

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 Sections 1502.1, 1507.1, 1900, 2201, and 2201.1 as
6 follows:

7 (820 ILCS 405/1502.1) (from Ch. 48, par. 572.1)

8 Sec. 1502.1. Employer's benefit charges.

9 A. Benefit charges which result from payments to any
10 claimant made on or after July 1, 1989 shall be charged:

11 1. For benefit years beginning prior to July 1, 1989,
12 to each employer who paid wages to the claimant during his
13 base period;

14 2. For benefit years beginning on or after July 1, 1989
15 but before January 1, 1993, to the later of:

16 a. the last employer prior to the beginning of the
17 claimant's benefit year:

18 i. from whom the claimant was separated or who,
19 by reduction of work offered, caused the claimant
20 to become unemployed as defined in Section 239,
21 and,

22 ii. for whom the claimant performed services
23 in employment, on each of 30 days whether or not

1 such days are consecutive, provided that the wages
2 for such services were earned during the period
3 from the beginning of the claimant's base period to
4 the beginning of the claimant's benefit year; but
5 that employer shall not be charged if:

6 (1) the claimant's last separation from
7 that employer was a voluntary leaving without
8 good cause, as the term is used in Section 601A
9 or under the circumstances described in
10 paragraphs 1 and 2 of Section 601B; or

11 (2) the claimant's last separation from
12 that employer was a discharge for misconduct or
13 a felony or theft connected with his work from
14 that employer, as these terms are used in
15 Section 602; or

16 (3) after his last separation from that
17 employer, prior to the beginning of his benefit
18 year, the claimant refused to accept an offer
19 of or to apply for suitable work from that
20 employer without good cause, as these terms are
21 used in Section 603; or

22 (4) the claimant, following his last
23 separation from that employer, prior to the
24 beginning of his benefit year, is ineligible or
25 would have been ineligible under Section 612 if
26 he has or had had base period wages from the

1 employers to which that Section applies; or

2 (5) the claimant subsequently performed
3 services for at least 30 days for an individual
4 or organization which is not an employer
5 subject to this Act; or

6 b. the single employer who pays wages to the
7 claimant that allow him to requalify for benefits after
8 disqualification under Section 601, 602 or 603, if:

9 i. the disqualifying event occurred prior to
10 the beginning of the claimant's benefit year, and

11 ii. the requalification occurred after the
12 beginning of the claimant's benefit year, and

13 iii. even if the 30 day requirement given in
14 this paragraph is not satisfied; but

15 iv. the requalifying employer shall not be
16 charged if the claimant is held ineligible with
17 respect to that requalifying employer under
18 Section 601, 602 or 603.

19 3. For benefit years beginning on or after January 1,
20 1993, with respect to each week for which benefits are
21 paid, to the later of:

22 a. the last employer:

23 i. from whom the claimant was separated or who,
24 by reduction of work offered, caused the claimant
25 to become unemployed as defined in Section 239, and

26 ii. for whom the claimant performed services

1 in employment, on each of 30 days whether or not
2 such days are consecutive, provided that the wages
3 for such services were earned since the beginning
4 of the claimant's base period; but that employer
5 shall not be charged if:

6 (1) the claimant's separation from that
7 employer was a voluntary leaving without good
8 cause, as the term is used in Section 601A or
9 under the circumstances described in
10 paragraphs 1, 2, and 6 of Section 601B; or

11 (2) the claimant's separation from that
12 employer was a discharge for misconduct or a
13 felony or theft connected with his work from
14 that employer, as these terms are used in
15 Section 602; or

16 (3) the claimant refused to accept an
17 offer of or to apply for suitable work from
18 that employer without good cause, as these
19 terms are used in Section 603 (but only for
20 weeks following the refusal of work); or

21 (4) the claimant subsequently performed
22 services for at least 30 days for an individual
23 or organization which is not an employer
24 subject to this Act; or

25 (5) the claimant, following his separation
26 from that employer, is ineligible or would have

1 been ineligible under Section 612 if he has or
2 had had base period wages from the employers to
3 which that Section applies (but only for the
4 period of ineligibility or potential
5 ineligibility); or

6 b. the single employer who pays wages to the
7 claimant that allow him to requalify for benefits after
8 disqualification under Section 601, 602, or 603, even
9 if the 30 day requirement given in this paragraph is
10 not satisfied; but the requalifying employer shall not
11 be charged if the claimant is held ineligible with
12 respect to that requalifying employer under Section
13 601, 602, or 603.

