



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2466

Introduced 2/26/2021, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

|                         |                       |
|-------------------------|-----------------------|
| 820 ILCS 405/900        | from Ch. 48, par. 490 |
| 820 ILCS 405/1900       | from Ch. 48, par. 640 |
| 820 ILCS 405/2206.2 new |                       |

Amends the Unemployment Insurance Act. Provides that when an individual has received benefits and been found to be ineligible for those benefits, the individual must be provided notice of his or her appeal rights. Permits the Director of Employment Security to request that the Comptroller and the Secretary of the Treasury withhold any sum of benefits that an ineligible individual has received through the individual's own fault. Provides that, with the written consent of a claimant or employing unit and an agreement not to publicly disclose, the Director shall provide requested information related to a claim to a public officer or his or her agent. Provides that nothing under the Act prohibits the disclosure of contracts entered into by the Department of Employment Security in accordance with the Illinois Procurement Code. Provides that, except as otherwise provided in the Illinois Procurement Code, all contracts for services, purchases, or sales by the Department not subject to public bid shall be made available on the Department's website within 14 days of execution of the contract. Effective immediately.

LRB102 10210 JLS 15533 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 900 and 1900 and by adding Section 2206.2 as  
6 follows:

7 (820 ILCS 405/900) (from Ch. 48, par. 490)  
8 Sec. 900. Recoupment.)

9 A. Whenever an individual has received any sum as benefits  
10 for which he or she is found to have been ineligible, the  
11 individual must be provided written notice of his or her  
12 appeal rights, including the ability to request waiver of any  
13 recoupment ordered and the standard for such waiver to be  
14 granted. Thereafter, the amount thereof may be recovered by  
15 suit in the name of the People of the State of Illinois, or,  
16 from benefits payable to him, may be recouped:

17 1. At any time, if, to receive such sum, he knowingly  
18 made a false statement or knowingly failed to disclose a  
19 material fact.

20 2. Within 3 years from any date prior to January 1,  
21 1984, on which he has been found to have been ineligible  
22 for any other reason, pursuant to a reconsidered finding  
23 or a reconsidered determination, or pursuant to the

1 decision of a Referee (or of the Director or his  
2 representative under Section 604) which modifies or sets  
3 aside a finding or a reconsidered finding or a  
4 determination or a reconsidered determination; or within 5  
5 years from any date after December 31, 1983, on which he  
6 has been found to have been ineligible for any other  
7 reason, pursuant to a reconsidered finding or a  
8 reconsidered determination, or pursuant to the decision of  
9 a Referee (or of the Director or his representative under  
10 Section 604) which modifies or sets aside a finding or a  
11 reconsidered finding or a determination or a reconsidered  
12 determination. Recoupment pursuant to the provisions of  
13 this paragraph from benefits payable to an individual for  
14 any week may be waived upon the individual's request, if  
15 the sum referred to in paragraph A was received by the  
16 individual without fault on his part and if such  
17 recoupment would be against equity and good conscience.  
18 Such waiver may be denied with respect to any subsequent  
19 week if, in that week, the facts and circumstances upon  
20 which waiver was based no longer exist.

21 B. Whenever the claims adjudicator referred to in Section  
22 702 decides that any sum received by a claimant as benefits  
23 shall be recouped, or denies recoupment waiver requested by  
24 the claimant, he shall promptly notify the claimant of his  
25 decision and the reasons therefor. The decision and the notice  
26 thereof shall state the amount to be recouped, the weeks with

1 respect to which such sum was received by the claimant, and the  
2 time within which it may be recouped and, as the case may be,  
3 the reasons for denial of recoupment waiver. The claims  
4 adjudicator may reconsider his decision within one year after  
5 the date when the decision was made. Such decision or  
6 reconsidered decision may be appealed to a Referee within the  
7 time limits prescribed by Section 800 for appeal from a  
8 determination. Any such appeal, and any appeal from the  
9 Referee's decision thereon, shall be governed by the  
10 applicable provisions of Sections 801, 803, 804 and 805. No  
11 recoupment shall be begun until the expiration of the time  
12 limits prescribed by Section 800 of this Act or, if an appeal  
13 has been filed, until the decision of a Referee has been made  
14 thereon affirming the decision of the Claims Adjudicator.

15 C. Any sums recovered under the provisions of this Section  
16 shall be treated as repayments to the Department of sums  
17 improperly obtained by the claimant.

18 D. Whenever, by reason of a back pay award made by any  
19 governmental agency or pursuant to arbitration proceedings, or  
20 by reason of a payment of wages wrongfully withheld by an  
21 employing unit, an individual has received wages for weeks  
22 with respect to which he has received benefits, the amount of  
23 such benefits may be recouped or otherwise recovered as herein  
24 provided. An employing unit making a back pay award to an  
25 individual for weeks with respect to which the individual has  
26 received benefits shall make the back pay award by check

1 payable jointly to the individual and to the Department.

2 E. The amount recouped pursuant to paragraph 2 of  
3 subsection A from benefits payable to an individual for any  
4 week shall not exceed 25% of the individual's weekly benefit  
5 amount.

