



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1751

Introduced 2/9/2023, by Sen. Michael W. Halpin

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/612

from Ch. 48, par. 442

Amends the Unemployment Insurance Act. Provides that with respect to a week of unemployment beginning on or after March 15, 2020 (rather than beginning on or after March 15, 2020, and before September 4, 2021 (including any week of unemployment beginning on or after January 1, 2021 and on or before June 25, 2021)) benefits shall be payable to an individual on the basis of wages for employment in other than an instructional, research, or principal administrative capacity performed for an educational institution or an educational service agency under specified circumstances, as long as the individual is otherwise eligible for benefits.

LRB103 27519 SPS 53894 b

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 Section 612 as follows:

6 (820 ILCS 405/612) (from Ch. 48, par. 442)

7 Sec. 612. Academic personnel; ineligibility between  
8 academic years or terms.

9 A. Benefits based on wages for services which are  
10 employment under the provisions of Sections 211.1, 211.2, and  
11 302C shall be payable in the same amount, on the same terms,  
12 and subject to the same conditions as benefits payable on the  
13 basis of wages for other services which are employment under  
14 this Act; except that:

15 1. An individual shall be ineligible for benefits, on  
16 the basis of wages for employment in an instructional,  
17 research, or principal administrative capacity performed  
18 for an institution of higher education, for any week which  
19 begins during the period between two successive academic  
20 years, or during a similar period between two regular  
21 terms, whether or not successive, or during a period of  
22 paid sabbatical leave provided for in the individual's  
23 contract, if the individual has a contract or contracts to

1 perform services in any such capacity for any institution  
2 or institutions of higher education for both such academic  
3 years or both such terms.

4 This paragraph 1 shall apply with respect to any week  
5 which begins prior to January 1, 1978.

6 2. An individual shall be ineligible for benefits, on  
7 the basis of wages for service in employment in any  
8 capacity other than those referred to in paragraph 1,  
9 performed for an institution of higher learning, for any  
10 week which begins after September 30, 1983, during a  
11 period between two successive academic years or terms, if  
12 the individual performed such service in the first of such  
13 academic years or terms and there is a reasonable  
14 assurance that the individual will perform such service in  
15 the second of such academic years or terms.

16 3. An individual shall be ineligible for benefits, on  
17 the basis of wages for service in employment in any  
18 capacity other than those referred to in paragraph 1,  
19 performed for an institution of higher education, for any  
20 week which begins after January 5, 1985, during an  
21 established and customary vacation period or holiday  
22 recess, if the individual performed such service in the  
23 period immediately before such vacation period or holiday  
24 recess and there is a reasonable assurance that the  
25 individual will perform such service in the period  
26 immediately following such vacation period or holiday

1 recess.

2 B. Benefits based on wages for services which are  
3 employment under the provisions of Sections 211.1 and 211.2  
4 shall be payable in the same amount, on the same terms, and  
5 subject to the same conditions, as benefits payable on the  
6 basis of wages for other services which are employment under  
7 this Act, except that:

8 1. An individual shall be ineligible for benefits, on  
9 the basis of wages for service in employment in an  
10 instructional, research, or principal administrative  
11 capacity performed for an educational institution, for any  
12 week which begins after December 31, 1977, during a period  
13 between two successive academic years, or during a similar  
14 period between two regular terms, whether or not  
15 successive, or during a period of paid sabbatical leave  
16 provided for in the individual's contract, if the  
17 individual performed such service in the first of such  
18 academic years (or terms) and if there is a contract or a  
19 reasonable assurance that the individual will perform  
20 service in any such capacity for any educational  
21 institution in the second of such academic years (or  
22 terms).

23 2. An individual shall be ineligible for benefits, on  
24 the basis of wages for service in employment in any  
25 capacity other than those referred to in paragraph 1,  
26 performed for an educational institution, for any week

1           which begins after December 31, 1977, during a period  
2           between two successive academic years or terms, if the  
3           individual performed such service in the first of such  
4           academic years or terms and there is a reasonable  
5           assurance that the individual will perform such service in  
6           the second of such academic years or terms.

