fireman's attainment of  
17 age 50, the amount of the benefit payable shall be \$12,000.  
18 Beginning July 1, 1983, if death occurs prior to retirement, at  
19 age 50 or over, the benefit of \$12,000 shall be reduced \$400  
20 for each year (commencing on the fireman's attainment of age 50  
21 and thereafter on each succeeding birth date) that the  
22 fireman's age, at date of death, is more than age 49, but in no  
23 event below the amount of \$6,000.

24 Beginning July 1, 1983, if the fireman's death occurs while  
25 he is in receipt of an annuity, the benefit shall be \$6,000.

26 (d) For the purposes of this Section only, the death of any

1 fireman as a result of the exposure to and contraction of  
2 COVID-19, as evidenced by either (i) a confirmed positive  
3 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a  
4 confirmed diagnosis of COVID-19 from a licensed medical  
5 professional, shall be rebuttably presumed to have been  
6 contracted while in the performance of an act or acts of duty  
7 and the fireman shall be rebuttably presumed to have been  
8 fatally injured while in active service. The presumption shall  
9 apply to any fireman who was exposed to and contracted COVID-19  
10 on or after March 9, 2020 and on or before December 31, 2020;  
11 except that the presumption shall not apply if the fireman was  
12 on a leave of absence from his or her employment or otherwise  
13 not required to report for duty for a period of 14 or more  
14 consecutive days immediately prior to the date of contraction  
15 of COVID-19. For the purposes of determining when a fireman  
16 contracted COVID-19 under this subsection, the date of  
17 contraction is either the date that the fireman was diagnosed  
18 with COVID-19 or was unable to work due to symptoms that were  
19 later diagnosed as COVID-19, whichever occurred first.

20 (Source: P.A. 99-905, eff. 11-29-16.)

21 Section 15. The Workers' Occupational Diseases Act is  
22 amended by changing Section 1 as follows:

23 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

24 Sec. 1. This Act shall be known and may be cited as the

1 "Workers' Occupational Diseases Act".

2 (a) The term "employer" as used in this Act shall be  
3 construed to be:

4 1. The State and each county, city, town, township,  
5 incorporated village, school district, body politic, or  
6 municipal corporation therein.

7 2. Every person, firm, public or private corporation,  
8 including hospitals, public service, eleemosynary,  
9 religious or charitable corporations or associations, who  
10 has any person in service or under any contract for hire,  
11 express or implied, oral or written.

12 3. Where an employer operating under and subject to the  
13 provisions of this Act loans an employee to another such  
14 employer and such loaned employee sustains a compensable  
15 occupational disease in the employment of such borrowing  
16 employer and where such borrowing employer does not provide  
17 or pay the benefits or payments due such employee, such  
18 loaning employer shall be liable to provide or pay all  
19 benefits or payments due such employee under this Act and  
20 as to such employee the liability of such loaning and  
21 borrowing employers shall be joint and several, provided  
22 that such loaning employer shall in the absence of  
23 agreement to the contrary be entitled to receive from such  
24 borrowing employer full reimbursement for all sums paid or  
25 incurred pursuant to this paragraph together with  
26 reasonable attorneys' fees and expenses in any hearings

1 before the Illinois Workers' Compensation Commission or in  
2 any action to secure such reimbursement. Where any benefit  
3 is provided or paid by such loaning employer, the employee  
4 shall have the duty of rendering reasonable co-operation in  
5 any hearings, trials or proceedings in the case, including  
6 such proceedings for reimbursement.

7 Where an employee files an Application for Adjustment  
8 of Claim with the Illinois Workers' Compensation  
9 Commission alleging that his or her claim is covered by the  
10 provisions of the preceding paragraph, and joining both the  
11 alleged loaning and borrowing employers, they and each of  
12 them, upon written demand by the employee and within 7 days  
13 after receipt of such demand, shall have the duty of filing  
14 with the Illinois Workers' Compensation Commission a  
15 written admission or denial of the allegation that the  
16 claim is covered by the provisions of the preceding  
17 paragraph and in default of such filing or if any such  
18 denial be ultimately determined not to have been bona fide  
19 then the provisions of Paragraph K of Section 19 of this  
20 Act shall apply.

21 An employer whose business or enterprise or a  
22 substantial part thereof consists of hiring, procuring or  
23 furnishing employees to or for other employers operating  
24 under and subject to the provisions of this Act for the  
25 performance of the work of such other employers and who  
26 pays such employees their salary or wage notwithstanding



1           that they are doing the work of such other employers shall  
2           be deemed a loaning employer within the meaning and  
3           provisions of this Section.

4           (b) The term "employee" as used in this Act, shall be  
5           construed to mean:

6           1. Every person in the service of the State, county,  
7           city, town, township, incorporated village or school  
8           district, body politic or municipal corporation therein,  
9           whether by election, appointment or contract of hire,  
10          express or implied, oral or written, including any official  
11          of the State, or of any county, city, town, township,  
12          incorporated village, school district, body politic or  
13          municipal corporation therein and except any duly  
14          appointed member of the fire department in any city whose  
15          population exceeds 500,000 according to the last Federal or  
16          State census, and except any member of a fire insurance  
17          patrol maintained by a board of underwriters in this State.  
18          One employed by a contractor who has contracted with the  
19          State, or a county, city, town, township, incorporated  
20          village, school district, body politic or municipal  
21          corporation therein, through its representatives, shall  
22          not be considered as an employee of the State, county,  
23          city, town, township, incorporated village, school  
24          district, body politic or municipal corporation which made  
25          the contract.

26          2. Every person in the service of another under any

1 contract of hire, express or implied, oral or written, who  
2 contracts an occupational disease while working in the  
3 State of Illinois, or who contracts an occupational disease  
4 while working outside of the State of Illinois but where  
5 the contract of hire is made within the State of Illinois,  
6 and any person whose employment is principally localized  
7 within the State of Illinois, regardless of the place where  
8 the disease was contracted or place where the contract of  
9 hire was made, including aliens, and minors who, for the  
10 purpose of this Act, except Section 3 hereof, shall be  
11 considered the same and have the same power to contract,  
12 receive payments and give quittances therefor, as adult  
13 employees. An employee or his or her dependents under this  
14 Act who shall have a cause of action by reason of an  
15 occupational disease, disablement or death arising out of  
16 and in the course of his or her employment may elect or  
17 pursue his or her remedy in the State where the disease was  
18 contracted, or in the State where the contract of hire is  
19 made, or in the State where the employment is principally  
20 localized.

21 (c) "Commission" means the Illinois Workers' Compensation  
22 Commission created by the Workers' Compensation Act, approved  
23 July 9, 1951, as amended.

24 (d) In this Act the term "Occupational Disease" means a  
25 disease arising out of and in the course of the employment or  
26 which has become aggravated and rendered disabling as a result

1 of the exposure of the employment. Such aggravation shall arise  
2 out of a risk peculiar to or increased by the employment and  
3 not common to the general public.

4 A disease shall be deemed to arise out of the employment if  
5 there is apparent to the rational mind, upon consideration of  
6 all the circumstances, a causal connection between the  
7 conditions under which the work is performed and the  
8 occupational disease. The disease need not to have been  
9 foreseen or expected but after its contraction it must appear  
10 to have had its origin or aggravation in a risk connected with  
11 the employment and to have flowed from that source as a  
12 rational consequence.

13 An employee shall be conclusively deemed to have been  
14 exposed to the hazards of an occupational disease when, for any  
15 length of time however short, he or she is employed in an  
16 occupation or process in which the hazard of the disease  
17 exists; provided however, that in a claim of exposure to atomic  
18 radiation, the fact of such exposure must be verified by the  
19 records of the central registry of radiation exposure  
20 maintained by the Department of Public Health or by some other  
21 recognized governmental agency maintaining records of such  
22 exposures whenever and to the extent that the records are on  
23 file with the Department of Public Health or the agency.

24 Any injury to or disease or death of an employee arising  
25 from the administration of a vaccine, including without  
26 limitation smallpox vaccine, to prepare for, or as a response

1 to, a threatened or potential bioterrorist incident to the  
2 employee as part of a voluntary inoculation program in  
3 connection with the person's employment or in connection with  
4 any governmental program or recommendation for the inoculation  
5 of workers in the employee's occupation, geographical area, or  
6 other category that includes the employee is deemed to arise  
7 out of and in the course of the employment for all purposes  
8 under this Act. This paragraph added by Public Act 93-829 is  
9 declarative of existing law and is not a new enactment.

10 The employer liable for the compensation in this Act  
11 provided shall be the employer in whose employment the employee  
12 was last exposed to the hazard of the occupational disease  
13 claimed upon regardless of the length of time of such last  
14 exposure, except, in cases of silicosis or asbestosis, the only  
15 employer liable shall be the last employer in whose employment  
16 the employee was last exposed during a period of 60 days or  
17 more after the effective date of this Act, to the hazard of  
18 such occupational disease, and, in such cases, an exposure  
19 during a period of less than 60 days, after the effective date  
20 of this Act, shall not be deemed a last exposure. If a miner  
21 who is suffering or suffered from pneumoconiosis was employed  
22 for 10 years or more in one or more coal mines there shall,  
23 effective July 1, 1973 be a rebuttable presumption that his or  
24 her pneumoconiosis arose out of such employment.

25 If a deceased miner was employed for 10 years or more in  
26 one or more coal mines and died from a respirable disease there

1 shall, effective July 1, 1973, be a rebuttable presumption that  
2 his or her death was due to pneumoconiosis.

