



Sen. Terry Link

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09900HB1285sam002

LRB099 05155 KTG 39672 a

1 AMENDMENT TO HOUSE BILL 1285

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1285 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unemployment Insurance Act is amended by  
5 changing Sections 401, 403, 602, 611, 1505, and 1506.6 as  
6 follows:

7 (820 ILCS 405/401) (from Ch. 48, par. 401)

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

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

14 B. 1. With respect to any benefit year beginning on or  
15 after January 4, 2004 and before January 6, 2008, an  
16 individual's weekly benefit amount shall be 48% of his or her

1 prior average weekly wage, rounded (if not already a multiple  
2 of one dollar) to the next higher dollar; provided, however,  
3 that the weekly benefit amount cannot exceed the maximum weekly  
4 benefit amount and cannot be less than \$51. Except as otherwise  
5 provided in this Section, with respect to any benefit year  
6 beginning on or after January 6, 2008, an individual's weekly  
7 benefit amount shall be 47% of his or her prior average weekly  
8 wage, rounded (if not already a multiple of one dollar) to the  
9 next higher dollar; provided, however, that the weekly benefit  
10 amount cannot exceed the maximum weekly benefit amount and  
11 cannot be less than \$51. ~~With respect to any benefit year~~  
12 ~~beginning in calendar year 2016, an individual's weekly benefit~~  
13 ~~amount shall be 42.8% 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, however, that the weekly benefit~~  
16 ~~amount cannot exceed the maximum weekly benefit amount and~~  
17 ~~cannot be less than \$51.~~ With respect to any benefit year  
18 beginning in calendar year 2018, an individual's weekly benefit  
19 amount shall be 42.9% of his or her prior average weekly wage,  
20 rounded (if not already a multiple of one dollar) to the next  
21 higher dollar; provided, however, that the weekly benefit  
22 amount cannot exceed the maximum weekly benefit amount and  
23 cannot be less than \$51.

24 2. For the purposes of this subsection:

25 An individual's "prior average weekly wage" means the total  
26 wages for insured work paid to that individual during the 2

1 calendar quarters of his base period in which such total wages  
2 were highest, divided by 26. If the quotient is not already a  
3 multiple of one dollar, it shall be rounded to the nearest  
4 dollar; however if the quotient is equally near 2 multiples of  
5 one dollar, it shall be rounded to the higher multiple of one  
6 dollar.

7 "Determination date" means June 1 and December 1 of each  
8 calendar year except that, for the purposes of this Act only,  
9 there shall be no June 1 determination date in any year.

10 "Determination period" means, with respect to each June 1  
11 determination date, the 12 consecutive calendar months ending  
12 on the immediately preceding December 31 and, with respect to  
13 each December 1 determination date, the 12 consecutive calendar  
14 months ending on the immediately preceding June 30.

15 "Benefit period" means the 12 consecutive calendar month  
16 period beginning on the first day of the first calendar month  
17 immediately following a determination date, except that, with  
18 respect to any calendar year in which there is a June 1  
19 determination date, "benefit period" shall mean the 6  
20 consecutive calendar month period beginning on the first day of  
21 the first calendar month immediately following the preceding  
22 December 1 determination date and the 6 consecutive calendar  
23 month period beginning on the first day of the first calendar  
24 month immediately following the June 1 determination date.

25 "Gross wages" means all the wages paid to individuals  
26 during the determination period immediately preceding a

1 determination date for insured work, and reported to the  
2 Director by employers prior to the first day of the third  
3 calendar month preceding that date.

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

7 "Average monthly covered employment" means one-twelfth of  
8 the sum of the covered employment for the 12 months of a  
9 determination period.