14 B. Whenever a claimant is ineligible pursuant to Section
15 614 on the basis of wages paid during his base period, any days
16 on which such wages were earned shall not be counted in
17 determining whether that claimant performed services during at
18 least 30 days for the employer that paid such wages as required
19 by paragraphs 2 and 3 of subsection A.

20 C. If no employer meets the requirements of paragraph 2 or
21 3 of subsection A, then no employer will be chargeable for any
22 benefit charges which result from the payment of benefits to
23 the claimant for that benefit year.

24 D. Notwithstanding the preceding provisions of this
25 Section, no employer shall be chargeable for any benefit
26 charges which result from the payment of benefits to any

1 claimant after the effective date of this amendatory Act of
2 1992 where the claimant's separation from that employer
3 occurred as a result of his detention, incarceration, or
4 imprisonment under State, local, or federal law.

5 D-1. Notwithstanding any other provision of this Act,
6 including those affecting finality of benefit charges or rates,
7 an employer shall not be chargeable for any benefit charges
8 which result from the payment of benefits to an individual for
9 any week of unemployment after January 1, 2003, during the
10 period that the employer's business is closed solely because of
11 the entrance of the employer, one or more of the partners or
12 officers of the employer, or the majority stockholder of the
13 employer into active duty in the Illinois National Guard or the
14 Armed Forces of the United States.

15 D-2. Notwithstanding any other provision of this Act, an
16 employer shall not be chargeable for any benefit charges that
17 result from the payment of benefits to an individual for any
18 week of unemployment after the effective date of this
19 amendatory Act of the 100th General Assembly if the payment was
20 the result of the individual voluntarily leaving work under the
21 conditions described in item 6 of subsection C of Section 500.

22 E. For the purposes of Sections 302, 409, 701, 1403, 1404,
23 1405 and 1508.1, last employer means the employer that:

24 1. is charged for benefit payments which become benefit
25 charges under this Section, or

26 2. would have been liable for such benefit charges if

1 it had not elected to make payments in lieu of
2 contributions.

3 (Source: P.A. 93-634, eff. 1-1-04; 93-1012, eff. 8-24-04;
4 94-152, eff. 7-8-05.)

5 (820 ILCS 405/1507.1)

6 Sec. 1507.1. Transfer of trade or business; contribution
7 rate. Notwithstanding any other provision of this Act:

8 A.(1) If an individual or entity transfers its trade or
9 business, or a portion thereof, to another individual or entity
10 and, at the time of the transfer, there is any substantial
11 common ownership, management, or control of the transferor and
12 transferee, then the experience rating record attributable to
13 ~~records of the transferred trade or business transferor and~~
14 ~~transferee~~ shall be transferred to the transferee ~~combined for~~
15 ~~the purpose of determining their rates of contribution~~. For
16 purposes of this subsection, a transfer of trade or business
17 includes but is not limited to the transfer of some or all of
18 the transferor's workforce. For purposes of calculating the
19 contribution rates of the transferor and transferee pursuant to
20 this paragraph, within 30 days of the date of a transfer to
21 which this paragraph applies, the transferor and transferee
22 shall provide to the Department such information, as the
23 Director by rule prescribes, which will show the portion of the
24 transferor's experience rating record that is attributable to
25 the transferred trade or business.

1 (1.5) If, following a transfer of experience rating records
2 under paragraph (1), the Director determines that a substantial
3 purpose of the transfer of trade or business was to obtain a
4 reduced liability for contributions, the experience rating
5 accounts of the employers involved shall be combined into a
6 single account and a single rate shall be assigned to the
7 account.

8 (2) For the calendar year in which there occurs a transfer
9 to which paragraph (1) or (1.5) applies:

10 (a) If the transferor or transferee had a contribution
11 rate applicable to it for the calendar year, it shall
12 continue with that contribution rate for the remainder of
13 the calendar year.