3 Any condition or impairment of health of an employee  
4 employed as a firefighter, emergency medical technician (EMT),  
5 emergency medical technician-intermediate (EMT-I), advanced  
6 emergency medical technician (A-EMT), or paramedic which  
7 results directly or indirectly from any bloodborne pathogen,  
8 lung or respiratory disease or condition, heart or vascular  
9 disease or condition, hypertension, tuberculosis, or cancer  
10 resulting in any disability (temporary, permanent, total, or  
11 partial) to the employee shall be rebuttably presumed to arise  
12 out of and in the course of the employee's firefighting, EMT,  
13 EMT-I, A-EMT, or paramedic employment and, further, shall be  
14 rebuttably presumed to be causally connected to the hazards or  
15 exposures of the employment. This presumption shall also apply  
16 to any hernia or hearing loss suffered by an employee employed  
17 as a firefighter, EMT, EMT-I, A-EMT, or paramedic. However,  
18 this presumption shall not apply to any employee who has been  
19 employed as a firefighter, EMT, EMT-I, A-EMT, or paramedic for  
20 less than 5 years at the time he or she files an Application  
21 for Adjustment of Claim concerning this condition or impairment  
22 with the Illinois Workers' Compensation Commission. The  
23 rebuttable presumption established under this subsection,  
24 however, does not apply to an emergency medical technician  
25 (EMT), emergency medical technician-intermediate (EMT-I),  
26 advanced emergency medical technician (A-EMT), or paramedic

1 employed by a private employer if the employee spends the  
2 preponderance of his or her work time for that employer engaged  
3 in medical transfers between medical care facilities or  
4 non-emergency medical transfers to or from medical care  
5 facilities. The changes made to this subsection by this  
6 amendatory Act of the 98th General Assembly shall be narrowly  
7 construed. The Finding and Decision of the Illinois Workers'  
8 Compensation Commission under only the rebuttable presumption  
9 provision of this paragraph shall not be admissible or be  
10 deemed res judicata in any disability claim under the Illinois  
11 Pension Code arising out of the same medical condition;  
12 however, this sentence makes no change to the law set forth in  
13 *Krohe v. City of Bloomington*, 204 Ill.2d 392.

14 The insurance carrier liable shall be the carrier whose  
15 policy was in effect covering the employer liable on the last  
16 day of the exposure rendering such employer liable in  
17 accordance with the provisions of this Act.

18 (e) "Disablement" means an impairment or partial  
19 impairment, temporary or permanent, in the function of the body  
20 or any of the members of the body, or the event of becoming  
21 disabled from earning full wages at the work in which the  
22 employee was engaged when last exposed to the hazards of the  
23 occupational disease by the employer from whom he or she claims  
24 compensation, or equal wages in other suitable employment; and  
25 "disability" means the state of being so incapacitated.

26 (f) No compensation shall be payable for or on account of

1 any occupational disease unless disablement, as herein  
2 defined, occurs within two years after the last day of the last  
3 exposure to the hazards of the disease, except in cases of  
4 occupational disease caused by berylliosis or by the inhalation  
5 of silica dust or asbestos dust and, in such cases, within 3  
6 years after the last day of the last exposure to the hazards of  
7 such disease and except in the case of occupational disease  
8 caused by exposure to radiological materials or equipment, and  
9 in such case, within 25 years after the last day of last  
10 exposure to the hazards of such disease.

11 (g) (1) In any proceeding before the Commission in which the  
12 employee is a COVID-19 first responder or front-line worker as  
13 defined in this subsection, if the employee's injury or  
14 occupational disease resulted from exposure to and contraction  
15 of COVID-19, the exposure and contraction shall be rebuttably  
16 presumed to have arisen out of and in the course of the  
17 employee's first responder or front-line worker employment and  
18 the injury or occupational disease shall be rebuttably presumed  
19 to be causally connected to the hazards or exposures of the  
20 employee's first responder or front-line worker employment.

21 (2) The term "COVID-19 first responder or front-line  
22 worker" means: all individuals employed as police, fire  
23 personnel, emergency medical technicians, or paramedics; all  
24 individuals employed and considered as first responders; all  
25 workers for health care providers, including nursing homes and  
26 rehabilitation facilities and home care workers; corrections

1 officers; and any individuals employed by essential businesses  
2 and operations as defined in Executive Order 2020-10 dated  
3 March 20, 2020, as long as individuals employed by essential  
4 businesses and operations are required by their employment to  
5 encounter members of the general public or to work in  
6 employment locations of more than 15 employees. For purposes of  
7 this subsection only, an employee's home or place of residence  
8 is not a place of employment, except for home care workers.

9 (3) The presumption created in this subsection may be  
10 rebutted by evidence, including, but not limited to, the  
11 following:

12 (A) the employee was working from his or her home, on  
13 leave from his or her employment, or some combination  
14 thereof, for a period of 14 or more consecutive days  
15 immediately prior to the employee's injury, occupational  
16 disease, or period of incapacity resulted from exposure to  
17 COVID-19; or

18 (B) the employer was engaging in and applying to the  
19 fullest extent possible or enforcing to the best of its  
20 ability industry-specific workplace sanitation, social  
21 distancing, and health and safety practices based on  
22 updated guidance issued by the Centers for Disease Control  
23 and Prevention or Illinois Department of Public Health or  
24 was using a combination of administrative controls,  
25 engineering controls, or personal protective equipment to  
26 reduce the transmission of COVID-19 to all employees for at



1 least 14 consecutive days prior to the employee's injury,  
2 occupational disease, or period of incapacity resulting  
3 from exposure to COVID-19. For purposes of this subsection,  
4 "updated" means the guidance in effect at least 14 days  
5 prior to the COVID-19 diagnosis. For purposes of this  
6 subsection, "personal protective equipment" means  
7 industry-specific equipment worn to minimize exposure to  
8 hazards that cause illnesses or serious injuries, which may  
9 result from contact with biological, chemical,  
10 radiological, physical, electrical, mechanical, or other  
11 workplace hazards. "Personal protective equipment"  
12 includes, but is not limited to, items such as face  
13 coverings, gloves, safety glasses, safety face shields,  
14 barriers, shoes, earplugs or muffs, hard hats,  
15 respirators, coveralls, vests, and full body suits; or

16 (C) the employee was exposed to COVID-19 by an  
17 alternate source.

18 (4) The rebuttable presumption created in this subsection  
19 applies to all cases tried after the effective date of this  
20 amendatory Act of the 101st General Assembly and in which the  
21 diagnosis of COVID-19 was made on or after March 9, 2020 and on  
22 or before December 31, 2020.

23 (5) Under no circumstances shall any COVID-19 case increase  
24 or affect any employer's workers' compensation insurance  
25 experience rating or modification, but COVID-19 costs may be  
26 included in determining overall State loss costs.

1       (6) In order for the presumption created in this subsection  
2 to apply at trial, for COVID-19 diagnoses occurring on or  
3 before June 15, 2020, an employee must provide a confirmed  
4 medical diagnosis by a licensed medical practitioner or a  
5 positive laboratory test for COVID-19 or for COVID-19  
6 antibodies; for COVID-19 diagnoses occurring after June 15,  
7 2020, an employee must provide a positive laboratory test for  
8 COVID-19 or for COVID-19 antibodies.

9       (7) The presumption created in this subsection does not  
10 apply if the employee's place of employment was solely the  
11 employee's home or residence for a period of 14 or more  
12 consecutive days immediately prior to the employee's injury,  
13 occupational disease, or period of incapacity resulted from  
14 exposure to COVID-19.

15       (8) The date of injury or the beginning of the employee's  
16 occupational disease or period of disability is either the date  
17 that the employee was unable to work due to contraction of  
18 COVID-19 or was unable to work due to symptoms that were later  
19 diagnosed as COVID-19, whichever came first.

20       (9) An employee who contracts COVID-19, but fails to  
21 establish the rebuttable presumption is not precluded from  
22 filing for compensation under this Act or under the Workers'  
23 Compensation Act.

24       (10) To qualify for temporary total disability benefits  
25 under the presumption created in this subsection, the employee  
26 must be certified for or recertified for temporary disability.

1       (11) An employer is entitled to a credit against any  
2       liability for temporary total disability due to an employee as  
3       a result of the employee contracting COVID-19 for (A) any sick  
4       leave benefits or extended salary benefits paid to the employee  
5       by the employer under Emergency Family Medical Leave Expansion  
6       Act, Emergency Paid Sick Leave Act of the Families First  
7       Coronavirus Response Act, or any other federal law, or (B) any  
8       other credit to which an employer is entitled under the  
9       Workers' Compensation Act.

10       (Source: P.A. 98-291, eff. 1-1-14; 98-973, eff. 8-15-14.)

11           Section 20. The Unemployment Insurance Act is amended by  
12       changing Sections 401, 409, 500, 612, 1505, and 1506.6 and by  
13       adding Section 1502.4 as follows:

14           (820 ILCS 405/401) (from Ch. 48, par. 401)

15           Sec. 401. Weekly Benefit Amount - Dependents' Allowances.

16           A. With respect to any week beginning in a benefit year  
17       beginning prior to January 4, 2004, an individual's weekly  
18       benefit amount shall be an amount equal to the weekly benefit  
19       amount as defined in the provisions of this Act as amended and  
20       in effect on November 18, 2011.

21           B. 1. With respect to any benefit year beginning on or  
22       after January 4, 2004 and before January 6, 2008, an  
23       individual's weekly benefit amount shall be 48% of his or her  
24       prior average weekly wage, rounded (if not already a multiple

1 of one dollar) to the next higher dollar; provided, however,  
2 that the weekly benefit amount cannot exceed the maximum weekly  
3 benefit amount and cannot be less than \$51. Except as otherwise  
4 provided in this Section, with respect to any benefit year  
5 beginning on or after January 6, 2008, an individual's weekly  
6 benefit amount shall be 47% of his or her prior average weekly  
7 wage, rounded (if not already a multiple of one dollar) to the  
8 next higher dollar; provided, however, that the weekly benefit  
9 amount cannot exceed the maximum weekly benefit amount and  
10 cannot be less than \$51. With respect to any benefit year  
11 beginning in calendar year 2022, an individual's weekly benefit  
12 amount shall be 42.4% ~~40.6%~~ of his or her prior average weekly  
13 wage, rounded (if not already a multiple of one dollar) to the  
14 next higher dollar; provided, however, that the weekly benefit  
15 amount cannot exceed the maximum weekly benefit amount and  
16 cannot be less than \$51.

17 2. For the purposes of this subsection:

18 An individual's "prior average weekly wage" means the total  
19 wages for insured work paid to that individual during the 2  
20 calendar quarters of his base period in which such total wages  
21 were highest, divided by 26. If the quotient is not already a  
22 multiple of one dollar, it shall be rounded to the nearest  
23 dollar; however if the quotient is equally near 2 multiples of  
24 one dollar, it shall be rounded to the higher multiple of one  
25 dollar.