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

14 "Statewide average weekly wage" means the quotient,  
15 obtained by dividing the statewide average annual wage by 52,  
16 rounded (if not already a multiple of one cent) to the nearest  
17 cent. Notwithstanding any provision of this Section to the  
18 contrary, the statewide average weekly wage for any benefit  
19 period prior to calendar year 2012 shall be as determined by  
20 the provisions of this Act as amended and in effect on November  
21 18, 2011. Notwithstanding any provisions of this Section to the  
22 contrary, the statewide average weekly wage for the benefit  
23 period of calendar year 2012 shall be \$856.55 and for each  
24 calendar year thereafter, the statewide average weekly wage  
25 shall be the statewide average weekly wage, as determined in  
26 accordance with this sentence, for the immediately preceding

1 benefit period plus (or minus) an amount equal to the  
2 percentage change in the statewide average weekly wage, as  
3 computed in accordance with the first sentence of this  
4 paragraph, between the 2 immediately preceding benefit  
5 periods, multiplied by the statewide average weekly wage, as  
6 determined in accordance with this sentence, for the  
7 immediately preceding benefit period. However, for purposes of  
8 the Workers' Compensation Act, the statewide average weekly  
9 wage will be computed using June 1 and December 1 determination  
10 dates of each calendar year and such determination shall not be  
11 subject to the limitation of the statewide average weekly wage  
12 as computed in accordance with the preceding sentence of this  
13 paragraph.

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

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

25 Except as otherwise provided in this Section, with respect  
26 to any benefit year beginning on or after January 6, 2008,

1 "maximum weekly benefit amount" with respect to each week  
2 beginning within a benefit period means 47% of the statewide  
3 average weekly wage, rounded (if not already a multiple of one  
4 dollar) to the next higher dollar.

5 ~~With respect to any benefit year beginning in calendar year~~  
6 ~~2016, "maximum weekly benefit amount" with respect to each week~~  
7 ~~beginning within a benefit period means 42.8% of the statewide~~  
8 ~~average weekly wage, rounded (if not already a multiple of one~~  
9 ~~dollar) to the next higher dollar.~~

10 With respect to any benefit year beginning in calendar year  
11 2018, "maximum weekly benefit amount" with respect to each week  
12 beginning within a benefit period means 42.9% of the statewide  
13 average weekly wage, rounded (if not already a multiple of one  
14 dollar) to the next higher dollar.

15 C. With respect to any week beginning in a benefit year  
16 beginning prior to January 4, 2004, an individual's eligibility  
17 for a dependent allowance with respect to a nonworking spouse  
18 or one or more dependent children shall be as defined by the  
19 provisions of this Act as amended and in effect on November 18,  
20 2011.

21 With respect to any benefit year beginning on or after  
22 January 4, 2004 and before January 6, 2008, an individual to  
23 whom benefits are payable with respect to any week shall, in  
24 addition to those benefits, be paid, with respect to such week,  
25 as follows: in the case of an individual with a nonworking  
26 spouse, 9% of his or her prior average weekly wage, rounded (if

1 not already a multiple of one dollar) to the next higher  
2 dollar, provided, that the total amount payable to the  
3 individual with respect to a week shall not exceed 57% of the  
4 statewide average weekly wage, rounded (if not already a  
5 multiple of one dollar) to the next higher dollar; and in the  
6 case of an individual with a dependent child or dependent  
7 children, 17.2% of his or her prior average weekly wage,  
8 rounded (if not already a multiple of one dollar) to the next  
9 higher dollar, provided that the total amount payable to the  
10 individual with respect to a week shall not exceed 65.2% of the  
11 statewide average weekly wage, rounded (if not already a  
12 multiple of one dollar) to the next higher dollar.

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

1 higher dollar, provided that the total amount payable to the  
2 individual with respect to a week shall not exceed 65.2% of the  
3 statewide average weekly wage, rounded (if not already a  
4 multiple of one dollar) to the next higher dollar.

5 The additional amount paid pursuant to this subsection in  
6 the case of an individual with a dependent child or dependent  
7 children shall be referred to as the "dependent child  
8 allowance", and the percentage rate by which an individual's  
9 prior average weekly wage is multiplied pursuant to this  
10 subsection to calculate the dependent child allowance shall be  
11 referred to as the "dependent child allowance rate".