14 (b) If the transferee had no contribution rate
15 applicable to it for the calendar year, then the
16 contribution rate of the transferee shall be computed for
17 the calendar year based on the experience rating record of
18 the transferor or, where there is more than one transferor,
19 the combined experience rating records of the transferors,
20 subject to the 5.4% rate ceiling established pursuant to
21 subsection G of Section 1506.1 and subsection A of Section
22 1506.3.

23 B. If any individual or entity that is not an employer
24 under this Act at the time of the acquisition acquires the
25 trade or business of an employing unit, the experience rating
26 record of the acquired business shall not be transferred to the

1 individual or entity if the Director finds that the individual
2 or entity acquired the business solely or primarily for the
3 purpose of obtaining a lower rate of contributions. Evidence
4 that a business was acquired solely or primarily for the
5 purpose of obtaining a lower rate of contributions includes but
6 is not necessarily limited to the following: the cost of
7 acquiring the business is low in relation to the individual's
8 or entity's overall operating costs subsequent to the
9 acquisition; the individual or entity discontinued the
10 business enterprise of the acquired business immediately or
11 shortly after the acquisition; or the individual or entity
12 hired a significant number of individuals for performance of
13 duties unrelated to the business activity conducted prior to
14 acquisition.

15 C. An individual or entity to which subsection A applies
16 shall pay contributions with respect to each calendar year at a
17 rate consistent with that subsection, and an individual or
18 entity to which subsection B applies shall pay contributions
19 with respect to each calendar year at a rate consistent with
20 that subsection. If an individual or entity knowingly violates
21 or attempts to violate this subsection, the individual or
22 entity shall be subject to the following penalties:

23 (1) If the individual or entity is an employer, then,
24 in addition to the contribution rate that would otherwise
25 be calculated (including any fund building rate provided
26 for pursuant to Section 1506.3), the employer shall be

1 assigned a penalty contribution rate equivalent to 50% of
2 the contribution rate (including any fund building rate
3 provided for pursuant to Section 1506.3), as calculated
4 without regard to this subsection for the calendar year
5 with respect to which the violation or attempted violation
6 occurred and the immediately following calendar year. In
7 the case of an employer whose contribution rate, as
8 calculated without regard to this subsection or Section
9 1506.3, equals or exceeds the maximum rate established
10 pursuant to paragraph 2 of subsection E of Section 1506.1,
11 the penalty rate shall equal 50% of the sum of that maximum
12 rate and the fund building rate provided for pursuant to
13 Section 1506.3. In the case of an employer whose
14 contribution rate is subject to the 5.4% rate ceiling
15 established pursuant to subsection G of Section 1506.1 and
16 subsection A of Section 1506.3, the penalty rate shall
17 equal 2.7%. If any product obtained pursuant to this
18 subsection is not an exact multiple of one-tenth of 1%, it
19 shall be increased or reduced, as the case may be, to the
20 nearer multiple of one-tenth of 1%. If such product is
21 equally near to 2 multiples of one-tenth of 1%, it shall be
22 increased to the higher multiple of one-tenth of 1%. Any
23 payment attributable to the penalty contribution rate
24 shall be deposited into the clearing account.

25 (2) If the individual or entity is not an employer, the
26 individual or entity shall be subject to a penalty of

1 \$10,000 for each violation. Any penalty attributable to
2 this paragraph (2) shall be deposited into the Special
3 Administrative Account.

4 D. An individual or entity shall not knowingly advise
5 another in a way that results in a violation of subsection C.
6 An individual or entity that violates this subsection shall be
7 subject to a penalty of \$10,000 for each violation. Any such
8 penalty shall be deposited into the Special Administrative
9 Account.

10 E. Any individual or entity that knowingly violates
11 subsection C or D shall be guilty of a Class B misdemeanor. In
12 the case of a corporation, the president, the secretary, and
13 the treasurer, and any other officer exercising corresponding
14 functions, shall each be subject to the aforesaid penalty for
15 knowingly violating subsection C or D.