26 "Determination date" means June 1 and December 1 of each

1 calendar year except that, for the purposes of this Act only,  
2 there shall be no June 1 determination date in any year.

3 "Determination period" means, with respect to each June 1  
4 determination date, the 12 consecutive calendar months ending  
5 on the immediately preceding December 31 and, with respect to  
6 each December 1 determination date, the 12 consecutive calendar  
7 months ending on the immediately preceding June 30.

8 "Benefit period" means the 12 consecutive calendar month  
9 period beginning on the first day of the first calendar month  
10 immediately following a determination date, except that, with  
11 respect to any calendar year in which there is a June 1  
12 determination date, "benefit period" shall mean the 6  
13 consecutive calendar month period beginning on the first day of  
14 the first calendar month immediately following the preceding  
15 December 1 determination date and the 6 consecutive calendar  
16 month period beginning on the first day of the first calendar  
17 month immediately following the June 1 determination date.

18 "Gross wages" means all the wages paid to individuals  
19 during the determination period immediately preceding a  
20 determination date for insured work, and reported to the  
21 Director by employers prior to the first day of the third  
22 calendar month preceding that date.

23 "Covered employment" for any calendar month means the total  
24 number of individuals, as determined by the Director, engaged  
25 in insured work at mid-month.

26 "Average monthly covered employment" means one-twelfth of

1 the sum of the covered employment for the 12 months of a  
2 determination period.

3 "Statewide average annual wage" means the quotient,  
4 obtained by dividing gross wages by average monthly covered  
5 employment for the same determination period, rounded (if not  
6 already a multiple of one cent) to the nearest cent.

7 "Statewide average weekly wage" means the quotient,  
8 obtained by dividing the statewide average annual wage by 52,  
9 rounded (if not already a multiple of one cent) to the nearest  
10 cent. Notwithstanding any provision of this Section to the  
11 contrary, the statewide average weekly wage for any benefit  
12 period prior to calendar year 2012 shall be as determined by  
13 the provisions of this Act as amended and in effect on November  
14 18, 2011. Notwithstanding any provisions of this Section to the  
15 contrary, the statewide average weekly wage for the benefit  
16 period of calendar year 2012 shall be \$856.55 and for each  
17 calendar year thereafter, the statewide average weekly wage  
18 shall be the statewide average weekly wage, as determined in  
19 accordance with this sentence, for the immediately preceding  
20 benefit period plus (or minus) an amount equal to the  
21 percentage change in the statewide average weekly wage, as  
22 computed in accordance with the first sentence of this  
23 paragraph, between the 2 immediately preceding benefit  
24 periods, multiplied by the statewide average weekly wage, as  
25 determined in accordance with this sentence, for the  
26 immediately preceding benefit period. However, for purposes of

1 the Workers' Compensation Act, the statewide average weekly  
2 wage will be computed using June 1 and December 1 determination  
3 dates of each calendar year and such determination shall not be  
4 subject to the limitation of the statewide average weekly wage  
5 as computed in accordance with the preceding sentence of this  
6 paragraph.

7 With respect to any week beginning in a benefit year  
8 beginning prior to January 4, 2004, "maximum weekly benefit  
9 amount" with respect to each week beginning within a benefit  
10 period shall be as defined in the provisions of this Act as  
11 amended and in effect on November 18, 2011.

12 With respect to any benefit year beginning on or after  
13 January 4, 2004 and before January 6, 2008, "maximum weekly  
14 benefit amount" with respect to each week beginning within a  
15 benefit period means 48% of the statewide average weekly wage,  
16 rounded (if not already a multiple of one dollar) to the next  
17 higher dollar.

18 Except as otherwise provided in this Section, with respect  
19 to any benefit year beginning on or after January 6, 2008,  
20 "maximum weekly benefit amount" with respect to each week  
21 beginning within a benefit period means 47% of the statewide  
22 average weekly wage, rounded (if not already a multiple of one  
23 dollar) to the next higher dollar.

24 With respect to any benefit year beginning in calendar year  
25 2022, "maximum weekly benefit amount" with respect to each week  
26 beginning within a benefit period means 42.4% ~~40.6%~~ of the

1 statewide average weekly wage, rounded (if not already a  
2 multiple of one dollar) to the next higher dollar.

3 C. With respect to any week beginning in a benefit year  
4 beginning prior to January 4, 2004, an individual's eligibility  
5 for a dependent allowance with respect to a nonworking spouse  
6 or one or more dependent children shall be as defined by the  
7 provisions of this Act as amended and in effect on November 18,  
8 2011.

9 With respect to any benefit year beginning on or after  
10 January 4, 2004 and before January 6, 2008, an individual to  
11 whom benefits are payable with respect to any week shall, in  
12 addition to those benefits, be paid, with respect to such week,  
13 as follows: in the case of an individual with a nonworking  
14 spouse, 9% of his or her prior average weekly wage, rounded (if  
15 not already a multiple of one dollar) to the next higher  
16 dollar, provided, that the total amount payable to the  
17 individual with respect to a week shall not exceed 57% of the  
18 statewide average weekly wage, rounded (if not already a  
19 multiple of one dollar) to the next higher dollar; and in the  
20 case of an individual with a dependent child or dependent  
21 children, 17.2% of his or her prior average weekly wage,  
22 rounded (if not already a multiple of one dollar) to the next  
23 higher dollar, provided that the total amount payable to the  
24 individual with respect to a week shall not exceed 65.2% of the  
25 statewide average weekly wage, rounded (if not already a  
26 multiple of one dollar) to the next higher dollar.



1           With respect to any benefit year beginning on or after  
2 January 6, 2008 and before January 1, 2010, an individual to  
3 whom benefits are payable with respect to any week shall, in  
4 addition to those benefits, be paid, with respect to such week,  
5 as follows: in the case of an individual with a nonworking  
6 spouse, 9% of his or her prior average weekly wage, rounded (if  
7 not already a multiple of one dollar) to the next higher  
8 dollar, provided, that the total amount payable to the  
9 individual with respect to a week shall not exceed 56% of the  
10 statewide average weekly wage, rounded (if not already a  
11 multiple of one dollar) to the next higher dollar; and in the  
12 case of an individual with a dependent child or dependent  
13 children, 18.2% of his or her prior average weekly wage,  
14 rounded (if not already a multiple of one dollar) to the next  
15 higher dollar, provided that the total amount payable to the  
16 individual with respect to a week shall not exceed 65.2% of the  
17 statewide average weekly wage, rounded (if not already a  
18 multiple of one dollar) to the next higher dollar.

19           The additional amount paid pursuant to this subsection in  
20 the case of an individual with a dependent child or dependent  
21 children shall be referred to as the "dependent child  
22 allowance", and the percentage rate by which an individual's  
23 prior average weekly wage is multiplied pursuant to this  
24 subsection to calculate the dependent child allowance shall be  
25 referred to as the "dependent child allowance rate".

26           Except as otherwise provided in this Section, with respect

1 to any benefit year beginning on or after January 1, 2010, an  
2 individual to whom benefits are payable with respect to any  
3 week shall, in addition to those benefits, be paid, with  
4 respect to such week, as follows: in the case of an individual  
5 with a nonworking spouse, the greater of (i) 9% of his or her  
6 prior average weekly wage, rounded (if not already a multiple  
7 of one dollar) to the next higher dollar, or (ii) \$15, provided  
8 that the total amount payable to the individual with respect to  
9 a week shall not exceed 56% of the statewide average weekly  
10 wage, rounded (if not already a multiple of one dollar) to the  
11 next higher dollar; and in the case of an individual with a  
12 dependent child or dependent children, the greater of (i) the  
13 product of the dependent child allowance rate multiplied by his  
14 or her prior average weekly wage, rounded (if not already a  
15 multiple of one dollar) to the next higher dollar, or (ii) the  
16 lesser of \$50 or 50% of his or her weekly benefit amount,  
17 rounded (if not already a multiple of one dollar) to the next  
18 higher dollar, provided that the total amount payable to the  
19 individual with respect to a week shall not exceed the product  
20 of the statewide average weekly wage multiplied by the sum of  
21 47% plus the dependent child allowance rate, rounded (if not  
22 already a multiple of one dollar) to the next higher dollar.

23 With respect to any benefit year beginning in calendar year  
24 2022, an individual to whom benefits are payable with respect  
25 to any week shall, in addition to those benefits, be paid, with  
26 respect to such week, as follows: in the case of an individual

1 with a nonworking spouse, the greater of (i) 9% of his or her  
2 prior average weekly wage, rounded (if not already a multiple  
3 of one dollar) to the next higher dollar, or (ii) \$15, provided  
4 that the total amount payable to the individual with respect to  
5 a week shall not exceed 51.4% ~~49.6%~~ of the statewide average  
6 weekly wage, rounded (if not already a multiple of one dollar)  
7 to the next higher dollar; and in the case of an individual  
8 with a dependent child or dependent children, the greater of  
9 (i) the product of the dependent child allowance rate  
10 multiplied by his or her prior average weekly wage, rounded (if  
11 not already a multiple of one dollar) to the next higher  
12 dollar, or (ii) the lesser of \$50 or 50% of his or her weekly  
13 benefit amount, rounded (if not already a multiple of one  
14 dollar) to the next higher dollar, provided that the total  
15 amount payable to the individual with respect to a week shall  
16 not exceed the product of the statewide average weekly wage  
17 multiplied by the sum of 42.4% ~~40.6%~~ plus the dependent child  
18 allowance rate, rounded (if not already a multiple of one  
19 dollar) to the next higher dollar.

20 With respect to each benefit year beginning after calendar  
21 year 2012, the dependent child allowance rate shall be the sum  
22 of the allowance adjustment applicable pursuant to Section  
23 1400.1 to the calendar year in which the benefit year begins,  
24 plus the dependent child allowance rate with respect to each  
25 benefit year beginning in the immediately preceding calendar  
26 year, except as otherwise provided in this subsection. The

1 dependent child allowance rate with respect to each benefit  
2 year beginning in calendar year 2010 shall be 17.9%. The  
3 dependent child allowance rate with respect to each benefit  
4 year beginning in calendar year 2011 shall be 17.4%. The  
5 dependent child allowance rate with respect to each benefit  
6 year beginning in calendar year 2012 shall be 17.0% and, with  
7 respect to each benefit year beginning after calendar year  
8 2012, shall not be less than 17.0% or greater than 17.9%.

