

1 AN ACT in relation to unemployment insurance.

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 205 as follows:

6 (820 ILCS 405/205) (from Ch. 48, par. 315)

7 Sec. 205. "Employer" means:

8 A. With respect to the years 1937, 1938, and 1939, any  
9 employing unit which has or had in employment 8 ~~eight~~ or more  
10 individuals on some portion of a day, but not necessarily  
11 simultaneously, and irrespective of whether the same  
12 individuals are or were employed on each such day within each  
13 of twenty or more calendar weeks, whether or not such weeks  
14 are or were consecutive, within either the current or  
15 preceding calendar year;

16 B. 1. With respect to the years 1940 through 1955,  
17 inclusive, any employing unit which has or had in employment  
18 six or more individuals within each of twenty or more  
19 calendar weeks (but not necessarily simultaneously and  
20 irrespective of whether the same individuals are or were  
21 employed in each such week), whether or not such weeks are or  
22 were consecutive, within either the current or preceding  
23 calendar year;

24 2. With respect to the years 1956 through 1971,  
25 inclusive, any employing unit which has or had in employment  
26 four or more individuals within each of twenty or more  
27 calendar weeks (but not necessarily simultaneously and  
28 irrespective of whether the same individuals are or were  
29 employed in each such week), whether or not such weeks are or  
30 were consecutive, within either the current or preceding  
31 calendar year;

1           3. With respect to the years 1972 and thereafter, except  
2 as provided in subsection K and in Section 301, any employing  
3 unit which (1) pays or paid, for services in employment,  
4 wages of at least \$1500 within any calendar quarter in either  
5 the current or preceding calendar year; or (2) has or had in  
6 employment at least one individual on some portion of a day,  
7 irrespective of whether the same individual is or was  
8 employed on each such day, within each of twenty or more  
9 calendar weeks, whether or not such weeks are or were  
10 consecutive, within either the current or preceding calendar  
11 year;

12           4. With respect to the years 1972 and thereafter, any  
13 nonprofit organization as defined in Section 211.2, except as  
14 provided in subsection K and in Section 301;

15           5. With respect to the years 1972 and thereafter, the  
16 State of Illinois and each of its instrumentalities; and with  
17 respect to the years 1978 and thereafter, each governmental  
18 entity referred to in clause (B) of Section 211.1, except as  
19 provided in Section 301;

20           6. With respect to the years 1978 and thereafter, any  
21 employing unit for which service in agricultural labor is  
22 performed in employment as defined in Section 211.4, except  
23 as provided in subsection K and in Section 301;

24           7. With respect to the years 1978 and thereafter, any  
25 employing unit for which domestic service is performed in  
26 employment as defined in Section 211.5, except as provided in  
27 subsection K and in Section 301;

28           C. Any individual or employing unit which succeeded to  
29 the organization, trade, or business of another employing  
30 unit which at the time of such succession was an employer,  
31 and any individual or employing unit which succeeded to the  
32 organization, trade, or business of any distinct severable  
33 portion of another employing unit, which portion, if treated  
34 as a separate employing unit, would have been, at the time of

1 the succession, an employer under subsections A or B of this  
2 Section;

3 D. Any individual or employing unit which succeeded to  
4 any of the assets of an employer or to any of the assets of a  
5 distinct severable portion thereof, if such portion, when  
6 treated as a separate employing unit would be an employer  
7 under subsections A or B of this Section, by any means  
8 whatever, otherwise than in the ordinary course of business,  
9 unless and until it is proven in any proceeding where such  
10 issue is involved that all of the following exist:

11 1. The successor unit has not assumed a substantial  
12 amount of the predecessor unit's obligations; and

13 2. The successor unit has not acquired a  
14 substantial amount of the predecessor unit's good will;  
15 and

16 3. The successor unit has not continued or resumed  
17 a substantial part of the business of the predecessor  
18 unit in the same establishment;

19 E. Any individual or employing unit which succeeded to  
20 the organization, trade, or business, or to any of the assets  
21 of a predecessor unit (unless and until it is proven in any  
22 proceeding where such issue is involved that all the  
23 conditions enumerated in subsection D of this Section exist),  
24 if the experience of the successor unit subsequent to such  
25 succession plus the experience of the predecessor unit prior  
26 to such succession, both within the same calendar year, would  
27 equal the experience necessary to constitute an employing  
28 unit an employer under subsections A or B of this Section;

29 For the purposes of this subsection, the term  
30 "predecessor unit" shall include any distinct severable  
31 portion of an employing unit.

32 F. With respect to the years 1937 through 1955,  
33 inclusive, any employing unit which together with one or more  
34 other employing units is owned or controlled, directly or

1 indirectly, by legally enforceable means or otherwise, by the  
2 same interests, or which owns or controls one or more other  
3 employing units directly or indirectly, by legally  
4 enforceable means or otherwise, and which if treated as a  
5 single unit with such other employing units or interests or  
6 both would be an employer under subsections A or B of this  
7 Section;

8 G. Any employing unit which, having become an employer  
9 under subsections A, B, C, D, E, or F of this Section, has  
10 not, under Section 301, ceased to be an employer;

11 H. For the effective period of its election pursuant to  
12 Section 302, any other employing unit which has elected to  
13 become fully subject to this Act;

14 I. Any employing unit which is an employer under Section  
15 245;

16 J. Any employing unit which, having become an employer  
17 under Section 245, has not, with respect to the year 1960 or  
18 thereafter, ceased to be an employer under Section 301; or

19 J-1. On and after December 21, 2000, any Indian tribe  
20 for which service in "employment" as defined under this Act  
21 is performed.

22 K. In determining whether or not an employing unit for  
23 which service other than domestic service is also performed  
24 is an employer under paragraphs 3, 4, or 6 of subsection B,  
25 the domestic service of an individual and the wages paid  
26 therefor shall not be taken into account. In determining  
27 whether or not an employing unit for which service other than  
28 agricultural labor is also performed is an employer under  
29 paragraphs 4 or 7 of subsection B, the service of an  
30 individual in agricultural labor and the wages paid therefor  
31 shall not be taken into account. An employing unit which is  
32 an employer under paragraph 6 of subsection B is an employer  
33 under paragraph 3 of subsection B.

34 (Source: P.A. 92-555, eff. 6-24-02.)