12 Except as otherwise provided in this Section, with respect  
13 to any benefit year beginning on or after January 1, 2010, an  
14 individual to whom benefits are payable with respect to any  
15 week shall, in addition to those benefits, be paid, with  
16 respect to such week, as follows: in the case of an individual  
17 with a nonworking spouse, the greater of (i) 9% of his or her  
18 prior average weekly wage, rounded (if not already a multiple  
19 of one dollar) to the next higher dollar, or (ii) \$15, provided  
20 that the total amount payable to the individual with respect to  
21 a week shall not exceed 56% of the statewide average weekly  
22 wage, rounded (if not already a multiple of one dollar) to the  
23 next higher dollar; and in the case of an individual with a  
24 dependent child or dependent children, the greater of (i) the  
25 product of the dependent child allowance rate multiplied by his  
26 or her prior average weekly wage, rounded (if not already a



1 multiple of one dollar) to the next higher dollar, or (ii) the  
2 lesser of \$50 or 50% of his or her weekly benefit amount,  
3 rounded (if not already a multiple of one dollar) to the next  
4 higher dollar, provided that the total amount payable to the  
5 individual with respect to a week shall not exceed the product  
6 of the statewide average weekly wage multiplied by the sum of  
7 47% plus the dependent child allowance rate, rounded (if not  
8 already a multiple of one dollar) to the next higher dollar.

9 ~~With respect to any benefit year beginning in calendar year~~  
10 ~~2016, an individual to whom benefits are payable with respect~~  
11 ~~to any week shall, in addition to those benefits, be paid, with~~  
12 ~~respect to such week, as follows: in the case of an individual~~  
13 ~~with a nonworking spouse, the greater of (i) 9% of his or her~~  
14 ~~prior average weekly wage, rounded (if not already a multiple~~  
15 ~~of one dollar) to the next higher dollar, or (ii) \$15, provided~~  
16 ~~that the total amount payable to the individual with respect to~~  
17 ~~a week shall not exceed 51.8% of the statewide average weekly~~  
18 ~~wage, rounded (if not already a multiple of one dollar) to the~~  
19 ~~next higher dollar; and in the case of an individual with a~~  
20 ~~dependent child or dependent children, the greater of (i) the~~  
21 ~~product of the dependent child allowance rate multiplied by his~~  
22 ~~or her prior average weekly wage, rounded (if not already a~~  
23 ~~multiple of one dollar) to the next higher dollar, or (ii) the~~  
24 ~~lesser of \$50 or 50% of his or her weekly benefit amount,~~  
25 ~~rounded (if not already a multiple of one dollar) to the next~~  
26 ~~higher dollar, provided that the total amount payable to the~~

1 ~~individual with respect to a week shall not exceed the product~~  
2 ~~of the statewide average weekly wage multiplied by the sum of~~  
3 ~~42.8% plus the dependent child allowance rate, rounded (if not~~  
4 ~~already a multiple of one dollar) to the next higher dollar.~~

5 With respect to any benefit year beginning in calendar year  
6 2018, an individual to whom benefits are payable with respect  
7 to any week shall, in addition to those benefits, be paid, with  
8 respect to such week, as follows: in the case of an individual  
9 with a nonworking spouse, the greater of (i) 9% of his or her  
10 prior average weekly wage, rounded (if not already a multiple  
11 of one dollar) to the next higher dollar, or (ii) \$15, provided  
12 that the total amount payable to the individual with respect to  
13 a week shall not exceed 51.9% of the statewide average weekly  
14 wage, rounded (if not already a multiple of one dollar) to the  
15 next higher dollar; and in the case of an individual with a  
16 dependent child or dependent children, the greater of (i) the  
17 product of the dependent child allowance rate multiplied by his  
18 or her prior average weekly wage, rounded (if not already a  
19 multiple of one dollar) to the next higher dollar, or (ii) the  
20 lesser of \$50 or 50% of his or her weekly benefit amount,  
21 rounded (if not already a multiple of one dollar) to the next  
22 higher dollar, provided that the total amount payable to the  
23 individual with respect to a week shall not exceed the product  
24 of the statewide average weekly wage multiplied by the sum of  
25 42.9% plus the dependent child allowance rate, rounded (if not  
26 already a multiple of one dollar) to the next higher dollar.