9 For the purposes of this subsection:

10 "Dependent" means a child or a nonworking spouse.

11 "Child" means a natural child, stepchild, or adopted child  
12 of an individual claiming benefits under this Act or a child  
13 who is in the custody of any such individual by court order,  
14 for whom the individual is supplying and, for at least 90  
15 consecutive days (or for the duration of the parental  
16 relationship if it has existed for less than 90 days)  
17 immediately preceding any week with respect to which the  
18 individual has filed a claim, has supplied more than one-half  
19 the cost of support, or has supplied at least 1/4 of the cost  
20 of support if the individual and the other parent, together,  
21 are supplying and, during the aforesaid period, have supplied  
22 more than one-half the cost of support, and are, and were  
23 during the aforesaid period, members of the same household; and  
24 who, on the first day of such week (a) is under 18 years of age,  
25 or (b) is, and has been during the immediately preceding 90  
26 days, unable to work because of illness or other disability:

1 provided, that no person who has been determined to be a child  
2 of an individual who has been allowed benefits with respect to  
3 a week in the individual's benefit year shall be deemed to be a  
4 child of the other parent, and no other person shall be  
5 determined to be a child of such other parent, during the  
6 remainder of that benefit year.

7 "Nonworking spouse" means the lawful husband or wife of an  
8 individual claiming benefits under this Act, for whom more than  
9 one-half the cost of support has been supplied by the  
10 individual for at least 90 consecutive days (or for the  
11 duration of the marital relationship if it has existed for less  
12 than 90 days) immediately preceding any week with respect to  
13 which the individual has filed a claim, but only if the  
14 nonworking spouse is currently ineligible to receive benefits  
15 under this Act by reason of the provisions of Section 500E.

16 An individual who was obligated by law to provide for the  
17 support of a child or of a nonworking spouse for the aforesaid  
18 period of 90 consecutive days, but was prevented by illness or  
19 injury from doing so, shall be deemed to have provided more  
20 than one-half the cost of supporting the child or nonworking  
21 spouse for that period.

22 (Source: P.A. 100-568, eff. 12-15-17; 101-423, eff. 1-1-20.)

23 (820 ILCS 405/409) (from Ch. 48, par. 409)

24 Sec. 409. Extended Benefits.

25 A. For the purposes of this Section:

1           1. "Extended benefit period" means a period which  
2 begins with the third week after a week for which there is  
3 a State "on" indicator; and ends with either of the  
4 following weeks, whichever occurs later: (1) the third week  
5 after the first week for which there is a State "off"  
6 indicator, or (2) the thirteenth consecutive week of such  
7 period. No extended benefit period shall begin by reason of  
8 a State "on" indicator before the fourteenth week following  
9 the end of a prior extended benefit period.

10           2. There is a "State 'on' indicator" for a week if (a)  
11 the Director determines, in accordance with the  
12 regulations of the United States Secretary of Labor or  
13 other appropriate Federal agency, that for the period  
14 consisting of such week and the immediately preceding  
15 twelve weeks, the rate of insured unemployment (not  
16 seasonally adjusted) in this State (1) equaled or exceeded  
17 5% and equaled or exceeded 120% of the average of such  
18 rates for the corresponding 13-week period ending in each  
19 of the preceding 2 calendar years, or (2) equaled or  
20 exceeded 6 percent, or (b) the United States Secretary of  
21 Labor determines that (1) the average rate of total  
22 unemployment in this State (seasonally adjusted) for the  
23 period consisting of the most recent 3 months for which  
24 data for all states are published before the close of such  
25 week equals or exceeds 6.5%, and (2) the average rate of  
26 total unemployment in this State (seasonally adjusted) for

1 the 3-month period referred to in (1) equals or exceeds  
2 110% of such average rate for either (or both) of the  
3 corresponding 3-month periods ending in the 2 preceding  
4 calendar years. Clause (b) of this paragraph shall only  
5 apply to weeks beginning on or after February 22, 2009,  
6 through the end of the fourth week prior to the last week  
7 for which federal sharing is provided as authorized by  
8 Section 2005(a) of Public Law 111-5 without regard to  
9 Section 2005(c) of Public Law 111-5 and is inoperative as  
10 of the end of the last week for which federal sharing is  
11 provided as authorized by Section 2005(a) of Public Law  
12 111-5 and to weeks beginning on or after March 15, 2020  
13 through the end of the fourth week prior to the last week  
14 for which federal sharing is provided as authorized by  
15 Section 4105 of Public Law 116-127, or any amendments  
16 thereto, and is inoperative as of the end of the last week  
17 for which federal sharing is provided as authorized by  
18 Section 4105 of Public Law 116-127, or any amendments  
19 thereto.

20 2.1. With respect to benefits for weeks of unemployment  
21 beginning after December 17, 2010, and ending on or before  
22 the earlier of the latest date permitted under federal law  
23 or the end of the fourth week prior to the last week for  
24 which federal sharing is provided as authorized by Section  
25 2005(a) of Public Law 111-5 without regard to Section  
26 2005(c) of Public Law 111-5, the determination of whether

1           there has been a State "on" indicator pursuant to paragraph  
2           2 shall be made as if, in clause (a) of paragraph 2, the  
3           phrase "2 calendar years" were "3 calendar years" and as  
4           if, in clause (b) of paragraph 2, the word "either" were  
5           "any", the word "both" were "all", and the phrase "2  
6           preceding calendar years" were "3 preceding calendar  
7           years".

8           3. There is a "State 'off' indicator" for a week if  
9           there is not a State 'on' indicator for the week pursuant  
10          to paragraph 2.

11          4. "Rate of insured unemployment", for the purpose of  
12          paragraph 2, means the percentage derived by dividing (a)  
13          the average weekly number of individuals filing claims for  
14          "regular benefits" in this State for weeks of unemployment  
15          with respect to the most recent 13 consecutive week period,  
16          as determined by the Director on the basis of his reports  
17          to the United States Secretary of Labor or other  
18          appropriate Federal agency, by (b) the average monthly  
19          employment covered under this Act for the first four of the  
20          most recent six completed calendar quarters ending before  
21          the close of such 13-week period.

22          5. "Regular benefits" means benefits, other than  
23          extended benefits and additional benefits, payable to an  
24          individual (including dependents' allowances) under this  
25          Act or under any other State unemployment compensation law  
26          (including benefits payable to Federal civilian employees



1 and ex-servicemen pursuant to 5 U.S.C. chapter 85).

2 6. "Extended benefits" means benefits (including  
3 benefits payable to Federal civilian employees and  
4 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to  
5 an individual under the provisions of this Section for  
6 weeks which begin in his eligibility period.

7 7. "Additional benefits" means benefits totally  
8 financed by a State and payable to exhaustees (as defined  
9 in subsection C) by reason of conditions of high  
10 unemployment or by reason of other specified factors. If an  
11 individual is eligible to receive extended benefits under  
12 the provisions of this Section and is eligible to receive  
13 additional benefits with respect to the same week under the  
14 law of another State, he may elect to claim either extended  
15 benefits or additional benefits with respect to the week.

16 8. "Eligibility period" means the period consisting of  
17 the weeks in an individual's benefit year which begin in an  
18 extended benefit period and, if his benefit year ends  
19 within such extended benefit period, any weeks thereafter  
20 which begin in such period. An individual's eligibility  
21 period shall also include such other weeks as federal law  
22 may allow.

23 9. Notwithstanding any other provision to the  
24 contrary, no employer shall be liable for payments in lieu  
25 of contributions pursuant to Section 1404, by reason of the  
26 payment of extended benefits which are wholly reimbursed to

1           this State by the Federal Government or would have been  
2           wholly reimbursed to this State by the Federal Government  
3           if the employer had paid all of the claimant's wages during  
4           the applicable base period. Extended benefits shall not  
5           become benefit charges under Section 1501.1 if they are  
6           wholly reimbursed to this State by the Federal Government  
7           or would have been wholly reimbursed to this State by the  
8           Federal Government if the employer had paid all of the  
9           claimant's wages during the applicable base period. For  
10          purposes of this paragraph, extended benefits will be  
11          considered to be wholly reimbursed by the Federal  
12          Government notwithstanding the operation of Section  
13          204(a)(2)(D) of the Federal-State Extended Unemployment  
14          Compensation Act of 1970.

15          B. An individual shall be eligible to receive extended  
16          benefits pursuant to this Section for any week which begins in  
17          his eligibility period if, with respect to such week (1) he has  
18          been paid wages for insured work during his base period equal  
19          to at least 1 1/2 times the wages paid in that calendar quarter  
20          of his base period in which such wages were highest; (2) he has  
21          met the requirements of Section 500E of this Act; (3) he is an  
22          exhaustee; and (4) except when the result would be inconsistent  
23          with the provisions of this Section, he has satisfied the  
24          requirements of this Act for the receipt of regular benefits.

25          C. An individual is an exhaustee with respect to a week  
26          which begins in his eligibility period if:

1           1. Prior to such week (a) he has received, with respect  
2           to his current benefit year that includes such week, the  
3           maximum total amount of benefits to which he was entitled  
4           under the provisions of Section 403B, and all of the  
5           regular benefits (including dependents' allowances) to  
6           which he had entitlement (if any) on the basis of wages or  
7           employment under any other State unemployment compensation  
8           law; or (b) he has received all the regular benefits  
9           available to him with respect to his current benefit year  
10          that includes such week, under this Act and under any other  
11          State unemployment compensation law, after a cancellation  
12          of some or all of his wage credits or the partial or total  
13          reduction of his regular benefit rights; or (c) his benefit  
14          year terminated, and he cannot meet the qualifying wage  
15          requirements of Section 500E of this Act or the qualifying  
16          wage or employment requirements of any other State  
17          unemployment compensation law to establish a new benefit  
18          year which would include such week or, having established a  
19          new benefit year that includes such week, he is ineligible  
20          for regular benefits by reason of Section 607 of this Act  
21          or a like provision of any other State unemployment  
22          compensation law; and

23          2. For such week (a) he has no right to benefits or  
24          allowances, as the case may be, under the Railroad  
25          Unemployment Insurance Act, or such other Federal laws as  
26          are specified in regulations of the United States Secretary

1 of Labor or other appropriate Federal agency; and (b) he  
2 has not received and is not seeking benefits under the  
3 unemployment compensation law of Canada, except that if he  
4 is seeking such benefits and the appropriate agency finally  
5 determines that he is not entitled to benefits under such  
6 law, this clause shall not apply.

