**Section 2760.120 Employer's Contribution and Wage Report** **and Report for Household Employers**

a) The Department shall make available on its website (ides.illinois.gov), an Employer's Contribution and Wage Report form for filing quarterly unemployment insurance contribution reports and a Report for Household Employers form for employers that file annually pursuant to Section 1400.2. Except for employers subject to Section 2760.141, and except for other employers that file unemployment insurance contribution and wage reports using the Department's online tax system, MyTax Illinois (mytax.illinois.gov), each employer subject to the Act, including employers electing to make payments in lieu of paying contributions under Section 302, 1404 or 1405 of the Act, must file unemployment insurance contribution and wage reports using the contribution and wage report provided on the Department's website or otherwise provide all of the information required by the form as provided in Section 2760.125(a)(5), and shall provide all of the information required on the Employer's Contribution and Wage Report form or Report for Household Employers form. If the employer fails to sign and complete the form provided on the Department's website or otherwise provide all of the information required by the form, the report may be considered an incomplete submission and be returned to the employer for resubmission.

1) In the event that an employer files a petition for bankruptcy under the Bankruptcy Code (USC Title 11), the employer shall file two Employer's Contribution and Wage Reports or two Reports for Household Employers, as applicable, for the quarter in which the petition is filed. An employer subject to the mandatory electronic reporting requirement of Section 2760.141 shall file two contribution reports for the quarter in which the petition is filed and two reports pursuant to Section 2760.125(a)(1) for the third month of the quarter in which the petition is filed. One report shall address the period beginning on the first day of the quarter to, and including, the day prior to the date of the filing of the petition. The other report shall address the period beginning on the date of the filing of the petition through the last day of the calendar quarter.

EXAMPLE 1: Corporation A, which is not subject to the mandatory electronic reporting requirement of Section 2760.141, files a petition for bankruptcy on August 15, 2013. Corporation A is required to file two Employer's Contribution and Wage Reports for the third quarter of 2013, both due October 31, 2013. One will cover the period through August 14, 2013, and Corporation A will calculate contributions due for that period. The other report will cover the period of August 15, 2013 through September 30, 2013 and will reflect the contributions due for that period.

EXAMPLE 2: Employer A, which is a household annual filer, files a petition for bankruptcy on August 15, 2013. Employer A is required to file two reports for Household Employers, both due April 15, 2014. One will cover the period through August 14, 2013, and Employer A will calculate contributions due for that period. The other report will cover the period of August 15, 2013 through December 31, 2013 and will reflect the contributions due for that period.

2) If an employer transfers substantially all of its employing enterprises to another employing unit but continues to be a liable employer, the employer shall file two Employer's Contribution and Wage Reports for the calendar quarter in which the transfer occurs. An employer subject to the mandatory electronic reporting requirement of Section 2760.141 shall file two contribution reports for the quarter in which the transfer occurs and two reports pursuant to Section 2760.125(a)(1) for the third month of the quarter in which the transfer occurs. One report shall address the period beginning on the first day of the quarter to, and including, the date of transfer. The other report shall address the period beginning on the first day after the date of transfer through the last day of the calendar quarter.

EXAMPLE: On August 15, 1994, Corporation A, which owns a retail establishment named the XYZ Store and is not subject to the mandatory electronic reporting requirement of Section 2760.141, sells the entire business except the name "XYZ Store" to Corporation B. The officers of Corporation A continue to perform services and are paid wages after the transfer. Corporation A is required to file two Employer's Contribution and Wage Reports for the third quarter of 1994, both due October 31, 1994. One will cover the period through August 15, 1994, and Corporation A will calculate contributions due for that period. The other report will cover the period of August 16, 1994 through September 30, 1994, and will reflect the contributions due for that period.

3) If the employer files only one report for a quarter for which two reports are required under subsection (a)(1) or (a)(2) and provides the total and taxable wages for the entire quarter in the report, or files only one report for a year for which two reports are required and provides the total and taxable wages for the entire year in the report, the report will be deemed to be insufficient as provided in Section 1402 of the Act. The employer must file, within 30 days after the mailing of a notice to it of insufficiency, the two reports required in either subsection (a)(1) or (a)(2), as applicable, or the penalties provided in Section 1402 of the Act shall apply.

4) Except as otherwise provided in this subsection (a)(4), with respect to an employer not subject to the mandatory electronic reporting requirement of Section 2760.141, the penalties provided for in Section 1402 of the Act regarding each report required under subsection (a)(1) or (a)(2) of this Section shall be calculated on the basis of the total wages paid and contributions due for the period to which that report applies. Regardless of whether the employer fails to timely file one or both of the reports, the total penalty for that failure shall not exceed $5,000, and the minimum penalty for the failure shall be $50. The minimum penalty for willful failure to pay any contribution, or part of any contribution, with intent to defraud the Director, shall be $400, regardless of whether the employer fails to make the payment for both or only one of the periods.

EXAMPLE: An employer not subject to the mandatory electronic reporting requirement of Section 2760.141 timely files a report representing the part of the quarter prior to the date of filing of the petition for bankruptcy. He or she is late in filing the report for the part of the quarter including the date the petition is filed. The penalty will be calculated only on the amount of wages paid as reflected in the report for the period including the date the petition for bankruptcy is filed.

b) In addition to the employer providing its name, address, account number and Federal Employer Identification Number on the Employer's Contribution and Wage Report or Report for Household Employers, the employer must provide the total wages paid during the quarter, the taxable wages paid during the quarter and the number of employees during the pay period that includes the 12th day of each month of that quarter. For purposes of this subsection (b), when an employer is required to file two reports pursuant to subsection (a)(1) or (a)(2), "quarter" shall mean the period required to be addressed by the report.

(Source: Amended at 43 Ill. Reg. 1566, effective January 15, 2019)