



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2177

Introduced 2/14/2008, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

820 ILCS 405/500
820 ILCS 405/612

from Ch. 48, par. 420
from Ch. 48, par. 442

Amends the Unemployment Insurance Act. Deletes language that provided that an individual shall be considered to be unavailable for work on a day that is a holiday according to the custom of the individual's trade or occupation if the individual's failure to work on that day is a result of the holiday. Changes provisions regarding the eligibility of certain academic and other personnel between academic years and during vacation periods to provide that an individual is ineligible for benefits on the basis of wages for services in an instructional, research, or principal administrative capacity performed for an educational institution (including services performed while in the employ of an educational service agency) during the period between 2 successive academic years or terms, during a paid sabbatical leave, or during an established and customary vacation period or holiday recess if the individual performed those services immediately before the period or recess and there is a reasonable assurance that the individual will perform those services after the period or recess. Contains applicability provisions.

LRB095 17457 WGH 43530 b

1 AN ACT concerning unemployment insurance.

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 Sections 500 and 612 as follows:

6 (820 ILCS 405/500) (from Ch. 48, par. 420)

7 Sec. 500. Eligibility for benefits. An unemployed
8 individual shall be eligible to receive benefits with respect
9 to any week only if the Director finds that:

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

20 B. He has made a claim for benefits with respect to such
21 week in accordance with such regulations as the Director may
22 prescribe.

23 C. He is able to work, and is available for work; provided

1 that during the period in question he was actively seeking work
2 and he has certified such. Whenever requested to do so by the
3 Director, the individual shall, in the manner the Director
4 prescribes by regulation, inform the Department of the places
5 at which he has sought work during the period in question.
6 Nothing in this subsection shall limit the Director's approval
7 of alternate methods of demonstrating an active search for work
8 based on regular reporting to a trade union office.

9 1. If an otherwise eligible individual is unable to
10 work or is unavailable for work on any normal workday of
11 the week, he shall be eligible to receive benefits with
12 respect to such week reduced by one-fifth of his weekly
13 benefit amount for each day of such inability to work or
14 unavailability for work. For the purposes of this
15 paragraph, an individual who reports on a day subsequent to
16 his designated report day shall be deemed unavailable for
17 work on his report day if his failure to report on that day
18 is without good cause, and on each intervening day, if any,
19 on which his failure to report is without good cause. As
20 used in the preceding sentence, "report day" means the day
21 which has been designated for the individual to report to
22 file his claim for benefits with respect to any week. This
23 paragraph shall not be construed so as to effect any change
24 in the status of part-time workers as defined in Section
25 407.

26 2. An individual shall be considered to be unavailable

1 for work on days listed as whole holidays in "An Act to
2 revise the law in relation to promissory notes, bonds, due
3 bills and other instruments in writing," approved March 18,
4 1874, as amended; on days which are holidays in his
5 religion or faith, ~~and on days which are holidays according~~
6 ~~to the custom of his trade or occupation,~~ if his failure to
7 work on such day is a result of the holiday. In determining
8 the claimant's eligibility for benefits and the amount to
9 be paid him, with respect to the week in which such holiday
10 occurs, he shall have attributed to him as additional
11 earnings for that week an amount equal to one-fifth of his
12 weekly benefit amount for each normal work day on which he
13 does not work because of a holiday of the type above
14 enumerated.

15 3. An individual shall be deemed unavailable for work
16 if, after his separation from his most recent employing
17 unit, he has removed himself to and remains in a locality
18 where opportunities for work are substantially less
19 favorable than those in the locality he has left.

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

24 5. Notwithstanding any other provisions of this Act, an
25 individual shall not be deemed unavailable for work or to
26 have failed actively to seek work, nor shall he be

1 ineligible for benefits by reason of the application of the
2 provisions of Section 603, with respect to any week,
3 because he is enrolled in and is in regular attendance at a
4 training course approved for him by the Director:

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

1 not disapprove such course solely by reason of clause
2 (5) if the subsistence payment or similar assistance is
3 subject to reduction by an amount equal to any benefits
4 payable to the individual under this Act in the absence
5 of the clause. In the event that an individual's weekly
6 unemployment compensation benefit is less than his
7 certified training allowance, that person shall be
8 eligible to receive his entire unemployment
9 compensation benefits, plus such supplemental training
10 allowances that would make an applicant's total weekly
11 benefit identical to the original certified training
12 allowance.