16 F. The Director shall establish procedures to identify the
17 transfer or acquisition of a trade or business for purposes of
18 this Section.

19 G. For purposes of this Section:

20 "Experience rating record" shall consist of years
21 during which liability for the payment of contributions was
22 incurred, all benefit charges incurred, and all wages paid
23 for insured work, including but not limited to years,
24 benefit charges, and wages attributed to an individual or
25 entity pursuant to Section 1507 or subsection A.

26 "Knowingly" means having actual knowledge of or acting

1 with deliberate ignorance of or reckless disregard for the
2 statutory provision involved.

3 "Transferee" means any individual or entity to which
4 the transferor transfers its trade or business or any
5 portion thereof.

6 "Transferor" means the individual or entity that
7 transfers its trade or business or any portion thereof.

8 H. This Section shall be interpreted and applied in such a
9 manner as to meet the minimum requirements contained in any
10 guidance or regulations issued by the United States Department
11 of Labor. Insofar as it applies to the interpretation and
12 application of the term "substantial", as used in subsection A,
13 this subsection H is not intended to alter the meaning of
14 "substantially", as used in Section 1507 and construed by
15 precedential judicial opinion, or any comparable term as
16 elsewhere used in this Act.

17 (Source: P.A. 94-301, eff. 1-1-06.)

18 (820 ILCS 405/1900) (from Ch. 48, par. 640)

19 Sec. 1900. Disclosure of information.

20 A. Except as provided in this Section, information obtained
21 from any individual or employing unit during the administration
22 of this Act shall:

- 23 1. be confidential,
- 24 2. not be published or open to public inspection,
- 25 3. not be used in any court in any pending action or

1 proceeding,

2 4. not be admissible in evidence in any action or
3 proceeding other than one arising out of this Act.

4 B. No finding, determination, decision, ruling or order
5 (including any finding of fact, statement or conclusion made
6 therein) issued pursuant to this Act shall be admissible or
7 used in evidence in any action other than one arising out of
8 this Act, nor shall it be binding or conclusive except as
9 provided in this Act, nor shall it constitute res judicata,
10 regardless of whether the actions were between the same or
11 related parties or involved the same facts.

12 C. Any officer or employee of this State, any officer or
13 employee of any entity authorized to obtain information
14 pursuant to this Section, and any agent of this State or of
15 such entity who, except with authority of the Director under
16 this Section, shall disclose information shall be guilty of a
17 Class B misdemeanor and shall be disqualified from holding any
18 appointment or employment by the State.

19 D. An individual or his duly authorized agent may be
20 supplied with information from records only to the extent
21 necessary for the proper presentation of his claim for benefits
22 or with his existing or prospective rights to benefits.
23 Discretion to disclose this information belongs solely to the
24 Director and is not subject to a release or waiver by the
25 individual. Notwithstanding any other provision to the
26 contrary, an individual or his or her duly authorized agent may

1 be supplied with a statement of the amount of benefits paid to
2 the individual during the 18 months preceding the date of his
3 or her request.

4 E. An employing unit may be furnished with information,
5 only if deemed by the Director as necessary to enable it to
6 fully discharge its obligations or safeguard its rights under
7 the Act. Discretion to disclose this information belongs solely
8 to the Director and is not subject to a release or waiver by
9 the employing unit.

10 F. The Director may furnish any information that he may
11 deem proper to any public officer or public agency of this or
12 any other State or of the federal government dealing with:

- 13 1. the administration of relief,
- 14 2. public assistance,
- 15 3. unemployment compensation,
- 16 4. a system of public employment offices,
- 17 5. wages and hours of employment, or
- 18 6. a public works program.

19 The Director may make available to the Illinois Workers'
20 Compensation Commission information regarding employers for
21 the purpose of verifying the insurance coverage required under
22 the Workers' Compensation Act and Workers' Occupational
23 Diseases Act.

24 G. The Director may disclose information submitted by the
25 State or any of its political subdivisions, municipal
26 corporations, instrumentalities, or school or community

1 college districts, except for information which specifically
2 identifies an individual claimant.

