



Rep. Jay Hoffman

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LRB100 08310 KTG 30185 a

1 AMENDMENT TO SENATE BILL 1381

2 AMENDMENT NO. _____. Amend Senate Bill 1381, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unemployment Insurance Act is amended by
6 changing Sections 401, 403, 1505, and 1506.6 as 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 2020 ~~2018~~, an individual's weekly
13 benefit amount shall be 40.3% ~~42.9%~~ of his or her prior average
14 weekly wage, rounded (if not already a multiple of one dollar)
15 to the next higher dollar; provided, however, that the weekly
16 benefit amount cannot exceed the maximum weekly benefit amount
17 and cannot be less than \$51.

18 2. For the purposes of this subsection:

19 An individual's "prior average weekly wage" means the total
20 wages for insured work paid to that individual during the 2
21 calendar quarters of his base period in which such total wages
22 were highest, divided by 26. If the quotient is not already a
23 multiple of one dollar, it shall be rounded to the nearest
24 dollar; however if the quotient is equally near 2 multiples of
25 one dollar, it shall be rounded to the higher multiple of one
26 dollar.

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

4 "Determination period" means, with respect to each June 1
5 determination date, the 12 consecutive calendar months ending
6 on the immediately preceding December 31 and, with respect to
7 each December 1 determination date, the 12 consecutive calendar
8 months ending on the immediately preceding June 30.

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

19 "Gross wages" means all the wages paid to individuals
20 during the determination period immediately preceding a
21 determination date for insured work, and reported to the
22 Director by employers prior to the first day of the third
23 calendar month preceding that date.

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

1 "Average monthly covered employment" means one-twelfth of
2 the sum of the covered employment for the 12 months of a
3 determination period.

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

8 "Statewide average weekly wage" means the quotient,
9 obtained by dividing the statewide average annual wage by 52,
10 rounded (if not already a multiple of one cent) to the nearest
11 cent. Notwithstanding any provision of this Section to the
12 contrary, the statewide average weekly wage for any benefit
13 period prior to calendar year 2012 shall be as determined by
14 the provisions of this Act as amended and in effect on November
15 18, 2011. Notwithstanding any provisions of this Section to the
16 contrary, the statewide average weekly wage for the benefit
17 period of calendar year 2012 shall be \$856.55 and for each
18 calendar year thereafter, the statewide average weekly wage
19 shall be the statewide average weekly wage, as determined in
20 accordance with this sentence, for the immediately preceding
21 benefit period plus (or minus) an amount equal to the
22 percentage change in the statewide average weekly wage, as
23 computed in accordance with the first sentence of this
24 paragraph, between the 2 immediately preceding benefit
25 periods, multiplied by the statewide average weekly wage, as
26 determined in accordance with this sentence, for the

1 immediately preceding benefit period. However, for purposes of
2 the Workers' Compensation Act, the statewide average weekly
3 wage will be computed using June 1 and December 1 determination
4 dates of each calendar year and such determination shall not be
5 subject to the limitation of the statewide average weekly wage
6 as computed in accordance with the preceding sentence of this
7 paragraph.

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

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

19 Except as otherwise provided in this Section, with respect
20 to any benefit year beginning on or after January 6, 2008,
21 "maximum weekly benefit amount" with respect to each week
22 beginning within a benefit period means 47% of the statewide
23 average weekly wage, rounded (if not already a multiple of one
24 dollar) to the next higher dollar.

25 With respect to any benefit year beginning in calendar year
26 2020 ~~2018~~, "maximum weekly benefit amount" with respect to each

1 week beginning within a benefit period means 40.3% ~~42.9%~~ of the
2 statewide average weekly wage, rounded (if not already a
3 multiple of one dollar) to the next higher dollar.

4 C. With respect to any week beginning in a benefit year
5 beginning prior to January 4, 2004, an individual's eligibility
6 for a dependent allowance with respect to a nonworking spouse
7 or one or more dependent children shall be as defined by the
8 provisions of this Act as amended and in effect on November 18,
9 2011.