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

20 (c) The Director shall for purposes of paragraph C
21 have the authority to issue a blanket approval of
22 training programs implemented pursuant to the federal
23 Workforce Investment Act of 1998 if both the training
24 program and the criteria for an individual's
25 participation in such training meet the requirements
26 of this 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 collective
5 bargaining agreement.

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

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

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

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

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

26 3. Unless the individual was eligible for benefits with

1 respect thereto except for the requirements of this
2 subsection and of Section 605.

3 E. With respect to any benefit year beginning prior to
4 January 3, 1982, he has been paid during his base period wages
5 for insured work not less than the amount specified in Section
6 500E of this Act as amended and in effect on October 5, 1980.
7 With respect to any benefit year beginning on or after January
8 3, 1982, he has been paid during his base period wages for
9 insured work equal to not less than \$1,600, provided that he
10 has been paid wages for insured work equal to at least \$440
11 during that part of his base period which does not include the
12 calendar quarter in which the wages paid to him were highest.

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

- 19 1. the individual has completed such services; or
20 2. there is justifiable cause for the claimant's
21 failure to participate in such services.

22 This subsection F is added by this amendatory Act of 1995
23 to clarify authority already provided under subsections A and C
24 in connection with the unemployment insurance claimant
25 profiling system required under subsections (a)(10) and (j)(1)
26 of Section 303 of the federal Social Security Act as a

1 condition of federal funding for the administration of the
2 Unemployment Insurance Act.

3 (Source: P.A. 92-396, eff. 1-1-02.)

4 (820 ILCS 405/612) (from Ch. 48, par. 442)

5 Sec. 612. Academic Personnel - Ineligibility between
6 academic years or terms.

7 ~~A.~~ Benefits based on wages for services which are
8 employment under the provisions of Sections 211.1~~7~~ and 211.2~~7~~
9 ~~and 302C~~ shall be payable in the same amount, on the same
10 terms, and subject to the same conditions as benefits payable
11 on the basis of wages for other services which are employment
12 under this Act; except that an individual is ineligible for
13 benefits, on the basis of wages for services in an
14 instructional, research, or principal administrative capacity
15 performed:

16 1. For an educational institution, for any week that
17 begins during the period between 2 successive academic
18 years or terms (or, when an agreement provides instead for
19 a similar period between 2 regular but not successive
20 terms, during that period) or during a period of paid
21 sabbatical leave provided for in the individual's
22 contract, if the individual performs those services in the
23 first of the academic years (or terms) and there is a
24 contract or reasonable assurance that the individual will
25 perform services in any such capacity for any educational

1 institution, in the second of those academic years or
2 terms.

3 2. For an educational institution, for any week that
4 begins during an established and customary vacation period
5 or holiday recess, if the individual performs those
6 services in the period immediately before the vacation
7 period or holiday recess and there is a reasonable
8 assurance that the individual will perform those services
9 in the period immediately following the vacation period or
10 holiday recess.

11 3. In an educational institution, while in the employ
12 of an educational service agency for any week: (i) during a
13 period between 2 successive academic years or terms, if the
14 individual performed those services in the first of those
15 academic years or terms and there is a reasonable assurance
16 that the individual will perform those services in the
17 second of those academic years or terms; and (ii) during an
18 established and customary vacation period or holiday
19 recess, if the individual performed those services in the
20 period immediately before the vacation period or holiday
21 recess and there is a reasonable assurance that the
22 individual will perform those services in the period
23 immediately following the vacation period or holiday
24 recess. As used in this Section, "educational service
25 agency" means a governmental agency or governmental entity
26 that is established and operated exclusively for the

1 purpose of providing such service to one or more
2 educational institutions.