7 3. For the purposes of clauses (a) and (b) of paragraph  
8 1 of this subsection, an individual shall be deemed to have  
9 received, with respect to his current benefit year, the  
10 maximum total amount of benefits to which he was entitled  
11 or all of the regular benefits to which he had entitlement,  
12 or all of the regular benefits available to him, as the  
13 case may be, even though (a) as a result of a pending  
14 reconsideration or appeal with respect to the "finding"  
15 defined in Section 701, or of a pending appeal with respect  
16 to wages or employment or both under any other State  
17 unemployment compensation law, he may subsequently be  
18 determined to be entitled to more regular benefits; or (b)  
19 by reason of a seasonality provision in a State  
20 unemployment compensation law which establishes the weeks  
21 of the year for which regular benefits may be paid to  
22 individuals on the basis of wages in seasonal employment he  
23 may be entitled to regular benefits for future weeks but  
24 such benefits are not payable with respect to the week for  
25 which he is claiming extended benefits, provided that he is  
26 otherwise an exhaustee under the provisions of this

1 subsection with respect to his rights to regular benefits,  
2 under such seasonality provision, during the portion of the  
3 year in which that week occurs; or (c) having established a  
4 benefit year, no regular benefits are payable to him with  
5 respect to such year because his wage credits were  
6 cancelled or his rights to regular benefits were totally  
7 reduced by reason of the application of a disqualification  
8 provision of a State unemployment compensation law.

9 D. 1. The provisions of Section 607 and the waiting period  
10 requirements of Section 500D shall not be applicable to any  
11 week with respect to which benefits are otherwise payable  
12 under this Section.

13 2. An individual shall not cease to be an exhaustee  
14 with respect to any week solely because he meets the  
15 qualifying wage requirements of Section 500E for a part of  
16 such week.

17 E. With respect to any week which begins in his eligibility  
18 period, an exhaustee's "weekly extended benefit amount" shall  
19 be the same as his weekly benefit amount during his benefit  
20 year which includes such week or, if such week is not in a  
21 benefit year, during his applicable benefit year, as defined in  
22 regulations issued by the United States Secretary of Labor or  
23 other appropriate Federal agency. If the exhaustee had more  
24 than one weekly benefit amount during his benefit year, his  
25 weekly extended benefit amount with respect to such week shall  
26 be the latest of such weekly benefit amounts.

1 F. 1. An eligible exhaustee shall be entitled, during any  
2 eligibility period, to a maximum total amount of extended  
3 benefits equal to the lesser of the following amounts, not  
4 including any Federal Pandemic Unemployment Compensation  
5 amounts provided for in Section 2104 of Public Law 116-136:

6 a. Fifty percent of the maximum total amount of  
7 benefits to which he was entitled under Section 403B during  
8 his applicable benefit year;

9 b. Thirteen times his weekly extended benefit amount as  
10 determined under subsection E; or

11 c. Thirty-nine times his or her average weekly extended  
12 benefit amount, reduced by the regular benefits (not  
13 including any dependents' allowances) paid to him or her  
14 during such benefit year.

15 2. An eligible exhaustee shall be entitled, during a "high  
16 unemployment period", to a maximum total amount of extended  
17 benefits equal to the lesser of the following amounts:

18 a. Eighty percent of the maximum total amount of  
19 benefits to which he or she was entitled under Section 403B  
20 during his or her applicable benefit year;

21 b. Twenty times his or her weekly extended benefit  
22 amount as determined under subsection E; or

23 c. Forty-six times his or her average weekly extended  
24 benefit amount, reduced by the regular benefits (not  
25 including any dependents' allowances) paid to him or her  
26 during such benefit year.

1           For purposes of this paragraph, the term "high unemployment  
2 period" means any period during which (i) clause (b) of  
3 paragraph (2) of subsection A is operative and (ii) an extended  
4 benefit period would be in effect if clause (b) of paragraph  
5 (2) of subsection A of this Section were applied by  
6 substituting "8%" for "6.5%".

7           3. Notwithstanding paragraphs 1 and 2 of this subsection F,  
8 and if the benefit year of an individual ends within an  
9 extended benefit period, the remaining balance of extended  
10 benefits that the individual would, but for this subsection F,  
11 be otherwise entitled to receive in that extended benefit  
12 period, for weeks of unemployment beginning after the end of  
13 the benefit year, shall be reduced (but not below zero) by the  
14 product of the number of weeks for which the individual  
15 received any amounts as trade readjustment allowances as  
16 defined in the federal Trade Act of 1974 within that benefit  
17 year multiplied by his weekly benefit amount for extended  
18 benefits.

19           G. 1. A claims adjudicator shall examine the first claim  
20 filed by an individual with respect to his eligibility  
21 period and, on the basis of the information in his  
22 possession, shall make an "extended benefits finding".  
23 Such finding shall state whether or not the individual has  
24 met the requirement of subsection B(1), is an exhaustee  
25 and, if he is, his weekly extended benefit amount and the  
26 maximum total amount of extended benefits to which he is

1 entitled. The claims adjudicator shall promptly notify the  
2 individual of his "extended benefits finding", and shall  
3 promptly notify the individual's most recent employing  
4 unit and the individual's last employer (referred to in  
5 Section 1502.1) that the individual has filed a claim for  
6 extended benefits. The claims adjudicator may reconsider  
7 his "extended benefits finding" at any time within one year  
8 after the close of the individual's eligibility period, and  
9 shall promptly notify the individual of such reconsidered  
10 finding. All of the provisions of this Act applicable to  
11 reviews from findings or reconsidered findings made  
12 pursuant to Sections 701 and 703 which are not inconsistent  
13 with the provisions of this subsection shall be applicable  
14 to reviews from extended benefits findings and  
15 reconsidered extended benefits findings.

16 2. If, pursuant to the reconsideration or appeal with  
17 respect to a "finding", referred to in paragraph 3 of  
18 subsection C, an exhaustee is found to be entitled to more  
19 regular benefits and, by reason thereof, is entitled to  
20 more extended benefits, the claims adjudicator shall make a  
21 reconsidered extended benefits finding and shall promptly  
22 notify the exhaustee thereof.

23 H. Whenever an extended benefit period is to begin in this  
24 State because there is a State "on" indicator, or whenever an  
25 extended benefit period is to end in this State because there  
26 is a State "off" indicator, the Director shall make an



1 appropriate public announcement.

2 I. Computations required by the provisions of paragraph 4  
3 of subsection A shall be made by the Director in accordance  
4 with regulations prescribed by the United States Secretary of  
5 Labor, or other appropriate Federal agency.

6 J. 1. Interstate Benefit Payment Plan means the plan  
7 approved by the Interstate Conference of Employment  
8 Security Agencies under which benefits shall be payable to  
9 unemployed individuals absent from the state (or states) in  
10 which benefit credits have been accumulated.

11 2. An individual who commutes from his state of  
12 residence to work in another state and continues to reside  
13 in such state of residence while filing his claim for  
14 unemployment insurance under this Section of the Act shall  
15 not be considered filing a claim under the Interstate  
16 Benefit Payment Plan so long as he files his claim in and  
17 continues to report to the employment office under the  
18 regulations applicable to intrastate claimants in the  
19 state in which he was so employed.

20 3. "State" when used in this subsection includes States  
21 of the United States of America, the District of Columbia,  
22 Puerto Rico and the Virgin Islands. For purposes of this  
23 subsection, the term "state" shall also be construed to  
24 include Canada.

25 4. Notwithstanding any other provision of this Act, an  
26 individual shall be eligible for a maximum of 2 weeks of

1 benefits payable under this Section after he files his  
2 initial claim for extended benefits in an extended benefit  
3 period, as defined in paragraph 1 of subsection A, under  
4 the Interstate Benefit Payment Plan unless there also  
5 exists an extended benefit period, as defined in paragraph  
6 1 of subsection A, in the state where such claim is filed.  
7 Such maximum eligibility shall continue as long as the  
8 individual continues to file his claim under the Interstate  
9 Benefit Payment Plan, notwithstanding that the individual  
10 moves to another state where an extended benefit period  
11 exists and files for weeks prior to his initial Interstate  
12 claim in that state.

13 5. To assure full tax credit to the employers of this  
14 state against the tax imposed by the Federal Unemployment  
15 Tax Act, the Director shall take any action or issue any  
16 regulations necessary in the administration of this  
17 subsection to insure that its provisions are so interpreted  
18 and applied as to meet the requirements of such Federal Act  
19 as interpreted by the United States Secretary of Labor or  
20 other appropriate Federal agency.

21 K. 1. Notwithstanding any other provisions of this Act, an  
22 individual shall be ineligible for the payment of extended  
23 benefits for any week of unemployment in his eligibility  
24 period if the Director finds that during such period:

25 a. he failed to accept any offer of suitable work  
26 (as defined in paragraph 3 below) or failed to apply

1           for any suitable work to which he was referred by the  
2           Director; or

3           b. he failed to actively engage in seeking work as  
4           prescribed under paragraph 5 below.

5           2. Any individual who has been found ineligible for  
6           extended benefits by reason of the provisions of paragraph  
7           1 of this subsection shall be denied benefits beginning  
8           with the first day of the week in which such failure has  
9           occurred and until he has been employed in each of 4  
10          subsequent weeks (whether or not consecutive) and has  
11          earned remuneration equal to at least 4 times his weekly  
12          benefit amount.

