



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4613

Introduced 2/1/2012, by Rep. Jil Tracy

SYNOPSIS AS INTRODUCED:

820 ILCS 405/602

from Ch. 48, par. 432

Amends the Unemployment Insurance Act. Provides that misconduct need not be deliberate and willful when there is a violation of an employer's reasonable rule or policy, in a provision determining eligibility for benefits after a discharge for misconduct. Makes a change concerning the nature of an employer's warning or instruction in regards to repeated misconduct.

LRB097 19994 JLS 65292 b

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 602 as follows:

6 (820 ILCS 405/602) (from Ch. 48, par. 432)

7 Sec. 602. Discharge for misconduct - Felony. A. An
8 individual shall be ineligible for benefits for the week in
9 which he has been discharged for misconduct connected with his
10 work and, thereafter, until he has become reemployed and has
11 had earnings equal to or in excess of his current weekly
12 benefit amount in each of four calendar weeks which are either
13 for services in employment, or have been or will be reported
14 pursuant to the provisions of the Federal Insurance
15 Contributions Act by each employing unit for which such
16 services are performed and which submits a statement certifying
17 to that fact. The requalification requirements of the preceding
18 sentence shall be deemed to have been satisfied, as of the date
19 of reinstatement, if, subsequent to his discharge by an
20 employing unit for misconduct connected with his work, such
21 individual is reinstated by such employing unit. For purposes
22 of this subsection, the term "misconduct" means the ~~deliberate~~
23 ~~and willful~~ violation of a reasonable rule or policy of the

1 employing unit, governing the individual's behavior in
2 performance of his work, provided such violation has harmed the
3 employing unit or other employees or has been repeated by the
4 individual despite a warning or other ~~explicit~~ instruction from
5 the employing unit.

6 B. Notwithstanding any other provision of this Act, no
7 benefit rights shall accrue to any individual based upon wages
8 from any employer for service rendered prior to the day upon
9 which such individual was discharged because of the commission
10 of a felony in connection with his work, or because of theft in
11 connection with his work, for which the employer was in no way
12 responsible; provided, that the employer notified the Director
13 of such possible ineligibility within the time limits specified
14 by regulations of the Director, and that the individual has
15 admitted his commission of the felony or theft to a
16 representative of the Director, or has signed a written
17 admission of such act and such written admission has been
18 presented to a representative of the Director, or such act has
19 resulted in a conviction or order of supervision by a court of
20 competent jurisdiction; and provided further, that if by reason
21 of such act, he is in legal custody, held on bail or is a
22 fugitive from justice, the determination of his benefit rights
23 shall be held in abeyance pending the result of any legal
24 proceedings arising therefrom.

25 (Source: P.A. 85-956.)