10 With respect to any benefit year beginning on or after
11 January 4, 2004 and before January 6, 2008, an individual to
12 whom benefits are payable with respect to any week shall, in
13 addition to those benefits, be paid, with respect to such week,
14 as follows: in the case of an individual with a nonworking
15 spouse, 9% of his or her prior average weekly wage, rounded (if
16 not already a multiple of one dollar) to the next higher
17 dollar, provided, that the total amount payable to the
18 individual with respect to a week shall not exceed 57% of the
19 statewide average weekly wage, rounded (if not already a
20 multiple of one dollar) to the next higher dollar; and in the
21 case of an individual with a dependent child or dependent
22 children, 17.2% of his or her prior average weekly wage,
23 rounded (if not already a multiple of one dollar) to the next
24 higher dollar, provided that the total amount payable to the
25 individual with respect to a week shall not exceed 65.2% of the
26 statewide average weekly wage, rounded (if not already a

1 multiple of one dollar) to the next higher dollar.

2 With respect to any benefit year beginning on or after
3 January 6, 2008 and before January 1, 2010, an individual to
4 whom benefits are payable with respect to any week shall, in
5 addition to those benefits, be paid, with respect to such week,
6 as follows: in the case of an individual with a nonworking
7 spouse, 9% of his or her prior average weekly wage, rounded (if
8 not already a multiple of one dollar) to the next higher
9 dollar, provided, that the total amount payable to the
10 individual with respect to a week shall not exceed 56% of the
11 statewide average weekly wage, rounded (if not already a
12 multiple of one dollar) to the next higher dollar; and in the
13 case of an individual with a dependent child or dependent
14 children, 18.2% of his or her prior average weekly wage,
15 rounded (if not already a multiple of one dollar) to the next
16 higher dollar, provided that the total amount payable to the
17 individual with respect to a week shall not exceed 65.2% of the
18 statewide average weekly wage, rounded (if not already a
19 multiple of one dollar) to the next higher dollar.

20 The additional amount paid pursuant to this subsection in
21 the case of an individual with a dependent child or dependent
22 children shall be referred to as the "dependent child
23 allowance", and the percentage rate by which an individual's
24 prior average weekly wage is multiplied pursuant to this
25 subsection to calculate the dependent child allowance shall be
26 referred to as the "dependent child allowance rate".

1 Except as otherwise provided in this Section, with respect
2 to any benefit year beginning on or after January 1, 2010, an
3 individual to whom benefits are payable with respect to any
4 week shall, in addition to those benefits, be paid, with
5 respect to such week, as follows: in the case of an individual
6 with a nonworking spouse, the greater of (i) 9% of his or her
7 prior average weekly wage, rounded (if not already a multiple
8 of one dollar) to the next higher dollar, or (ii) \$15, provided
9 that the total amount payable to the individual with respect to
10 a week shall not exceed 56% of the statewide average weekly
11 wage, rounded (if not already a multiple of one dollar) to the
12 next higher dollar; and in the case of an individual with a
13 dependent child or dependent children, the greater of (i) the
14 product of the dependent child allowance rate multiplied by his
15 or her prior average weekly wage, rounded (if not already a
16 multiple of one dollar) to the next higher dollar, or (ii) the
17 lesser of \$50 or 50% of his or her weekly benefit amount,
18 rounded (if not already a multiple of one dollar) to the next
19 higher dollar, provided that the total amount payable to the
20 individual with respect to a week shall not exceed the product
21 of the statewide average weekly wage multiplied by the sum of
22 47% plus the dependent child allowance rate, rounded (if not
23 already a multiple of one dollar) to the next higher dollar.