3 H. The Director shall disclose only that information
4 required to be disclosed under Section 303 of the Social
5 Security Act, as amended, including:

6 1. any information required to be given the United
7 States Department of Labor under Section 303(a) (6); and

8 2. the making available upon request to any agency of
9 the United States charged with the administration of public
10 works or assistance through public employment, the name,
11 address, ordinary occupation and employment status of each
12 recipient of unemployment compensation, and a statement of
13 such recipient's right to further compensation under such
14 law as required by Section 303(a) (7); and

15 3. records to make available to the Railroad Retirement
16 Board as required by Section 303(c) (1); and

17 4. information that will assure reasonable cooperation
18 with every agency of the United States charged with the
19 administration of any unemployment compensation law as
20 required by Section 303(c) (2); and

21 5. information upon request and on a reimbursable basis
22 to the United States Department of Agriculture and to any
23 State food stamp agency concerning any information
24 required to be furnished by Section 303(d); and

25 6. any wage information upon request and on a
26 reimbursable basis to any State or local child support

1 enforcement agency required by Section 303(e); and

2 7. any information required under the income
3 eligibility and verification system as required by Section
4 303(f); and

5 8. information that might be useful in locating an
6 absent parent or that parent's employer, establishing
7 paternity or establishing, modifying, or enforcing child
8 support orders for the purpose of a child support
9 enforcement program under Title IV of the Social Security
10 Act upon the request of and on a reimbursable basis to the
11 public agency administering the Federal Parent Locator
12 Service as required by Section 303(h); and

13 9. information, upon request, to representatives of
14 any federal, State or local governmental public housing
15 agency with respect to individuals who have signed the
16 appropriate consent form approved by the Secretary of
17 Housing and Urban Development and who are applying for or
18 participating in any housing assistance program
19 administered by the United States Department of Housing and
20 Urban Development as required by Section 303(i).

21 I. The Director, upon the request of a public agency of
22 Illinois, of the federal government or of any other state
23 charged with the investigation or enforcement of Section 10-5
24 of the Criminal Code of 2012 (or a similar federal law or
25 similar law of another State), may furnish the public agency
26 information regarding the individual specified in the request

1 as to:

2 1. the current or most recent home address of the
3 individual, and

4 2. the names and addresses of the individual's
5 employers.

6 J. Nothing in this Section shall be deemed to interfere
7 with the disclosure of certain records as provided for in
8 Section 1706 or with the right to make available to the
9 Internal Revenue Service of the United States Department of the
10 Treasury, or the Department of Revenue of the State of
11 Illinois, information obtained under this Act.

12 K. The Department shall make available to the Illinois
13 Student Assistance Commission, upon request, information in
14 the possession of the Department that may be necessary or
15 useful to the Commission in the collection of defaulted or
16 delinquent student loans which the Commission administers.

17 L. The Department shall make available to the State
18 Employees' Retirement System, the State Universities
19 Retirement System, the Teachers' Retirement System of the State
20 of Illinois, and the Department of Central Management Services,
21 Risk Management Division, upon request, information in the
22 possession of the Department that may be necessary or useful to
23 the System or the Risk Management Division for the purpose of
24 determining whether any recipient of a disability benefit from
25 the System or a workers' compensation benefit from the Risk
26 Management Division is gainfully employed.

1 M. This Section shall be applicable to the information
2 obtained in the administration of the State employment service,
3 except that the Director may publish or release general labor
4 market information and may furnish information that he may deem
5 proper to an individual, public officer or public agency of
6 this or any other State or the federal government (in addition
7 to those public officers or public agencies specified in this
8 Section) as he prescribes by Rule.

9 N. The Director may require such safeguards as he deems
10 proper to insure that information disclosed pursuant to this
11 Section is used only for the purposes set forth in this
12 Section.

13 O. Nothing in this Section prohibits communication with an
14 individual or entity through unencrypted e-mail or other
15 unencrypted electronic means as long as the communication does
16 not contain the individual's or entity's name in combination
17 with any one or more of the individual's or entity's social
18 security number; driver's license or State identification
19 number; ~~account number or~~ credit or debit card number; or any
20 required security code, access code, or password that would
21 permit access to further information pertaining to the
22 individual or entity.