13          3. For purposes of this subsection only, the term  
14          "suitable work" means, with respect to any individual, any  
15          work which is within such individual's capabilities,  
16          provided, however, that the gross average weekly  
17          remuneration payable for the work:

18               a. must exceed the sum of (i) the individual's  
19               extended weekly benefit amount as determined under  
20               subsection E above plus (ii) the amount, if any, of  
21               supplemental unemployment benefits (as defined in  
22               Section 501(c)(17)(D) of the Internal Revenue Code of  
23               1954) payable to such individual for such week; and  
24               further,

25               b. is not less than the higher of --

26                       (i) the minimum wage provided by Section 6

1 (a) (1) of the Fair Labor Standards Act of 1938,  
2 without regard to any exemption; or

3 (ii) the applicable state or local minimum  
4 wage;

5 c. provided, however, that no individual shall be  
6 denied extended benefits for failure to accept an offer  
7 of or apply for any job which meets the definition of  
8 suitability as described above if:

9 (i) the position was not offered to such  
10 individual in writing or was not listed with the  
11 employment service;

12 (ii) such failure could not result in a denial  
13 of benefits under the definition of suitable work  
14 for regular benefits claimants in Section 603 to  
15 the extent that the criteria of suitability in that  
16 Section are not inconsistent with the provisions  
17 of this paragraph 3;

18 (iii) the individual furnishes satisfactory  
19 evidence to the Director that his prospects for  
20 obtaining work in his customary occupation within  
21 a reasonably short period are good. If such  
22 evidence is deemed satisfactory for this purpose,  
23 the determination of whether any work is suitable  
24 with respect to such individual shall be made in  
25 accordance with the definition of suitable work  
26 for regular benefits in Section 603 without regard

1 to the definition specified by this paragraph.

2 4. Notwithstanding the provisions of paragraph 3 to the  
3 contrary, no work shall be deemed to be suitable work for  
4 an individual which does not accord with the labor standard  
5 provisions required by Section 3304(a)(5) of the Internal  
6 Revenue Code of 1954 and set forth herein under Section 603  
7 of this Act.

8 5. For the purposes of subparagraph b of paragraph 1,  
9 an individual shall be treated as actively engaged in  
10 seeking work during any week if --

11 a. the individual has engaged in a systematic and  
12 sustained effort to obtain work during such week, and

13 b. the individual furnishes tangible evidence that  
14 he has engaged in such effort during such week.

15 6. The employment service shall refer any individual  
16 entitled to extended benefits under this Act to any  
17 suitable work which meets the criteria prescribed in  
18 paragraph 3.

19 7. Notwithstanding any other provision of this Act, an  
20 individual shall not be eligible to receive extended  
21 benefits, otherwise payable under this Section, with  
22 respect to any week of unemployment in his eligibility  
23 period if such individual has been held ineligible for  
24 benefits under the provisions of Sections 601, 602 or 603  
25 of this Act until such individual had requalified for such  
26 benefits by returning to employment and satisfying the

1 monetary requalification provision by earning at least his  
2 weekly benefit amount.

3 8. In response to the COVID-19 public health emergency,  
4 the Director may prescribe such rules as allowed by federal  
5 law limiting the work search requirements under subsection  
6 K.

7 L. The Governor may, if federal law so allows, elect, in  
8 writing, to pay individuals, otherwise eligible for extended  
9 benefits pursuant to this Section, any other federally funded  
10 unemployment benefits, including but not limited to benefits  
11 payable pursuant to the federal Supplemental Appropriations  
12 Act, 2008, as amended, and Public Law 116-136, prior to paying  
13 them benefits under this Section.

14 M. The provisions of this Section, as revised by this  
15 amendatory Act of the 96th General Assembly, are retroactive to  
16 February 22, 2009. The provisions of this amendatory Act of the  
17 96th General Assembly with regard to subsection L and paragraph  
18 8 of subsection A clarify authority already provided.

19 N. The provisions of this Section, as revised by this  
20 amendatory Act of the 101st General Assembly, are retroactive  
21 to March 15, 2020.

22 (Source: P.A. 96-30, eff. 6-30-09; 97-1, eff. 3-31-11.)

23 (820 ILCS 405/500) (from Ch. 48, par. 420)

24 Sec. 500. Eligibility for benefits. An unemployed  
25 individual shall be eligible to receive benefits with respect

1 to any week only if the Director finds that:

2 A. He has registered for work at and thereafter has  
3 continued to report at an employment office in accordance  
4 with such regulations as the Director may prescribe, except  
5 that the Director may, by regulation, waive or alter either  
6 or both of the requirements of this subsection as to  
7 individuals attached to regular jobs, and as to such other  
8 types of cases or situations with respect to which he finds  
9 that compliance with such requirements would be oppressive  
10 or inconsistent with the purposes of this Act, provided  
11 that no such regulation shall conflict with Section 400 of  
12 this Act.

13 B. He has made a claim for benefits with respect to  
14 such week in accordance with such regulations as the  
15 Director may prescribe.

16 C. He is able to work, and is available for work;  
17 provided that during the period in question he was actively  
18 seeking work and he has certified such. Whenever requested  
19 to do so by the Director, the individual shall, in the  
20 manner the Director prescribes by regulation, inform the  
21 Department of the places at which he has sought work during  
22 the period in question. Nothing in this subsection shall  
23 limit the Director's approval of alternate methods of  
24 demonstrating an active search for work based on regular  
25 reporting to a trade union office.

26 1. If an otherwise eligible individual is unable to

1 work or is unavailable for work on any normal workday  
2 of the week, he shall be eligible to receive benefits  
3 with respect to such week reduced by one-fifth of his  
4 weekly benefit amount for each day of such inability to  
5 work or unavailability for work. For the purposes of  
6 this paragraph, an individual who reports on a day  
7 subsequent to his designated report day shall be deemed  
8 unavailable for work on his report day if his failure  
9 to report on that day is without good cause, and on  
10 each intervening day, if any, on which his failure to  
11 report is without good cause. As used in the preceding  
12 sentence, "report day" means the day which has been  
13 designated for the individual to report to file his  
14 claim for benefits with respect to any week. This  
15 paragraph shall not be construed so as to effect any  
16 change in the status of part-time workers as defined in  
17 Section 407.

18 2. An individual shall be considered to be  
19 unavailable for work on days listed as whole holidays  
20 in "An Act to revise the law in relation to promissory  
21 notes, bonds, due bills and other instruments in  
22 writing," approved March 18, 1874, as amended; on days  
23 which are holidays in his religion or faith, and on  
24 days which are holidays according to the custom of his  
25 trade or occupation, if his failure to work on such day  
26 is a result of the holiday. In determining the



1 claimant's eligibility for benefits and the amount to  
2 be paid him, with respect to the week in which such  
3 holiday occurs, he shall have attributed to him as  
4 additional earnings for that week an amount equal to  
5 one-fifth of his weekly benefit amount for each normal  
6 work day on which he does not work because of a holiday  
7 of the type above enumerated.

8 3. An individual shall be deemed unavailable for  
9 work if, after his separation from his most recent  
10 employing unit, he has removed himself to and remains  
11 in a locality where opportunities for work are  
12 substantially less favorable than those in the  
13 locality he has left.

14 4. An individual shall be deemed unavailable for  
15 work with respect to any week which occurs in a period  
16 when his principal occupation is that of a student in  
17 attendance at, or on vacation from, a public or private  
18 school.

19 5. Notwithstanding any other provisions of this  
20 Act, an individual shall not be deemed unavailable for  
21 work or to have failed actively to seek work, nor shall  
22 he be ineligible for benefits by reason of the  
23 application of the provisions of Section 603, with  
24 respect to any week, because he is enrolled in and is  
25 in regular attendance at a training course approved for  
26 him by the Director:

1           (a) but only if, with respect to that week, the  
2 individual presents, upon request, to the claims  
3 adjudicator referred to in Section 702 a statement  
4 executed by a responsible person connected with  
5 the training course, certifying that the  
6 individual was in full-time attendance at such  
7 course during the week. The Director may approve  
8 such course for an individual only if he finds that  
9 (1) reasonable work opportunities for which the  
10 individual is fitted by training and experience do  
11 not exist in his locality; (2) the training course  
12 relates to an occupation or skill for which there  
13 are, or are expected to be in the immediate future,  
14 reasonable work opportunities in his locality; (3)  
15 the training course is offered by a competent and  
16 reliable agency, educational institution, or  
17 employing unit; (4) the individual has the  
18 required qualifications and aptitudes to complete  
19 the course successfully; and (5) the individual is  
20 not receiving and is not eligible (other than  
21 because he has claimed benefits under this Act) for  
22 subsistence payments or similar assistance under  
23 any public or private retraining program:  
24 Provided, that the Director shall not disapprove  
25 such course solely by reason of clause (5) if the  
26 subsistence payment or similar assistance is

1 subject to reduction by an amount equal to any  
2 benefits payable to the individual under this Act  
3 in the absence of the clause. In the event that an  
4 individual's weekly unemployment compensation  
5 benefit is less than his certified training  
6 allowance, that person shall be eligible to  
7 receive his entire unemployment compensation  
8 benefits, plus such supplemental training  
9 allowances that would make an applicant's total  
10 weekly benefit identical to the original certified  
11 training allowance.

12 (b) The Director shall have the authority to  
13 grant approval pursuant to subparagraph (a) above  
14 prior to an individual's formal admission into a  
15 training course. Requests for approval shall not  
16 be made more than 30 days prior to the actual  
17 starting date of such course. Requests shall be  
18 made at the appropriate unemployment office.

19 (c) The Director shall for purposes of  
20 paragraph C have the authority to issue a blanket  
21 approval of training programs implemented pursuant  
22 to the federal Workforce Innovation and  
23 Opportunity Act if both the training program and  
24 the criteria for an individual's participation in  
25 such training meet the requirements of this  
26 paragraph C.

1           (d) Notwithstanding the requirements of  
2           subparagraph (a), the Director shall have the  
3           authority to issue blanket approval of training  
4           programs implemented under the terms of a  
5           collective bargaining agreement.