1           With respect to each benefit year beginning after calendar  
2 year 2012, the dependent child allowance rate shall be the sum  
3 of the allowance adjustment applicable pursuant to Section  
4 1400.1 to the calendar year in which the benefit year begins,  
5 plus the dependent child allowance rate with respect to each  
6 benefit year beginning in the immediately preceding calendar  
7 year, except as otherwise provided in this subsection. The  
8 dependent child allowance rate with respect to each benefit  
9 year beginning in calendar year 2010 shall be 17.9%. The  
10 dependent child allowance rate with respect to each benefit  
11 year beginning in calendar year 2011 shall be 17.4%. The  
12 dependent child allowance rate with respect to each benefit  
13 year beginning in calendar year 2012 shall be 17.0% and, with  
14 respect to each benefit year beginning after calendar year  
15 2012, shall not be less than 17.0% or greater than 17.9%.

16           For the purposes of this subsection:

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

18           "Child" means a natural child, stepchild, or adopted child  
19 of an individual claiming benefits under this Act or a child  
20 who is in the custody of any such individual by court order,  
21 for whom the individual is supplying and, for at least 90  
22 consecutive days (or for the duration of the parental  
23 relationship if it has existed for less than 90 days)  
24 immediately preceding any week with respect to which the  
25 individual has filed a claim, has supplied more than one-half  
26 the cost of support, or has supplied at least 1/4 of the cost

1 of support if the individual and the other parent, together,  
2 are supplying and, during the aforesaid period, have supplied  
3 more than one-half the cost of support, and are, and were  
4 during the aforesaid period, members of the same household; and  
5 who, on the first day of such week (a) is under 18 years of age,  
6 or (b) is, and has been during the immediately preceding 90  
7 days, unable to work because of illness or other disability:  
8 provided, that no person who has been determined to be a child  
9 of an individual who has been allowed benefits with respect to  
10 a week in the individual's benefit year shall be deemed to be a  
11 child of the other parent, and no other person shall be  
12 determined to be a child of such other parent, during the  
13 remainder of that benefit year.

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

23 An individual who was obligated by law to provide for the  
24 support of a child or of a nonworking spouse for the aforesaid  
25 period of 90 consecutive days, but was prevented by illness or  
26 injury from doing so, shall be deemed to have provided more

1 than one-half the cost of supporting the child or nonworking  
2 spouse for that period.

3 (Source: P.A. 96-30, eff. 6-30-09; 97-621, eff. 11-18-11;  
4 97-791, eff. 1-1-13.)

5 (820 ILCS 405/403) (from Ch. 48, par. 403)

6 Sec. 403. Maximum total amount of benefits.†

7 A. With respect to any benefit year beginning prior to  
8 September 30, 1979, any otherwise eligible individual shall be  
9 entitled, during such benefit year, to a maximum total amount  
10 of benefits as shall be determined in the manner set forth in  
11 this Act as amended and in effect on November 9, 1977.

12 B. With respect to any benefit year beginning on or after  
13 September 30, 1979, except as otherwise provided in this  
14 Section, any otherwise eligible individual shall be entitled,  
15 during such benefit year, to a maximum total amount of benefits  
16 equal to 26 times his or her weekly benefit amount plus  
17 dependents' allowances, or to the total wages for insured work  
18 paid to such individual during the individual's base period,  
19 whichever amount is smaller. With respect to any benefit year  
20 beginning in calendar year 2012, any otherwise eligible  
21 individual shall be entitled, during such benefit year, to a  
22 maximum total amount of benefits equal to 25 times his or her  
23 weekly benefit amount plus dependents' allowances, or to the  
24 total wages for insured work paid to such individual during the  
25 individual's base period, whichever amount is smaller. If the

1 maximum amount includable as "wages" pursuant to Section 235 is  
2 \$13,560 with respect to calendar year 2013, then, with respect  
3 to any benefit year beginning after March 31, 2013 and before  
4 April 1, 2014, any otherwise eligible individual shall be  
5 entitled, during such benefit year, to a maximum total amount  
6 of benefits equal to 25 times his or her weekly benefit amount  
7 plus dependents allowances, or to the total wages for insured  
8 work paid to such individual during the individual's base  
9 period, whichever amount is smaller. With respect to any  
10 benefit year beginning in calendar year ~~2016~~ or 2018, any  
11 otherwise eligible individual shall be entitled, during such  
12 benefit year, to a maximum total amount of benefits equal to 24  
13 times his or her weekly benefit amount plus dependents'  
14 allowances, or to the total wages for insured work paid to such  
15 individual during the individual's base period, whichever  
16 amount is smaller.