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

14 ~~This paragraph 1 shall apply with respect to any week which~~
15 ~~begins prior to January 1, 1978.~~

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

26 ~~3. An individual shall be ineligible for benefits, on~~

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

12 ~~B. Benefits based on wages for services which are~~
13 ~~employment under the provisions of Sections 211.1 and 211.2~~
14 ~~shall be payable in the same amount, on the same terms, and~~
15 ~~subject to the same conditions, as benefits payable on the~~
16 ~~basis of wages for other services which are employment under~~
17 ~~this Act, except that: 1. an individual shall be ineligible for~~
18 ~~benefits, on the basis of wages for service in employment in an~~
19 ~~instructional, research, or principal administrative capacity~~
20 ~~performed for an educational institution, for any week which~~
21 ~~begins after December 31, 1977, during a period between two~~
22 ~~successive academic years, or during a similar period between~~
23 ~~two regular terms, whether or not successive, or during a~~
24 ~~period of paid sabbatical leave provided for in the~~
25 ~~individual's contract, if the individual performed such~~
26 ~~service in the first of such academic years (or terms) and if~~

1 ~~there is a contract or a reasonable assurance that the~~
2 ~~individual will perform service in any such capacity for any~~
3 ~~educational institution in the second of such academic years~~
4 ~~(or terms).~~

5 ~~2. An individual shall be ineligible for benefits, on~~
6 ~~the basis of wages for service in employment in any~~
7 ~~capacity other than those referred to in paragraph 1,~~
8 ~~performed for an educational institution, for any week~~
9 ~~which begins after December 31, 1977, 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.~~

15 ~~3. An individual shall be ineligible for benefits, on~~
16 ~~the basis of wages for service in employment in any~~
17 ~~capacity performed for an educational institution, for any~~
18 ~~week which begins after January 5, 1985, during an~~
19 ~~established and customary vacation period or holiday~~
20 ~~recess, if the individual performed such service in the~~
21 ~~period immediately before such vacation period or holiday~~
22 ~~recess and there is a reasonable assurance that the~~
23 ~~individual will perform such service in the period~~
24 ~~immediately following such vacation period or holiday~~
25 ~~recess.~~

26 ~~4. An individual shall be ineligible for benefits on~~

~~the basis of wages for service in employment in any capacity performed in an educational institution while in the employ of an educational service agency for any week which begins after January 5, 1985, (a) during a period between two successive academic years or terms, if the individual performed such service in the first of such academic years or terms and there is a reasonable assurance that the individual will perform such service in the second of such academic years or terms; and (b) during an established and customary vacation period or holiday recess, if the individual performed such service in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that the individual will perform such service in the period immediately following such vacation period or holiday recess. The term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.~~

~~C. 1. If benefits are denied to any individual under the provisions of paragraph 2 of either subsection A or B of this Section for any week which begins on or after September 3, 1982 and such individual is not offered a bona fide opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall~~

1 ~~be entitled to a retroactive payment of benefits for each week~~
2 ~~for which the individual filed a timely claim for benefits as~~
3 ~~determined by the rules and regulations issued by the Director~~
4 ~~for the filing of claims for benefits, provided that such~~
5 ~~benefits were denied solely because of the provisions of~~
6 ~~paragraph 2 of either subsection A or B of this Section.~~

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

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

24 Section 10. This Section 10 applies with respect to a
25 period between 2 successive academic years or terms where the

1 period begins prior to the effective date of this Act. When an
2 individual is, with respect to any portion of that period,
3 denied benefits pursuant to Section 612 of the Unemployment
4 Insurance Act on the basis of wages for service other than in
5 an instructional, research, or principal administrative
6 capacity and the individual is not offered a bona fide
7 opportunity to perform such service for the second of such
8 academic years or terms, the provisions of that Section 612, as
9 in effect immediately prior to the effective date of this Act,
10 shall continue to apply with respect to such portion.