6           6. Notwithstanding any other provisions of this  
7           Act, an individual shall not be deemed unavailable for  
8           work or to have failed actively to seek work, nor shall  
9           he be ineligible for benefits, by reason of the  
10          application of the provisions of Section 603 with  
11          respect to any week because he is in training approved  
12          under Section 236 (a)(1) of the federal Trade Act of  
13          1974, nor shall an individual be ineligible for  
14          benefits under the provisions of Section 601 by reason  
15          of leaving work voluntarily to enter such training if  
16          the work left is not of a substantially equal or higher  
17          skill level than the individual's past adversely  
18          affected employment as defined under the federal Trade  
19          Act of 1974 and the wages for such work are less than  
20          80% of his average weekly wage as determined under the  
21          federal Trade Act of 1974.

22          D. If his benefit year begins prior to July 6, 1975 or  
23          subsequent to January 2, 1982, he has been unemployed for a  
24          waiting period of 1 week during such benefit year. If his  
25          benefit year begins on or after July 6, 1975, but prior to  
26          January 3, 1982, and his unemployment continues for more

1 than three weeks during such benefit year, he shall be  
2 eligible for benefits with respect to each week of such  
3 unemployment, including the first week thereof. An  
4 individual shall be deemed to be unemployed within the  
5 meaning of this subsection while receiving public  
6 assistance as remuneration for services performed on work  
7 projects financed from funds made available to  
8 governmental agencies for such purpose. No week shall be  
9 counted as a week of unemployment for the purposes of this  
10 subsection:

11 1. Unless it occurs within the benefit year which  
12 includes the week with respect to which he claims  
13 payment of benefits, provided that, for benefit years  
14 beginning prior to January 3, 1982, this requirement  
15 shall not interrupt the payment of benefits for  
16 consecutive weeks of unemployment; and provided  
17 further that the week immediately preceding a benefit  
18 year, if part of one uninterrupted period of  
19 unemployment which continues into such benefit year,  
20 shall be deemed (for the purpose of this subsection  
21 only and with respect to benefit years beginning prior  
22 to January 3, 1982, only) to be within such benefit  
23 year, as well as within the preceding benefit year, if  
24 the unemployed individual would, except for the  
25 provisions of the first paragraph and paragraph 1 of  
26 this subsection and of Section 605, be eligible for and

1 entitled to benefits for such week.

2 2. If benefits have been paid with respect thereto.

3 3. Unless the individual was eligible for benefits  
4 with respect thereto except for the requirements of  
5 this subsection and of Section 605.

6 D-5. Notwithstanding subsection D, if the individual's  
7 benefit year begins on or after March 8, 2020, but prior to  
8 the week following the later of (a) the last week of a  
9 disaster period established by the Gubernatorial Disaster  
10 Proclamation in response to COVID-19, dated March 9, 2020,  
11 and any subsequent Gubernatorial Disaster Proclamation in  
12 response to COVID-19 or (b) the last week for which federal  
13 sharing is provided as authorized by Section 2105 of Public  
14 Law 116-136 or any amendment thereto, the individual is not  
15 subject to the requirement that the individual be  
16 unemployed for a waiting period of one week during such  
17 benefit year.

18 E. With respect to any benefit year beginning prior to  
19 January 3, 1982, he has been paid during his base period  
20 wages for insured work not less than the amount specified  
21 in Section 500E of this Act as amended and in effect on  
22 October 5, 1980. With respect to any benefit year beginning  
23 on or after January 3, 1982, he has been paid during his  
24 base period wages for insured work equal to not less than  
25 \$1,600, provided that he has been paid wages for insured  
26 work equal to at least \$440 during that part of his base

1 period which does not include the calendar quarter in which  
2 the wages paid to him were highest.

3 F. During that week he has participated in reemployment  
4 services to which he has been referred, including but not  
5 limited to job search assistance services, pursuant to a  
6 profiling system established by the Director by rule in  
7 conformity with Section 303(j)(1) of the federal Social  
8 Security Act, unless the Director determines that:

9 1. the individual has completed such services; or

10 2. there is justifiable cause for the claimant's  
11 failure to participate in such services.

12 This subsection F is added by this amendatory Act of  
13 1995 to clarify authority already provided under  
14 subsections A and C in connection with the unemployment  
15 insurance claimant profiling system required under  
16 subsections (a)(10) and (j)(1) of Section 303 of the  
17 federal Social Security Act as a condition of federal  
18 funding for the administration of the Unemployment  
19 Insurance Act.

20 (Source: P.A. 100-477, eff. 9-8-17.)

21 (820 ILCS 405/612) (from Ch. 48, par. 442)

22 Sec. 612. Academic Personnel - Ineligibility between  
23 academic years or terms.

24 A. Benefits based on wages for services which are  
25 employment under the provisions of Sections 211.1, 211.2, and

1 302C shall be payable in the same amount, on the same terms,  
2 and subject to the same conditions as benefits payable on the  
3 basis of wages for other services which are employment under  
4 this Act; except that:

5 1. An individual shall be ineligible for benefits, on  
6 the basis of wages for employment in an instructional,  
7 research, or principal administrative capacity performed  
8 for an institution of higher education, for any week which  
9 begins during the period between two successive academic  
10 years, or during a similar period between two regular  
11 terms, whether or not successive, or during a period of  
12 paid sabbatical leave provided for in the individual's  
13 contract, if the individual has a contract or contracts to  
14 perform services in any such capacity for any institution  
15 or institutions of higher education for both such academic  
16 years or both such terms.

17 This paragraph 1 shall apply with respect to any week  
18 which begins prior to January 1, 1978.

19 2. An individual shall be ineligible for benefits, on  
20 the basis of wages for service in employment in any  
21 capacity other than those referred to in paragraph 1,  
22 performed for an institution of higher learning, for any  
23 week which begins after September 30, 1983, during a period  
24 between two successive academic years or terms, if the  
25 individual performed such service in the first of such  
26 academic years or terms and there is a reasonable assurance



1           that the individual will perform such service in the second  
2           of such academic years or terms.

3           3. An individual shall be ineligible for benefits, on  
4           the basis of wages for service in employment in any  
5           capacity other than those referred to in paragraph 1,  
6           performed for an institution of higher education, for any  
7           week which begins after January 5, 1985, during an  
8           established and customary vacation period or holiday  
9           recess, if the individual performed such service in the  
10          period immediately before such vacation period or holiday  
11          recess and there is a reasonable assurance that the  
12          individual will perform such service in the period  
13          immediately following such vacation period or holiday  
14          recess.

15          B. Benefits based on wages for services which are  
16          employment under the provisions of Sections 211.1 and 211.2  
17          shall be payable in the same amount, on the same terms, and  
18          subject to the same conditions, as benefits payable on the  
19          basis of wages for other services which are employment under  
20          this Act, except that:

21                1. An individual shall be ineligible for benefits, on  
22                the basis of wages for service in employment in an  
23                instructional, research, or principal administrative  
24                capacity performed for an educational institution, for any  
25                week which begins after December 31, 1977, during a period  
26                between two successive academic years, or during a similar

1 period between two regular terms, whether or not  
2 successive, or during a period of paid sabbatical leave  
3 provided for in the individual's contract, if the  
4 individual performed such service in the first of such  
5 academic years (or terms) and if there is a contract or a  
6 reasonable assurance that the individual will perform  
7 service in any such capacity for any educational  
8 institution in the second of such academic years (or  
9 terms).

10 2. An individual shall be ineligible for benefits, on  
11 the basis of wages for service in employment in any  
12 capacity other than those referred to in paragraph 1,  
13 performed for an educational institution, for any week  
14 which begins after December 31, 1977, during a period  
15 between two successive academic years or terms, if the  
16 individual performed such service in the first of such  
17 academic years or terms and there is a reasonable assurance  
18 that the individual will perform such service in the second  
19 of such academic years or terms.

20 3. An individual shall be ineligible for benefits, on  
21 the basis of wages for service in employment in any  
22 capacity performed for an educational institution, for any  
23 week which begins after January 5, 1985, during an  
24 established and customary vacation period or holiday  
25 recess, if the individual performed such service in the  
26 period immediately before such vacation period or holiday

1 recess and there is a reasonable assurance that the  
2 individual will perform such service in the period  
3 immediately following such vacation period or holiday  
4 recess.

5 4. An individual shall be ineligible for benefits on  
6 the basis of wages for service in employment in any  
7 capacity performed in an educational institution while in  
8 the employ of an educational service agency for any week  
9 which begins after January 5, 1985, (a) during a period  
10 between two successive academic years or terms, if the  
11 individual performed such service in the first of such  
12 academic years or terms and there is a reasonable assurance  
13 that the individual will perform such service in the second  
14 of such academic years or terms; and (b) during an  
15 established and customary vacation period or holiday  
16 recess, if the individual performed such service in the  
17 period immediately before such vacation period or holiday  
18 recess and there is a reasonable assurance that the  
19 individual will perform such service in the period  
20 immediately following such vacation period or holiday  
21 recess. The term "educational service agency" means a  
22 governmental agency or governmental entity which is  
23 established and operated exclusively for the purpose of  
24 providing such services to one or more educational  
25 institutions.

26 C. 1. If benefits are denied to any individual under the

1 provisions of paragraph 2 of either subsection A or B of this  
2 Section for any week which begins on or after September 3, 1982  
3 and such individual is not offered a bona fide opportunity to  
4 perform such services for the educational institution for the  
5 second of such academic years or terms, such individual shall  
6 be entitled to a retroactive payment of benefits for each week  
7 for which the individual filed a timely claim for benefits as  
8 determined by the rules and regulations issued by the Director  
9 for the filing of claims for benefits, provided that such  
10 benefits were denied solely because of the provisions of  
11 paragraph 2 of either subsection A or B of this Section.

12 2. If benefits on the basis of wages for service in  
13 employment in other than an instructional, research, or  
14 principal administrative capacity performed in an educational  
15 institution while in the employ of an educational service  
16 agency are denied to any individual under the provisions of  
17 subparagraph (a) of paragraph 4 of subsection B and such  
18 individual is not offered a bona fide opportunity to perform  
19 such services in an educational institution while in the employ  
20 of an educational service agency for the second of such  
21 academic years or terms, such individual shall be entitled to a  
22 retroactive payment of benefits for each week for which the  
23 individual filed a timely claim for benefits as determined by  
24 the rules and regulations issued by the Director for the filing  
25 of claims for benefits, provided that such benefits were denied  
26 solely because of subparagraph (a) of paragraph 4 of subsection

1 B of this Section.

2 D. Notwithstanding any other provision in this Section or  
3 paragraph 2 of subsection C of Section 500 to the contrary,  
4 with respect to a week of unemployment beginning on or after  
5 March 15, 2020, and before December 31, 2020, benefits shall be  
6 payable to an individual on the basis of wages for employment  
7 in other than an instructional, research, or principal  
8 administrative capacity performed for an educational  
9 institution or an educational service agency under any of the  
10 circumstances described in this Section, to the extent  
11 permitted under Section 3304(a)(6) of the Federal Unemployment  
12 Tax Act, as long as the individual is otherwise eligible for  
13 benefits.