23 P. (Blank).

24 Q. The Director shall make available to an elected federal
25 official the name and address of an individual or entity that
26 is located within the jurisdiction from which the official was

1 elected and that, for the most recently completed calendar
2 year, has reported to the Department as paying wages to
3 workers, where the information will be used in connection with
4 the official duties of the official and the official requests
5 the information in writing, specifying the purposes for which
6 it will be used. For purposes of this subsection, the use of
7 information in connection with the official duties of an
8 official does not include use of the information in connection
9 with the solicitation of contributions or expenditures, in
10 money or in kind, to or on behalf of a candidate for public or
11 political office or a political party or with respect to a
12 public question, as defined in Section 1-3 of the Election
13 Code, or in connection with any commercial solicitation. Any
14 elected federal official who, in submitting a request for
15 information covered by this subsection, knowingly makes a false
16 statement or fails to disclose a material fact, with the intent
17 to obtain the information for a purpose not authorized by this
18 subsection, shall be guilty of a Class B misdemeanor.

19 R. The Director may provide to any State or local child
20 support agency, upon request and on a reimbursable basis,
21 information that might be useful in locating an absent parent
22 or that parent's employer, establishing paternity, or
23 establishing, modifying, or enforcing child support orders.

24 S. The Department shall make available to a State's
25 Attorney of this State or a State's Attorney's investigator,
26 upon request, the current address or, if the current address is

1 unavailable, current employer information, if available, of a
2 victim of a felony or a witness to a felony or a person against
3 whom an arrest warrant is outstanding.

4 T. The Director shall make available to the Department of
5 State Police, a county sheriff's office, or a municipal police
6 department, upon request, any information concerning the
7 current address and place of employment or former places of
8 employment of a person who is required to register as a sex
9 offender under the Sex Offender Registration Act that may be
10 useful in enforcing the registration provisions of that Act.

11 U. The Director shall make information available to the
12 Department of Healthcare and Family Services and the Department
13 of Human Services for the purpose of determining eligibility
14 for public benefit programs authorized under the Illinois
15 Public Aid Code and related statutes administered by those
16 departments, for verifying sources and amounts of income, and
17 for other purposes directly connected with the administration
18 of those programs.

19 V. The Director shall make information available to the
20 State Board of Elections as may be required by an agreement the
21 State Board of Elections has entered into with a multi-state
22 voter registration list maintenance system.

23 W. The Director shall make information available to the
24 State Treasurer's office and the Department of Revenue for the
25 purpose of facilitating compliance with the Illinois Secure
26 Choice Savings Program Act, including employer contact

1 information for employers with 25 or more employees and any
2 other information the Director deems appropriate that is
3 directly related to the administration of this program.

4 (Source: P.A. 98-1171, eff. 6-1-15; 99-571, eff. 7-15-16;
5 99-933, eff. 1-27-17; revised 1-31-17.)

6 (820 ILCS 405/2201) (from Ch. 48, par. 681)

7 Sec. 2201. Refund or adjustment of contributions. Except as
8 otherwise provided in this Section, not ~~Not~~ later than 3 years
9 after the date upon which ~~the Director first notifies~~ an
10 employing unit ~~that it~~ has paid contributions, interest, or
11 penalties ~~thereon~~ erroneously, the employing unit may file a
12 claim with the Director for an adjustment thereof in connection
13 with subsequent contribution payments, or for a refund thereof
14 where such adjustment cannot be made; provided, however, that
15 no refund or adjustment shall be made of any contribution, the
16 amount of which has been determined and assessed by the
17 Director, if such contribution was paid after the determination
18 and assessment of the Director became final, and provided,
19 further, that any such adjustment or refund, involving
20 contributions with respect to wages on the basis of which
21 benefits have been paid, shall be reduced by the amount of
22 benefits so paid. In the case of an erroneous payment that
23 occurred on or after January 1, 2015 and prior to the effective
24 date of this amendatory Act of the 100th General Assembly, the
25 employing unit may file the claim for adjustment or refund not