6 In addition to the remedies provided by this Section, when  
7 an individual has received any sum as benefits for which he is  
8 found to be ineligible, the Director may request the  
9 Comptroller to withhold such sum in accordance with Section  
10 10.05 of the State Comptroller Act and the Director may  
11 request the Secretary of the Treasury to withhold such sum to  
12 the extent allowed by and in accordance with Section 6402(f)  
13 of the federal Internal Revenue Code of 1986, as amended.  
14 Benefits paid pursuant to this Act shall not be subject to such  
15 withholding. Where the Director requests withholding by the  
16 Secretary of the Treasury pursuant to this Section, in  
17 addition to the amount of benefits for which the individual  
18 has been found ineligible, the individual shall be liable for  
19 any legally authorized administrative fee assessed by the  
20 Secretary, with such fee to be added to the amount to be  
21 withheld by the Secretary.

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

23 (820 ILCS 405/1900) (from Ch. 48, par. 640)

24 Sec. 1900. Disclosure of information.

25 A. Except as provided in this Section, information

1 obtained from any individual or employing unit during the  
2 administration of this Act shall:

- 3 1. be confidential,
- 4 2. not be published or open to public inspection,
- 5 3. not be used in any court in any pending action or  
6 proceeding,
- 7 4. not be admissible in evidence in any action or  
8 proceeding other than one arising out of this Act.

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

17 C. Any officer or employee of this State, any officer or  
18 employee of any entity authorized to obtain information  
19 pursuant to this Section, and any agent of this State or of  
20 such entity who, except with authority of the Director under  
21 this Section or as authorized pursuant to subsection P-1,  
22 shall disclose information shall be guilty of a Class B  
23 misdemeanor and shall be disqualified from holding any  
24 appointment or employment by the State.

25 D. An individual or his duly authorized agent may be  
26 supplied with information from records only to the extent

1 necessary for the proper presentation of his claim for  
2 benefits or with his existing or prospective rights to  
3 benefits. Discretion to disclose this information belongs  
4 solely to the Director and is not subject to a release or  
5 waiver by the individual. Notwithstanding any other provision  
6 to the contrary, an individual or his or her duly authorized  
7 agent may be supplied with a statement of the amount of  
8 benefits paid to the individual during the 18 months preceding  
9 the date of his or her request.

10 E. An employing unit may be furnished with information,  
11 only if deemed by the Director as necessary to enable it to  
12 fully discharge its obligations or safeguard its rights under  
13 the Act. Discretion to disclose this information belongs  
14 solely to the Director and is not subject to a release or  
15 waiver by the employing unit.

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

- 19 1. the administration of relief,
- 20 2. public assistance,
- 21 3. unemployment compensation,
- 22 4. a system of public employment offices,
- 23 5. wages and hours of employment, or
- 24 6. a public works program.

25 The Director may make available to the Illinois Workers'  
26 Compensation Commission information regarding employers for

1 the purpose of verifying the insurance coverage required under  
2 the Workers' Compensation Act and Workers' Occupational  
3 Diseases Act.

4 G. The Director may disclose information submitted by the  
5 State or any of its political subdivisions, municipal  
6 corporations, instrumentalities, or school or community  
7 college districts, except for information which specifically  
8 identifies an individual claimant.

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

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

14 2. the making available upon request to any agency of  
15 the United States charged with the administration of  
16 public works or assistance through public employment, the  
17 name, address, ordinary occupation and employment status  
18 of each recipient of unemployment compensation, and a  
19 statement of such recipient's right to further  
20 compensation under such law as required by Section  
21 303(a)(7); and

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

24 4. information that will assure reasonable cooperation  
25 with every agency of the United States charged with the  
26 administration of any unemployment compensation law as



1 required by Section 303(c)(2); and

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

6 6. any wage information upon request and on a  
7 reimbursable basis to any State or local child support  
8 enforcement agency required by Section 303(e); and

9 7. any information required under the income  
10 eligibility and verification system as required by Section  
11 303(f); and

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

20 9. information, upon request, to representatives of  
21 any federal, State or local governmental public housing  
22 agency with respect to individuals who have signed the  
23 appropriate consent form approved by the Secretary of  
24 Housing and Urban Development and who are applying for or  
25 participating in any housing assistance program  
26 administered by the United States Department of Housing

1 and Urban Development as required by Section 303(i).

2 I. The Director, upon the request of a public agency of  
3 Illinois, of the federal government or of any other state  
4 charged with the investigation or enforcement of Section 10-5  
5 of the Criminal Code of 2012 (or a similar federal law or  
6 similar law of another State), may furnish the public agency  
7 information regarding the individual specified in the request  
8 as to:

9 1. the current or most recent home address of the  
10 individual, and

11 2. the names and addresses of the individual's  
12 employers.

13 J. Nothing in this Section shall be deemed to interfere  
14 with the disclosure of certain records as provided for in  
15 Section 1706 or with the right to make available to the  
16 Internal Revenue Service of the United States Department of  
17 the Treasury, or the Department of Revenue of the State of  
18 Illinois, information obtained under this Act.