24 With respect to any benefit year beginning in calendar year
25 2020 ~~2018~~, an individual to whom benefits are payable with
26 respect to any week shall, in addition to those benefits, be

1 paid, with respect to such week, as follows: in the case of an
2 individual with a nonworking spouse, the greater of (i) 9% of
3 his or her prior average weekly wage, rounded (if not already a
4 multiple of one dollar) to the next higher dollar, or (ii) \$15,
5 provided that the total amount payable to the individual with
6 respect to a week shall not exceed 49.3% ~~51.9%~~ of the statewide
7 average weekly wage, rounded (if not already a multiple of one
8 dollar) to the next higher dollar; and in the case of an
9 individual with a dependent child or dependent children, the
10 greater of (i) the product of the dependent child allowance
11 rate multiplied by his or her prior average weekly wage,
12 rounded (if not already a multiple of one dollar) to the next
13 higher dollar, or (ii) the lesser of \$50 or 50% of his or her
14 weekly benefit amount, rounded (if not already a multiple of
15 one dollar) to the next higher dollar, provided that the total
16 amount payable to the individual with respect to a week shall
17 not exceed the product of the statewide average weekly wage
18 multiplied by the sum of 40.3% ~~42.9%~~ plus the dependent child
19 allowance rate, rounded (if not already a multiple of one
20 dollar) to the next higher dollar.

21 With respect to each benefit year beginning after calendar
22 year 2012, the dependent child allowance rate shall be the sum
23 of the allowance adjustment applicable pursuant to Section
24 1400.1 to the calendar year in which the benefit year begins,
25 plus the dependent child allowance rate with respect to each
26 benefit year beginning in the immediately preceding calendar

1 year, except as otherwise provided in this subsection. The
2 dependent child allowance rate with respect to each benefit
3 year beginning in calendar year 2010 shall be 17.9%. The
4 dependent child allowance rate with respect to each benefit
5 year beginning in calendar year 2011 shall be 17.4%. The
6 dependent child allowance rate with respect to each benefit
7 year beginning in calendar year 2012 shall be 17.0% and, with
8 respect to each benefit year beginning after calendar year
9 2012, shall not be less than 17.0% or greater than 17.9%.

10 For the purposes of this subsection:

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

12 "Child" means a natural child, stepchild, or adopted child
13 of an individual claiming benefits under this Act or a child
14 who is in the custody of any such individual by court order,
15 for whom the individual is supplying and, for at least 90
16 consecutive days (or for the duration of the parental
17 relationship if it has existed for less than 90 days)
18 immediately preceding any week with respect to which the
19 individual has filed a claim, has supplied more than one-half
20 the cost of support, or has supplied at least 1/4 of the cost
21 of support if the individual and the other parent, together,
22 are supplying and, during the aforesaid period, have supplied
23 more than one-half the cost of support, and are, and were
24 during the aforesaid period, members of the same household; and
25 who, on the first day of such week (a) is under 18 years of age,
26 or (b) is, and has been during the immediately preceding 90

1 days, unable to work because of illness or other disability:
2 provided, that no person who has been determined to be a child
3 of an individual who has been allowed benefits with respect to
4 a week in the individual's benefit year shall be deemed to be a
5 child of the other parent, and no other person shall be
6 determined to be a child of such other parent, during the
7 remainder of that benefit year.

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

17 An individual who was obligated by law to provide for the
18 support of a child or of a nonworking spouse for the aforesaid
19 period of 90 consecutive days, but was prevented by illness or
20 injury from doing so, shall be deemed to have provided more
21 than one-half the cost of supporting the child or nonworking
22 spouse for that period.

23 (Source: P.A. 99-488, eff. 12-4-15.)