1 later than June 30, 2018 or 3 years after the date of the
2 erroneous payment, whichever is later, subject to all of the
3 conditions otherwise applicable pursuant to this Section
4 regarding a claim for adjustment or refund. Upon receipt of a
5 claim the Director shall make his determination, either
6 allowing such claim in whole or in part, or ordering that it be
7 denied, and serve notice upon the claimant of such
8 determination. Such determination of the Director shall be
9 final at the expiration of 20 days from the date of service of
10 such notice unless the claimant shall have filed with the
11 Director a written protest and a petition for hearing,
12 specifying his objections thereto. Upon receipt of such
13 petition within the 20 days allowed, the Director shall fix the
14 time and place for a hearing and shall notify the claimant
15 thereof. At any hearing held as herein provided, the
16 determination of the Director shall be prima facie correct and
17 the burden shall be upon the protesting employing unit to prove
18 that it is incorrect. All of the provisions of this Act
19 applicable to hearings conducted pursuant to Section 2200 shall
20 be applicable to hearings conducted pursuant to this Section.
21 Upon the conclusion of such hearing, a decision shall be made
22 by the Director and notice thereof given to the claimant. If
23 the Director shall decide that the claim be allowed in whole or
24 in part, or if such allowance be ordered by the Court pursuant
25 to Section 2205 and the judgment of said Court has become
26 final, the Director shall, if practicable, make adjustment

1 without interest in connection with subsequent contribution
2 payments by the claimant, and if adjustments thereof cannot
3 practicably be made in connection with such subsequent
4 contribution payments, then the Director shall refund to the
5 claimant the amount so allowed, without interest except as
6 otherwise provided in Section 2201.1 from moneys in the benefit
7 account established by this Act. Nothing herein contained shall
8 prohibit the Director from making adjustment or refund upon his
9 own initiative, within the time allowed for filing claim
10 therefor, provided that the Director shall make no refund or
11 adjustment of any contribution, the amount of which he has
12 previously determined and assessed, if such contribution was
13 paid after the determination and assessment became final.

14 If this State should not be certified for any year by the
15 Secretary of Labor of the United States of America, or other
16 appropriate Federal agency, under Section 3304 of the Federal
17 Internal Revenue Code of 1954, the Director shall refund
18 without interest to any instrumentality of the United States
19 subject to this Act by virtue of permission granted in an Act
20 of Congress, the amount of contributions paid by such
21 instrumentality with respect to such year.

22 The Director may by regulation provide that, if there is a
23 total credit balance of less than \$2 in an employer's account
24 with respect to contributions, interest, and penalties, the
25 amount may be disregarded by the Director; once disregarded,
26 the amount shall not be considered a credit balance in the

1 account and shall not be subject to either an adjustment or a
2 refund.

3 (Source: P.A. 98-1133, eff. 1-1-15.)

4 (820 ILCS 405/2201.1) (from Ch. 48, par. 681.1)

5 Sec. 2201.1. Interest on Overpaid Contributions, Penalties
6 and Interest. The Director shall quarterly ~~semi-annually~~
7 furnish each employer with a statement of credit balances in
8 the employer's account where the balances with respect to all
9 contributions, interest and penalties combined equal or exceed
10 \$2. Under regulations prescribed by the Director and subject to
11 the limitations of Section 2201, the employer may file a
12 request for an adjustment or refund of the amount erroneously
13 paid. Interest shall be paid on refunds of erroneously paid
14 contributions, penalties and interest imposed by this Act,
15 except that if any refund is mailed by the Director within 90
16 days after the date of the refund claim, no interest shall be
17 due or paid. The interest shall begin to accrue as of the date
18 of the refund claim and shall be paid at the rate of 1.5% per
19 month computed at the rate of 12/365 of 1.5% for each day or
20 fraction thereof. Interest paid pursuant to this Section shall
21 be paid from monies in the special administrative account
22 established by Sections 2100 and 2101. This Section shall apply
23 only to refunds of contributions, penalties and interest which
24 were paid as the result of wages paid after January 1, 1988.

25 (Source: P.A. 98-1133, eff. 1-1-15.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.