19 K. The Department shall make available to the Illinois  
20 Student Assistance Commission, upon request, information in  
21 the possession of the Department that may be necessary or  
22 useful to the Commission in the collection of defaulted or  
23 delinquent student loans which the Commission administers.

24 L. The Department shall make available to the State  
25 Employees' Retirement System, the State Universities  
26 Retirement System, the Teachers' Retirement System of the

1 State of Illinois, and the Department of Central Management  
2 Services, Risk Management Division, upon request, information  
3 in the possession of the Department that may be necessary or  
4 useful to the System or the Risk Management Division for the  
5 purpose of determining whether any recipient of a disability  
6 benefit from the System or a workers' compensation benefit  
7 from the Risk Management Division is gainfully employed.

8 M. This Section shall be applicable to the information  
9 obtained in the administration of the State employment  
10 service, except that the Director may publish or release  
11 general labor market information and may furnish information  
12 that he may deem proper to an individual, public officer or  
13 public agency of this or any other State or the federal  
14 government (in addition to those public officers or public  
15 agencies specified in this Section) as he prescribes by Rule.

16 N. The Director may require such safeguards as he deems  
17 proper to insure that information disclosed pursuant to this  
18 Section is used only for the purposes set forth in this  
19 Section.

20 O. Nothing in this Section prohibits communication with an  
21 individual or entity through unencrypted e-mail or other  
22 unencrypted electronic means as long as the communication does  
23 not contain the individual's or entity's name in combination  
24 with any one or more of the individual's or entity's social  
25 security number; driver's license or State identification  
26 number; credit or debit card number; or any required security

1 code, access code, or password that would permit access to  
2 further information pertaining to the individual or entity.

3 P. (Blank).

4 P-1. With the express written consent of a claimant or  
5 employing unit and an agreement not to publicly disclose, the  
6 Director shall provide requested information related to a  
7 claim to a public officer or his or her agent.

8 Q. The Director shall make available to an elected federal  
9 official the name and address of an individual or entity that  
10 is located within the jurisdiction from which the official was  
11 elected and that, for the most recently completed calendar  
12 year, has reported to the Department as paying wages to  
13 workers, where the information will be used in connection with  
14 the official duties of the official and the official requests  
15 the information in writing, specifying the purposes for which  
16 it will be used. For purposes of this subsection, the use of  
17 information in connection with the official duties of an  
18 official does not include use of the information in connection  
19 with the solicitation of contributions or expenditures, in  
20 money or in kind, to or on behalf of a candidate for public or  
21 political office or a political party or with respect to a  
22 public question, as defined in Section 1-3 of the Election  
23 Code, or in connection with any commercial solicitation. Any  
24 elected federal official who, in submitting a request for  
25 information covered by this subsection, knowingly makes a  
26 false statement or fails to disclose a material fact, with the

1 intent to obtain the information for a purpose not authorized  
2 by this subsection, shall be guilty of a Class B misdemeanor.

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

8 S. The Department shall make available to a State's  
9 Attorney of this State or a State's Attorney's investigator,  
10 upon request, the current address or, if the current address  
11 is unavailable, current employer information, if available, of  
12 a victim of a felony or a witness to a felony or a person  
13 against whom an arrest warrant is outstanding.

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

21 U. The Director shall make information available to the  
22 Department of Healthcare and Family Services and the  
23 Department of Human Services for the purpose of determining  
24 eligibility for public benefit programs authorized under the  
25 Illinois Public Aid Code and related statutes administered by  
26 those departments, for verifying sources and amounts of

1 income, and for other purposes directly connected with the  
2 administration of those programs.

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

7 W. The Director shall make information available to the  
8 State Treasurer's office and the Department of Revenue for the  
9 purpose of facilitating compliance with the Illinois Secure  
10 Choice Savings Program Act, including employer contact  
11 information for employers with 25 or more employees and any  
12 other information the Director deems appropriate that is  
13 directly related to the administration of this program.

14 X. The Director shall make information available, upon  
15 request, to the Illinois Student Assistance Commission for the  
16 purpose of determining eligibility for the adult vocational  
17 community college scholarship program under Section 65.105 of  
18 the Higher Education Student Assistance Act.

19 Y. Nothing in this Section prohibits disclosure of  
20 contracts entered into by the Department in accordance with  
21 the Illinois Procurement Code.

22 (Source: P.A. 100-484, eff. 9-8-17; 101-315, eff. 1-1-20.)

23 (820 ILCS 405/2206.2 new)

24 Sec. 2206.2. Vendor contracts. Except as otherwise  
25 provided in the Illinois Procurement Code, all contracts for

1 services, purchases, or sales by the Department not subject to  
2 public bid shall be made available on the Department's website  
3 within days of execution of the contract. Any contract subject  
4 to publication under this Section shall also include a  
5 provision identifying an individual designated to act as  
6 community liaison for the purpose of responding to public  
7 inquiries regarding the contract. This Section shall apply  
8 regardless of the source of the funds with which the contracts  
9 are paid, including federal assistance moneys, unless otherwise  
10 prohibited by federal law.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.