7           3. An individual shall be ineligible for benefits, on  
8           the basis of wages for service in employment in any  
9           capacity performed for an educational institution, for any  
10          week which begins after January 5, 1985, during an  
11          established and customary vacation period or holiday  
12          recess, if the individual performed such service in the  
13          period immediately before such vacation period or holiday  
14          recess and there is a reasonable assurance that the  
15          individual will perform such service in the period  
16          immediately following such vacation period or holiday  
17          recess.

18          4. An individual shall be ineligible for benefits on  
19          the basis of wages for service in employment in any  
20          capacity performed in an educational institution while in  
21          the employ of an educational service agency for any week  
22          which begins after January 5, 1985, (a) during a period  
23          between two successive academic years or terms, if the  
24          individual performed such service in the first of such  
25          academic years or terms and there is a reasonable  
26          assurance that the individual will perform such service in

1 the second of such academic years or terms; and (b) during  
2 an established and customary vacation period or holiday  
3 recess, if the individual performed such service in the  
4 period immediately before such vacation period or holiday  
5 recess and there is a reasonable assurance that the  
6 individual will perform such service in the period  
7 immediately following such vacation period or holiday  
8 recess. The term "educational service agency" means a  
9 governmental agency or governmental entity which is  
10 established and operated exclusively for the purpose of  
11 providing such services to one or more educational  
12 institutions.

13 C. 1. If benefits are denied to any individual under the  
14 provisions of paragraph 2 of either subsection A or B of this  
15 Section for any week which begins on or after September 3, 1982  
16 and such individual is not offered a bona fide opportunity to  
17 perform such services for the educational institution for the  
18 second of such academic years or terms, such individual shall  
19 be entitled to a retroactive payment of benefits for each week  
20 for which the individual filed a timely claim for benefits as  
21 determined by the rules and regulations issued by the Director  
22 for the filing of claims for benefits, provided that such  
23 benefits were denied solely because of the provisions of  
24 paragraph 2 of either subsection A or B of this Section.

25 2. If benefits on the basis of wages for service in  
26 employment in other than an instructional, research, or

1 principal administrative capacity performed in an educational  
2 institution while in the employ of an educational service  
3 agency are denied to any individual under the provisions of  
4 subparagraph (a) of paragraph 4 of subsection B and such  
5 individual is not offered a bona fide opportunity to perform  
6 such services in an educational institution while in the  
7 employ of an educational service agency for the second of such  
8 academic years or terms, such individual shall be entitled to  
9 a retroactive payment of benefits for each week for which the  
10 individual filed a timely claim for benefits as determined by  
11 the rules and regulations issued by the Director for the  
12 filing of claims for benefits, provided that such benefits  
13 were denied solely because of subparagraph (a) of paragraph 4  
14 of subsection B of this Section.

15 D. Notwithstanding any other provision in this Section or  
16 paragraph 2 of subsection C of Section 500 to the contrary,  
17 with respect to a week of unemployment beginning on or after  
18 March 15, 2020, ~~and before September 4, 2021 (including any~~  
19 ~~week of unemployment beginning on or after January 1, 2021 and~~  
20 ~~on or before June 25, 2021 (the effective date of Public Act~~  
21 ~~102-26))~~, benefits shall be payable to an individual on the  
22 basis of wages for employment in other than an instructional,  
23 research, or principal administrative capacity performed for  
24 an educational institution or an educational service agency  
25 under any of the circumstances described in this Section, to  
26 the extent permitted under Section 3304(a)(6) of the Federal

1 Unemployment Tax Act, as long as the individual is otherwise  
2 eligible for benefits.

3 (Source: P.A. 101-633, eff. 6-5-20; 102-26, eff. 6-25-21;  
4 102-687, eff. 12-17-21.)