



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by Jay C. Hoffman

**SYNOPSIS AS INTRODUCED:**

820 ILCS 405/601

from Ch. 48, par. 431

Amends the Unemployment Insurance Act. In provisions making an individual ineligible for benefits for leaving work voluntarily without good cause, creates an exception if the individual left work due to circumstances resulting from the individual being a victim of stalking. Effective immediately.

LRB093 16061 WGH 41687 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning employment.

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

4 Section 5. The Unemployment Insurance Act is amended by  
5 changing Section 601 as follows:

6 (820 ILCS 405/601) (from Ch. 48, par. 431)

7 Sec. 601. Voluntary leaving.

8 A. An individual shall be ineligible for benefits for the  
9 week in which he has left work voluntarily without good cause  
10 attributable to the employing unit and, thereafter, until he  
11 has become reemployed and has had earnings equal to or in  
12 excess of his current weekly benefit amount in each of four  
13 calendar weeks which are either for services in employment, or  
14 have been or will be reported pursuant to the provisions of the  
15 Federal Insurance Contributions Act by each employing unit for  
16 which such services are performed and which submits a statement  
17 certifying to that fact.

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

20 1. Because he is deemed physically unable to perform  
21 his work by a licensed and practicing physician, or has  
22 left work voluntarily upon the advice of a licensed and  
23 practicing physician that assistance is necessary for the  
24 purpose of caring for his spouse, child, or parent who is  
25 in poor physical health and such assistance will not allow  
26 him to perform the usual and customary duties of his  
27 employment, and he has notified the employing unit of the  
28 reasons for his absence;

29 2. To accept other bona fide work and, after such  
30 acceptance, the individual is either not unemployed in each  
31 of 2 weeks, or earns remuneration for such work equal to at  
32 least twice his current weekly benefit amount;

1           3. In lieu of accepting a transfer to other work  
2 offered to the individual by the employing unit under the  
3 terms of a collective bargaining agreement or pursuant to  
4 an established employer plan, program, or policy, if the  
5 acceptance of such other work by the individual would  
6 require the separation from that work of another individual  
7 currently performing it;

8           4. Solely because of the sexual harassment of the  
9 individual by another employee. Sexual harassment means  
10 (1) unwelcome sexual advances, requests for sexual favors,  
11 sexually motivated physical contact or other conduct or  
12 communication which is made a term or condition of the  
13 employment or (2) the employee's submission to or rejection  
14 of such conduct or communication which is the basis for  
15 decisions affecting employment, or (3) when such conduct or  
16 communication has the purpose or effect of substantially  
17 interfering with an individual's work performance or  
18 creating an intimidating, hostile, or offensive working  
19 environment and the employer knows or should know of the  
20 existence of the harassment and fails to take timely and  
21 appropriate action;

22           5. Which he had accepted after separation from other  
23 work, and the work which he left voluntarily would be  
24 deemed unsuitable under the provisions of Section 603;

25           6. (a) Because the individual left work due to  
26 circumstances resulting from the individual being a victim  
27 of domestic violence as defined in Section 103 of the  
28 Illinois Domestic Violence Act of 1986 or stalking; and  
29 provided, such individual has made reasonable efforts to  
30 preserve the employment. As used in this Section,  
31 "stalking" means any conduct proscribed by the Criminal  
32 Code of 1961 in Sections 12-7.3 and 12-7.4.

33           (i) For the purposes of this paragraph 6, the  
34 individual shall be treated as being a victim of domestic  
35 violence if the individual provides the following:

36           (A) ~~(i)~~ written notice to the employing unit of the

1 reason for the individual's voluntarily leaving; and

2 (B) ~~(ii)~~ to the Department provides:

3 (I) ~~(A)~~ an order of protection or other  
4 documentation of equitable relief issued by a  
5 court of competent jurisdiction; or

6 (II) ~~(B)~~ a police report or criminal charges  
7 documenting the domestic violence; or

8 (III) ~~(C)~~ medical documentation of the  
9 domestic violence; or

10 (IV) ~~(D)~~ evidence of domestic violence from a  
11 counselor, social worker, health worker or  
12 domestic violence shelter worker.

13 (ii) For the purposes of this paragraph 6, the  
14 individual shall be treated as being a victim of stalking  
15 if the individual:

16 (A) provides written notice to the employing unit  
17 of the reason for the individual's voluntarily  
18 leaving; and

19 (B) provides to the Department:

20 (I) documentation of equitable relief issued  
21 by a court of competent jurisdiction; or

22 (II) a police report or criminal charges  
23 documenting the stalking; or

24 (III) evidence of stalking from a counselor,  
25 social worker, or domestic violence shelter  
26 worker.

27 (b) If the individual does not meet the provisions of  
28 subparagraph (a), the individual shall be held to have  
29 voluntarily terminated employment for the purpose of  
30 determining the individual's eligibility for benefits  
31 pursuant to subsection A.

32 (c) Notwithstanding any other provision to the  
33 contrary, evidence of domestic violence or stalking  
34 experienced by an individual, including the individual's  
35 statement and corroborating evidence, shall not be  
36 disclosed by the Department unless consent for disclosure

1           is given by the individual.

2           (Source: P.A. 93-634, eff. 1-1-04.)

3           Section 99. Effective date. This Act takes effect upon  
4           becoming law.