24 (820 ILCS 405/403) (from Ch. 48, par. 403)

25 Sec. 403. Maximum total amount of benefits.

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

6 B. With respect to any benefit year beginning on or after
7 September 30, 1979, except as otherwise provided in this
8 Section, any otherwise eligible individual shall be entitled,
9 during such benefit year, to a maximum total amount of benefits
10 equal to 26 times his or her weekly benefit amount plus
11 dependents' allowances, or to the total wages for insured work
12 paid to such individual during the individual's base period,
13 whichever amount is smaller. With respect to any benefit year
14 beginning in calendar year 2012, any otherwise eligible
15 individual shall be entitled, during such benefit year, to a
16 maximum total amount of benefits equal to 25 times his or her
17 weekly benefit amount plus dependents' allowances, or to the
18 total wages for insured work paid to such individual during the
19 individual's base period, whichever amount is smaller. ~~If the~~
20 ~~maximum amount includable as "wages" pursuant to Section 235 is~~
21 ~~\$13,560 with respect to calendar year 2013, then, with respect~~
22 ~~to any benefit year beginning after March 31, 2013 and before~~
23 ~~April 1, 2014, any otherwise eligible individual shall be~~
24 ~~entitled, during such benefit year, to a maximum total amount~~
25 ~~of benefits equal to 25 times his or her weekly benefit amount~~
26 ~~plus dependents allowances, or to the total wages for insured~~

1 ~~work paid to such individual during the individual's base~~
2 ~~period, whichever amount is smaller.~~ With respect to any
3 benefit year beginning in calendar year 2020 ~~2018~~, any
4 otherwise eligible individual shall be entitled, during such
5 benefit year, to a maximum total amount of benefits equal to 24
6 times his or her weekly benefit amount plus dependents'
7 allowances, or to the total wages for insured work paid to such
8 individual during the individual's base period, whichever
9 amount is smaller.

10 (Source: P.A. 99-488, eff. 12-4-15.)

11 (820 ILCS 405/1505) (from Ch. 48, par. 575)

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

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

18 B. (Blank).

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

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

1 percent absolute.

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

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

12 2. For the purposes of this subsection:

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

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

1 For the purpose of determining the state experience
2 factor for 1989 and for each calendar year thereafter, the
3 following "benefit reserves for fund building" shall apply
4 for each state experience factor calculation in which that
5 12 month period is applicable:

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

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

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

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

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

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

25 3. Notwithstanding the preceding provisions of this
26 subsection, for calendar years 1988 through 2003, the state

1 experience factor shall not be increased or decreased by
2 more than 15 percent absolute.

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

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

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

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

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

1 preceding the calendar year for which the adjusted state
2 experience factor is being determined;

3 5. Shall be 100% for calendar years 1996, 1997, and
4 1998.

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

17 D-2. (Blank).

18 D-3. The adjusted state experience factor for calendar year
19 2020 ~~2018~~ shall be increased by 21% ~~19%~~ absolute above the
20 adjusted state experience factor as calculated without regard
21 to this subsection. The increase in the adjusted state
22 experience factor for calendar year 2020 ~~2018~~ pursuant to this
23 subsection shall not be counted for purposes of applying
24 paragraph 3 or 4 of subsection D to the calculation of the
25 adjusted state experience factor for calendar year 2021 ~~2019~~.

26 E. The amount standing to the credit of this State's

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

15 (Source: P.A. 99-488, eff. 12-4-15.)

16 (820 ILCS 405/1506.6)

17 Sec. 1506.6. Surcharge; specified period. For each
18 employer whose contribution rate for calendar year 2020 ~~2018~~ is
19 determined pursuant to Section 1500 or 1506.1, ~~including but~~
20 ~~not limited to an employer whose contribution rate pursuant to~~
21 ~~Section 1506.1 is 0.0%~~, in addition to the contribution rate
22 established pursuant to Section 1506.3, an additional
23 surcharge of 0.425% ~~0.3%~~ shall be added to the contribution
24 rate. The surcharge established by this Section shall be due at
25 the same time as other contributions with respect to the

1 quarter are due, as provided in Section 1400. Payments
2 attributable to the surcharge established pursuant to this
3 Section shall be contributions and deposited into the clearing
4 account.

5 (Source: P.A. 99-488, eff. 12-4-15.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".