



Rep. Lisa M. Dugan

**Filed: 11/12/2010**

09600HB2108ham001

LRB096 05657 AEK 43816 a

1 AMENDMENT TO HOUSE BILL 2108

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2108 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unemployment Insurance Act is amended by  
5 adding Section 407.5 as follows:

6 (820 ILCS 405/407.5 new)

7 Sec. 407.5. Shared Work Benefits.

8 A. Notwithstanding any other provision of this Act, for the  
9 purposes of this Section an individual is "unemployed" in any  
10 week if the individual works less than his or her normal hours  
11 or number of days in a week for the individual's regular  
12 employer, and the Director finds that the regular employer has  
13 reduced or restricted the individual's hours or days of work,  
14 or has rehired an individual previously laid off and reduced  
15 that individual's hours or days of work from those previously  
16 worked, as the result of a plan by the regular employer to

1 reduce unemployment and stabilize the work force through a  
2 program of sharing the work remaining after a reduction in  
3 total hours of work and a corresponding reduction in wages,  
4 among not less than 10% of the employer's regular permanent  
5 work force involved in the affected work unit or units.

6 B. Except as otherwise provided in this Section, each  
7 individual eligible under this Act who is "unemployed" in any  
8 week shall be paid with respect to that week a weekly shared  
9 work benefit amount equal to the percentage of reduction of the  
10 individual's wages resulting from reduced hours or days of  
11 work, rounded to the nearest 10%, multiplied by 50% of the  
12 lesser of the individual's current full time weekly wage  
13 rounded to the next higher dollar or the Statewide average  
14 weekly wage as defined in paragraph 2 of subsection B of  
15 Section 401 of this Act, except that this provision shall apply  
16 only if the percentage of reduction is 10% or more. The shared  
17 work benefit amount shall be rounded (if not already a multiple  
18 of one dollar) to the next higher dollar.

19 C. No individual shall be paid any benefits under this  
20 Section in excess of 20 weeks of benefits during a period of 52  
21 consecutive weeks, beginning with the first week of benefits  
22 paid under this Section. An individual shall be ineligible for  
23 benefits under this Section for any week with respect to which  
24 the individual has made a claim for unemployment insurance  
25 benefits pursuant to any other Section of this Act or under an  
26 unemployment insurance law of any other State or Canada or

1 under an unemployment insurance system established by an Act of  
2 Congress; provided, however, that if the appropriate agency  
3 finally determines that the individual is not entitled to  
4 unemployment insurance benefits for the week or weeks involved  
5 and that determination has become final and unappealable, the  
6 ineligibility arising from the making of a claim under this  
7 subsection shall not apply.

8 D. Any amount payable under this Section shall be reduced  
9 by the amount of any and all compensation payable for personal  
10 services whether performed as an employee or an independent  
11 contractor or as a juror or as a witness, except compensation  
12 payable by the regular employer not in excess of compensation  
13 payable for reduced hours of work assigned an individual by the  
14 regular employer under a shared work plan.

15 E. All benefits payable under this Section shall be paid  
16 from the Shared Work Benefits Fund which is hereby created.  
17 Following any biweekly period or periods, participating  
18 employers shall submit to the Department, on forms provided by  
19 the Director, a list of those employees who, during any prior  
20 biweekly period or periods, are entitled to shared work  
21 benefits, the week or weeks for which they are entitled, and  
22 the amount of such benefits to be paid to each employee.  
23 Additional information shall be submitted as may be required by  
24 the Director. The completed form shall be accompanied by the  
25 employer's payment in an amount equal to all benefits to be  
26 paid for the biweekly period or periods pursuant to this

1 Section. The employer's form shall also be accompanied by the  
2 certifications, on forms provided by the Director, of each  
3 employee entitled to receive shared work benefits for the  
4 biweekly period or periods. The employee certification form  
5 shall include such information as may be required by the  
6 Director. All amounts collected pursuant to this Section shall  
7 be deposited into the Shared Work Benefits Fund. No benefits  
8 may be paid under this Section to an employee of an employer  
9 for any period for which the employer has not submitted the  
10 necessary forms or payments.

11 F. Except as otherwise provided by or inconsistent with  
12 this Section, all provisions of this Act and authorized  
13 regulations apply to benefits under this Section. Authorized  
14 regulations may, to the extent permitted by federal law, make  
15 such distinctions and requirements as may be necessary in the  
16 procedures and provisions applicable to unemployed individuals  
17 to carry out the purposes of this Section. No employee shall be  
18 required to register for work or actively seek work as a  
19 condition of receiving benefits under this Section.

20 G. The Department, in the administration of the program  
21 created by this Section, shall establish guidelines which  
22 ensure the equitable and consistent administration of the  
23 program.

24 H. The program created by this Section shall not affect any  
25 pension or insurance benefit of employees participating in the  
26 program.

1       I. Employees shall not be eligible to receive any benefits  
2 under this Section unless their employer agrees, in writing,  
3 and their bargaining agent pursuant to any applicable  
4 collective bargaining agreement agrees, in writing, to  
5 voluntarily participate in the shared work program approved by  
6 the Director.

7       J. The Director shall receive and hold, as custodian, all  
8 moneys paid to the Shared Work Benefits Fund in a  
9 nonappropriated local account. The moneys in such account  
10 (which shall be kept separate and apart from all other public  
11 moneys) shall be expended solely for the payment of benefits  
12 under the provisions of this Act and in accordance with any  
13 guidelines the Director may subsequently develop. The General  
14 Assembly shall appropriate funds for the administration of the  
15 Shared Work Program. In the event that the funds appropriated  
16 for the administration of the Shared Work Program are  
17 insufficient for the proper administration of this Program, as  
18 determined by the Director, the Program and any benefits  
19 payable pursuant to this Section shall terminate until such  
20 time as the Director determines that a sufficient appropriation  
21 is available.

22       Section 99. Effective date. This Act takes effect January  
23 1, 2011."