17 (Source: P.A. 97-1, eff. 3-31-11; 97-621, eff. 11-18-11.)

18 (820 ILCS 405/602) (from Ch. 48, par. 432)

19 Sec. 602. Discharge for misconduct - Felony. A. An  
20 individual shall be ineligible for benefits for the week in  
21 which he has been discharged for misconduct connected with his  
22 work and, thereafter, until he has become reemployed and has  
23 had earnings equal to or in excess of his current weekly  
24 benefit amount in each of four calendar weeks which are either  
25 for services in employment, or have been or will be reported

1 pursuant to the provisions of the Federal Insurance  
2 Contributions Act by each employing unit for which such  
3 services are performed and which submits a statement certifying  
4 to that fact. The requalification requirements of the preceding  
5 sentence shall be deemed to have been satisfied, as of the date  
6 of reinstatement, if, subsequent to his discharge by an  
7 employing unit for misconduct connected with his work, such  
8 individual is reinstated by such employing unit. For purposes  
9 of this subsection, the term "misconduct" means the deliberate  
10 and willful violation of a reasonable rule or policy of the  
11 employing unit, governing the individual's behavior in  
12 performance of his work, provided such violation has harmed the  
13 employing unit or other employees or has been repeated by the  
14 individual despite a warning or other explicit instruction from  
15 the employing unit. The previous definition notwithstanding,  
16 "misconduct" shall include any of the following work-related  
17 circumstances:

18 1. Falsification of an employment application, or any  
19 other documentation provided to the employer, to obtain  
20 employment through subterfuge.

21 2. Failure to maintain licenses, registrations, and  
22 certifications reasonably required by the employer, or  
23 those that the individual is required to possess by law, to  
24 perform his or her regular job duties, unless the failure  
25 is not within the control of the individual.

26 3. Knowing, repeated violation of the attendance

1 policies of the employer that are in compliance with State  
2 and federal law following a written warning for an  
3 attendance violation, unless the individual can  
4 demonstrate that he or she has made a reasonable effort to  
5 remedy the reason or reasons for the violations or that the  
6 reason or reasons for the violations were out of the  
7 individual's control. Attendance policies of the employer  
8 shall be reasonable and provided to the individual in  
9 writing, electronically, or via posting in the workplace.

10 4. Damaging the employer's property through conduct  
11 that is grossly negligent.

12 5. Refusal to obey an employer's reasonable and lawful  
13 instruction, unless the refusal is due to the lack of  
14 ability, skills, or training for the individual required to  
15 obey the instruction or the instruction would result in an  
16 unsafe act.

17 6. Consuming alcohol or illegal or non-prescribed  
18 prescription drugs, or using an impairing substance in an  
19 off-label manner, on the employer's premises during  
20 working hours in violation of the employer's policies.

21 7. Reporting to work under the influence of alcohol,  
22 illegal or non-prescribed prescription drugs, or an  
23 impairing substance used in an off-label manner in  
24 violation of the employer's policies, unless the  
25 individual is compelled to report to work by the employer  
26 outside of scheduled and on-call working hours and informs



1       the employer that he or she is under the influence of  
2       alcohol, illegal or non-prescribed prescription drugs, or  
3       an impairing substance used in an off-label manner in  
4       violation of the employer's policies.

5           8. Grossly negligent conduct endangering the safety of  
6       the individual or co-workers.

7       For purposes of paragraphs 4 and 8, conduct is "grossly  
8       negligent" when the individual is, or reasonably should be,  
9       aware of a substantial risk that the conduct will result in the  
10       harm sought to be prevented and the conduct constitutes a  
11       substantial deviation from the standard of care a reasonable  
12       person would exercise in the situation.