14 (Source: P.A. 87-1178.)

15 (820 ILCS 405/1502.4 new)

16 Sec. 1502.4. Benefit charges; COVID-19.

17 A. With respect to any benefits paid for a week of  
18 unemployment that begins on or after March 15, 2020, and before  
19 December 31, 2020, and is directly or indirectly attributable  
20 to COVID-19, notwithstanding any other provisions to the  
21 contrary an employer that is subject to the payment of  
22 contributions shall not be chargeable for any benefit charges.

23 B. With respect to any regular benefits paid for a week of  
24 unemployment that begins on or after March 15, 2020, and before  
25 December 31, 2020, and is directly or indirectly attributable

1 to COVID-19, notwithstanding any other provisions to the  
2 contrary except subsection E, a nonprofit organization that is  
3 subject to making payments in lieu of contributions shall be  
4 chargeable for 50% of the benefits paid.

5 C. With respect to any benefits paid for a week of  
6 unemployment that begins on or after March 15, 2020, and before  
7 December 31, 2020, and is directly or indirectly attributable  
8 to COVID-19, notwithstanding any other provisions to the  
9 contrary except subsection E, the State and any local  
10 government that is subject to making payments in lieu of  
11 contributions shall be chargeable for 50% of the benefits paid,  
12 irrespective of whether the State or local government paid the  
13 individual who received the benefits wages for insured work  
14 during the individual's base period.

15 D. Subsections A, B, and C shall only apply to the extent  
16 that the employer can show that the individual's unemployment  
17 for the week was directly or indirectly attributable to  
18 COVID-19.

19 E. No employer shall be chargeable for the week of benefits  
20 paid to an individual under the provisions of Section 500D-1.

21 (820 ILCS 405/1505) (from Ch. 48, par. 575)

22 Sec. 1505. Adjustment of state experience factor. The state  
23 experience factor shall be adjusted in accordance with the  
24 following provisions:

25 A. For calendar years prior to 1988, the state experience

1 factor shall be adjusted in accordance with the provisions of  
2 this Act as amended and in effect on November 18, 2011.

3 B. (Blank).

4 C. For calendar year 1988 and each calendar year  
5 thereafter, for which the state experience factor is being  
6 determined.

7 1. For every \$50,000,000 (or fraction thereof) by which  
8 the adjusted trust fund balance falls below the target  
9 balance set forth in this subsection, the state experience  
10 factor for the succeeding year shall be increased one  
11 percent absolute.

12 For every \$50,000,000 (or fraction thereof) by which  
13 the adjusted trust fund balance exceeds the target balance  
14 set forth in this subsection, the state experience factor  
15 for the succeeding year shall be decreased by one percent  
16 absolute.

17 The target balance in each calendar year prior to 2003  
18 is \$750,000,000. The target balance in calendar year 2003  
19 is \$920,000,000. The target balance in calendar year 2004  
20 is \$960,000,000. The target balance in calendar year 2005  
21 and each calendar year thereafter is \$1,000,000,000.

22 2. For the purposes of this subsection:

23 "Net trust fund balance" is the amount standing to the  
24 credit of this State's account in the unemployment trust  
25 fund as of June 30 of the calendar year immediately  
26 preceding the year for which a state experience factor is

1 being determined.

2 "Adjusted trust fund balance" is the net trust fund  
3 balance minus the sum of the benefit reserves for fund  
4 building for July 1, 1987 through June 30 of the year prior  
5 to the year for which the state experience factor is being  
6 determined. The adjusted trust fund balance shall not be  
7 less than zero. If the preceding calculation results in a  
8 number which is less than zero, the amount by which it is  
9 less than zero shall reduce the sum of the benefit reserves  
10 for fund building for subsequent years.

11 For the purpose of determining the state experience  
12 factor for 1989 and for each calendar year thereafter, the  
13 following "benefit reserves for fund building" shall apply  
14 for each state experience factor calculation in which that  
15 12 month period is applicable:

16 a. For the 12 month period ending on June 30, 1988,  
17 the "benefit reserve for fund building" shall be  
18 8/104th of the total benefits paid from January 1, 1988  
19 through June 30, 1988.

20 b. For the 12 month period ending on June 30, 1989,  
21 the "benefit reserve for fund building" shall be the  
22 sum of:

23 i. 8/104ths of the total benefits paid from  
24 July 1, 1988 through December 31, 1988, plus

25 ii. 4/108ths of the total benefits paid from  
26 January 1, 1989 through June 30, 1989.



1           c. For the 12 month period ending on June 30, 1990,  
2           the "benefit reserve for fund building" shall be  
3           4/108ths of the total benefits paid from July 1, 1989  
4           through December 31, 1989.

5           d. For 1992 and for each calendar year thereafter,  
6           the "benefit reserve for fund building" for the 12  
7           month period ending on June 30, 1991 and for each  
8           subsequent 12 month period shall be zero.

9           3. Notwithstanding the preceding provisions of this  
10          subsection, for calendar years 1988 through 2003, the state  
11          experience factor shall not be increased or decreased by  
12          more than 15 percent absolute.

13          D. Notwithstanding the provisions of subsection C, the  
14          adjusted state experience factor:

15           1. Shall be 111 percent for calendar year 1988;

16           2. Shall not be less than 75 percent nor greater than  
17           135 percent for calendar years 1989 through 2003; and shall  
18           not be less than 75% nor greater than 150% for calendar  
19           year 2004 and each calendar year thereafter, not counting  
20           any increase pursuant to subsection D-1, D-2, or D-3;

21           3. Shall not be decreased by more than 5 percent  
22           absolute for any calendar year, beginning in calendar year  
23           1989 and through calendar year 1992, by more than 6%  
24           absolute for calendar years 1993 through 1995, by more than  
25           10% absolute for calendar years 1999 through 2003 and by  
26           more than 12% absolute for calendar year 2004 and each

1 calendar year thereafter, from the adjusted state  
2 experience factor of the calendar year preceding the  
3 calendar year for which the adjusted state experience  
4 factor is being determined;

5 4. Shall not be increased by more than 15% absolute for  
6 calendar year 1993, by more than 14% absolute for calendar  
7 years 1994 and 1995, by more than 10% absolute for calendar  
8 years 1999 through 2003 and by more than 16% absolute for  
9 calendar year 2004 and each calendar year thereafter, from  
10 the adjusted state experience factor for the calendar year  
11 preceding the calendar year for which the adjusted state  
12 experience factor is being determined;

13 5. Shall be 100% for calendar years 1996, 1997, and  
14 1998.

15 D-1. The adjusted state experience factor for each of  
16 calendar years 2013 through 2015 shall be increased by 5%  
17 absolute above the adjusted state experience factor as  
18 calculated without regard to this subsection. The adjusted  
19 state experience factor for each of calendar years 2016 through  
20 2018 shall be increased by 6% absolute above the adjusted state  
21 experience factor as calculated without regard to this  
22 subsection. The increase in the adjusted state experience  
23 factor for calendar year 2018 pursuant to this subsection shall  
24 not be counted for purposes of applying paragraph 3 or 4 of  
25 subsection D to the calculation of the adjusted state  
26 experience factor for calendar year 2019.

1 D-2. (Blank).

2 D-3. The adjusted state experience factor for calendar year  
3 2022 shall be increased by 16% ~~22%~~ absolute above the adjusted  
4 state experience factor as calculated without regard to this  
5 subsection. The increase in the adjusted state experience  
6 factor for calendar year 2022 pursuant to this subsection shall  
7 not be counted for purposes of applying paragraph 3 or 4 of  
8 subsection D to the calculation of the adjusted state  
9 experience factor for calendar year 2023.

10 E. The amount standing to the credit of this State's  
11 account in the unemployment trust fund as of June 30 shall be  
12 deemed to include as part thereof (a) any amount receivable on  
13 that date from any Federal governmental agency, or as a payment  
14 in lieu of contributions under the provisions of Sections 1403  
15 and 1405 B and paragraph 2 of Section 302C, in reimbursement of  
16 benefits paid to individuals, and (b) amounts credited by the  
17 Secretary of the Treasury of the United States to this State's  
18 account in the unemployment trust fund pursuant to Section 903  
19 of the Federal Social Security Act, as amended, including any  
20 such amounts which have been appropriated by the General  
21 Assembly in accordance with the provisions of Section 2100 B  
22 for expenses of administration, except any amounts which have  
23 been obligated on or before that date pursuant to such  
24 appropriation.

25 (Source: P.A. 100-568, eff. 12-15-17; 101-423, eff. 1-1-20.)

1 (820 ILCS 405/1506.6)

2 Sec. 1506.6. Surcharge; specified period. For each  
3 employer whose contribution rate for calendar year 2022 is  
4 determined pursuant to Section 1500 or 1506.1, in addition to  
5 the contribution rate established pursuant to Section 1506.3,  
6 an additional surcharge of 0.325% ~~0.425%~~ shall be added to the  
7 contribution rate. The surcharge established by this Section  
8 shall be due at the same time as other contributions with  
9 respect to the quarter are due, as provided in Section 1400.  
10 Payments attributable to the surcharge established pursuant to  
11 this Section shall be contributions and deposited into the  
12 clearing account.

13 (Source: P.A. 100-568, eff. 12-15-17; 101-423, eff. 1-1-20.)

14 Section 90. The State Mandates Act is amended by adding  
15 Section 8.44 as follows:

16 (30 ILCS 805/8.44 new)

17 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8  
18 of this Act, no reimbursement by the State is required for the  
19 implementation of any mandate created by this amendatory Act of  
20 the 101st General Assembly.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.