13       Nothing in paragraph 6 or 7 prohibits the lawful use of  
14       over-the-counter drug products as defined in Section 206 of the  
15       Illinois Controlled Substances Act, provided that the  
16       medication does not affect the safe performance of the  
17       employee's work duties.

18       B. Notwithstanding any other provision of this Act, no  
19       benefit rights shall accrue to any individual based upon wages  
20       from any employer for service rendered prior to the day upon  
21       which such individual was discharged because of the commission  
22       of a felony in connection with his work, or because of theft in  
23       connection with his work, for which the employer was in no way  
24       responsible; provided, that the employer notified the Director  
25       of such possible ineligibility within the time limits specified  
26       by regulations of the Director, and that the individual has

1 admitted his commission of the felony or theft to a  
2 representative of the Director, or has signed a written  
3 admission of such act and such written admission has been  
4 presented to a representative of the Director, or such act has  
5 resulted in a conviction or order of supervision by a court of  
6 competent jurisdiction; and provided further, that if by reason  
7 of such act, he is in legal custody, held on bail or is a  
8 fugitive from justice, the determination of his benefit rights  
9 shall be held in abeyance pending the result of any legal  
10 proceedings arising therefrom.

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

12 (820 ILCS 405/611) (from Ch. 48, par. 441)

13 Sec. 611. Retirement pay. A. For the purposes of this  
14 Section "disqualifying income" means:

15 1. The entire amount which an individual has received or  
16 will receive with respect to a week in the form of a retirement  
17 payment (a) from an individual or organization (i) for which he  
18 performed services during his base period or which is liable  
19 for benefit charges or payments in lieu of contributions as a  
20 result of the payment of benefits to such individual and (ii)  
21 which pays all of the cost of such retirement payment, or (b)  
22 from a trust, annuity or insurance fund or under an annuity or  
23 insurance contract, to or under which an individual or  
24 organization for which he performed services during his base  
25 period or which is liable for benefit charges or payments in

1 lieu of contributions as a result of the payment of benefits to  
2 such individual pays or has paid all of the premiums or  
3 contributions; and

4 2. One-half the amount which an individual has received or  
5 will receive with respect to a week in the form of a retirement  
6 payment (a) from an individual or organization (i) for which he  
7 performed services during his base period or which is liable  
8 for benefit charges or payments in lieu of contributions as a  
9 result of the payment of benefits to such individual and (ii)  
10 which pays some, but not all, of the cost of such retirement  
11 payment, or (b) from a trust, annuity or insurance fund  
12 ~~(including primary social security old age and disability~~  
13 ~~retirement benefits, including those based on self-employment)~~  
14 or under an annuity or insurance contract, to or under which an  
15 individual or organization for which he performed services  
16 during his base period or which is liable for benefit charges  
17 or payments in lieu of contributions as a result of the payment  
18 of benefits to such individual pays or has paid some, but not  
19 all, of the premiums or contributions.

20 3. Notwithstanding paragraphs ~~paragraph~~ 1 and 2 above, the  
21 entire amount which an individual has received or will receive,  
22 with respect to any week which begins after March 31, 1980, of  
23 any governmental or other pension, retirement, or retired pay,  
24 annuity or any other similar periodic payment which is based on  
25 any previous work of such individual during his base period or  
26 which is liable for benefit charges or payments in lieu of

1 contributions as a result of the payment of benefits to such  
2 individual. This paragraph shall be in effect only if it is  
3 required as a condition for full tax credit against the tax  
4 imposed by the Federal Unemployment Tax Act.

5 4. Notwithstanding paragraphs 1, 2, and 3 above, none of  
6 the amount that an individual has received or will receive with  
7 respect to a week in the form of social security old age,  
8 survivors, and disability benefits under 42 U.S.C. Section 401  
9 et seq., including those based on self-employment, shall  
10 constitute disqualifying income.

11 B. Whenever an individual has received or will receive a  
12 retirement payment for a month, an amount shall be deemed to  
13 have been paid him for each day equal to one-thirtieth of such  
14 retirement payment. If the retirement payment is for a  
15 half-month, an amount shall be deemed to have been paid the  
16 individual for each day equal to one-fifteenth of such  
17 retirement payment. If the retirement payment is for any other  
18 period, an amount shall be deemed to have been paid the  
19 individual for each day in such period equal to the retirement  
20 payment divided by the number of days in the period.

21 C. An individual shall be ineligible for benefits for any  
22 week with respect to which his disqualifying income equals or  
23 exceeds his weekly benefit amount. If such disqualifying income  
24 with respect to a week totals less than the benefits for which  
25 he would otherwise be eligible under this Act, he shall be  
26 paid, with respect to such week, benefits reduced by the amount

1 of such disqualifying income.

2 D. To assure full tax credit to the employers of this State  
3 against the tax imposed by the Federal Unemployment Tax Act,  
4 the Director shall take any action as may be necessary in the  
5 administration of paragraph 3 of subsection A of this Section  
6 to insure that the application of its provisions conform to the  
7 requirements of such Federal Act as interpreted by the United  
8 States Secretary of Labor or other appropriate Federal agency.

9 (Source: P.A. 86-3.)

10 (820 ILCS 405/1505) (from Ch. 48, par. 575)

11 Sec. 1505. Adjustment of state experience factor. The state  
12 experience factor shall be adjusted in accordance with the  
13 following provisions:

14 A. For calendar years prior to 1988, the state experience  
15 factor shall be adjusted in accordance with the provisions of  
16 this Act as amended and in effect on November 18, 2011.

17 B. (Blank).

18 C. For calendar year 1988 and each calendar year  
19 thereafter, for which the state experience factor is being  
20 determined.

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

1           For every \$50,000,000 (or fraction thereof) by which  
2           the adjusted trust fund balance exceeds the target balance  
3           set forth in this subsection, the state experience factor  
4           for the succeeding year shall be decreased by one percent  
5           absolute.

6           The target balance in each calendar year prior to 2003  
7           is \$750,000,000. The target balance in calendar year 2003  
8           is \$920,000,000. The target balance in calendar year 2004  
9           is \$960,000,000. The target balance in calendar year 2005  
10          and each calendar year thereafter is \$1,000,000,000.

11          2. For the purposes of this subsection:

12          "Net trust fund balance" is the amount standing to the  
13          credit of this State's account in the unemployment trust  
14          fund as of June 30 of the calendar year immediately  
15          preceding the year for which a state experience factor is  
16          being determined.

17          "Adjusted trust fund balance" is the net trust fund  
18          balance minus the sum of the benefit reserves for fund  
19          building for July 1, 1987 through June 30 of the year prior  
20          to the year for which the state experience factor is being  
21          determined. The adjusted trust fund balance shall not be  
22          less than zero. If the preceding calculation results in a  
23          number which is less than zero, the amount by which it is  
24          less than zero shall reduce the sum of the benefit reserves  
25          for fund building for subsequent years.

26          For the purpose of determining the state experience

1 factor for 1989 and for each calendar year thereafter, the  
2 following "benefit reserves for fund building" shall apply  
3 for each state experience factor calculation in which that  
4 12 month period is applicable:

5 a. For the 12 month period ending on June 30, 1988,  
6 the "benefit reserve for fund building" shall be  
7 8/104th of the total benefits paid from January 1, 1988  
8 through June 30, 1988.

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

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

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

16 c. For the 12 month period ending on June 30, 1990,  
17 the "benefit reserve for fund building" shall be  
18 4/108ths of the total benefits paid from July 1, 1989  
19 through December 31, 1989.

20 d. For 1992 and for each calendar year thereafter,  
21 the "benefit reserve for fund building" for the 12  
22 month period ending on June 30, 1991 and for each  
23 subsequent 12 month period shall be zero.

24 3. Notwithstanding the preceding provisions of this  
25 subsection, for calendar years 1988 through 2003, the state  
26 experience factor shall not be increased or decreased by

1 more than 15 percent absolute.

2 D. Notwithstanding the provisions of subsection C, the  
3 adjusted state experience factor:

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

5 2. Shall not be less than 75 percent nor greater than  
6 135 percent for calendar years 1989 through 2003; and shall  
7 not be less than 75% nor greater than 150% for calendar  
8 year 2004 and each calendar year thereafter, not counting  
9 any increase pursuant to subsection D-1, D-2, or D-3;

10 3. Shall not be decreased by more than 5 percent  
11 absolute for any calendar year, beginning in calendar year  
12 1989 and through calendar year 1992, by more than 6%  
13 absolute for calendar years 1993 through 1995, by more than  
14 10% absolute for calendar years 1999 through 2003 and by  
15 more than 12% absolute for calendar year 2004 and each  
16 calendar year thereafter, from the adjusted state  
17 experience factor of the calendar year preceding the  
18 calendar year for which the adjusted state experience  
19 factor is being determined;

20 4. Shall not be increased by more than 15% absolute for  
21 calendar year 1993, by more than 14% absolute for calendar  
22 years 1994 and 1995, by more than 10% absolute for calendar  
23 years 1999 through 2003 and by more than 16% absolute for  
24 calendar year 2004 and each calendar year thereafter, from  
25 the adjusted state experience factor for the calendar year  
26 preceding the calendar year for which the adjusted state



1 experience factor is being determined;

2 5. Shall be 100% for calendar years 1996, 1997, and  
3 1998.

4 D-1. The adjusted state experience factor for each of  
5 calendar years 2013 through 2015 shall be increased by 5%  
6 absolute above the adjusted state experience factor as  
7 calculated without regard to this subsection. The adjusted  
8 state experience factor for each of calendar years 2016 through  
9 2018 shall be increased by 6% absolute above the adjusted state  
10 experience factor as calculated without regard to this  
11 subsection. The increase in the adjusted state experience  
12 factor for calendar year 2018 pursuant to this subsection shall  
13 not be counted for purposes of applying paragraph 3 or 4 of  
14 subsection D to the calculation of the adjusted state  
15 experience factor for calendar year 2019.

16 D-2. (Blank). ~~The adjusted state experience factor for~~  
17 ~~calendar year 2016 shall be increased by 19% absolute above the~~  
18 ~~adjusted state experience factor as calculated without regard~~  
19 ~~to this subsection. The increase in the adjusted state~~  
20 ~~experience factor for calendar year 2016 pursuant to this~~  
21 ~~subsection shall not be counted for purposes of applying~~  
22 ~~paragraph 3 or 4 of subsection D to the calculation of the~~  
23 ~~adjusted state experience factor for calendar year 2017.~~

24 D-3. The adjusted state experience factor for calendar year  
25 2018 shall be increased by 19% absolute above the adjusted  
26 state experience factor as calculated without regard to this

1 subsection. The increase in the adjusted state experience  
2 factor for calendar year 2018 pursuant to this subsection shall  
3 not be counted for purposes of applying paragraph 3 or 4 of  
4 subsection D to the calculation of the adjusted state  
5 experience factor for calendar year 2019.

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

21 (Source: P.A. 97-621, eff. 11-18-11; 97-791, eff. 1-1-13.)

22 (820 ILCS 405/1506.6)

23 Sec. 1506.6. Surcharge; specified period. For each  
24 employer whose contribution rate for calendar year ~~2016 or~~ 2018  
25 is determined pursuant to Section 1500 or 1506.1, including but

1 not limited to an employer whose contribution rate pursuant to  
2 Section 1506.1 is 0.0%, in addition to the contribution rate  
3 established pursuant to Section 1506.3, an additional  
4 surcharge of 0.3% shall be added to the contribution rate. The  
5 surcharge established by this Section shall be due at the same  
6 time as other contributions with respect to the quarter are  
7 due, as provided in Section 1400. Payments attributable to the  
8 surcharge established pursuant to this Section shall be  
9 contributions and deposited into the clearing account.

10 (Source: P.A. 97-621, eff. 11-18-11.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law, except that the changes to Sections 602 and 611  
13 of the Unemployment Insurance Act take effect January 3,  
14 2016.".