



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

SB2877

Introduced 2/6/2004, by Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

820 ILCS 405/612

from Ch. 48, par. 442

Amends the Unemployment Insurance Act in relation to: employees working in a capacity other than an instructional, research, or principal administrative capacity for an institution of higher education or an educational institution; and employees working in a capacity other than an instructional, research, or principal administrative capacity in an educational institution while in the employ of an educational service agency. Deletes provisions that made those employees ineligible for benefits during a period between two successive academic years or terms or during a vacation period or holiday recess if there is a reasonable assurance that the individual will perform that service in the second of the academic years or after the vacation period or holiday recess. Applies to weeks beginning on or after January 2, 2005.

LRB093 20957 WGH 46940 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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
24 perform services in any such capacity for any institution
25 or institutions of higher education for both such academic
26 years or both such terms.

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

29 2. (Blank) ~~An individual shall be ineligible for~~
30 ~~benefits, on the basis of wages for service in employment~~
31 ~~in any capacity other than those referred to in paragraph~~
32 ~~1, performed for an institution of higher learning, for any~~

1 ~~week which begins after September 30, 1983, 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 assurance~~
5 ~~that the individual will perform such service in the second~~
6 ~~of such academic years or terms.~~

7 3. (Blank) ~~An individual shall be ineligible for~~
8 ~~benefits, on the basis of wages for service in employment~~
9 ~~in any capacity other than those referred to in paragraph~~
10 ~~1, performed for an institution of higher education, for~~
11 ~~any week which begins after January 5, 1985, during an~~
12 ~~established and customary vacation period or holiday~~
13 ~~recess, if the individual performed such service in the~~
14 ~~period immediately before such vacation period or holiday~~
15 ~~recess and there is a reasonable assurance that the~~
16 ~~individual will perform such service in the period~~
17 ~~immediately following such vacation period or holiday~~
18 ~~recess.~~

19 B. Benefits based on wages for services which are
20 employment under the provisions of Sections 211.1 and 211.2
21 shall be payable in the same amount, on the same terms, and
22 subject to the same conditions, as benefits payable on the
23 basis of wages for other services which are employment under
24 this Act, except that:

25 1. An individual shall be ineligible for benefits, on
26 the basis of wages for service in employment in an
27 instructional, research, or principal administrative
28 capacity performed for an educational institution, for any
29 week which begins after December 31, 1977, during a period
30 between two successive academic years, or during a similar
31 period between two regular terms, whether or not
32 successive, or during a period of paid sabbatical leave
33 provided for in the individual's contract, if the
34 individual performed such service in the first of such
35 academic years (or terms) and if there is a contract or a
36 reasonable assurance that the individual will perform

1 service in any such capacity for any educational
2 institution in the second of such academic years (or
3 terms).

4 2. (Blank) ~~An individual shall be ineligible for~~
5 ~~benefits, on the basis of wages for service in employment~~
6 ~~in any capacity other than those referred to in paragraph~~
7 ~~1, performed for an educational institution, for any week~~
8 ~~which begins after December 31, 1977, during a period~~
9 ~~between two successive academic years or terms, if the~~
10 ~~individual performed such service in the first of such~~
11 ~~academic years or terms and there is a reasonable assurance~~
12 ~~that the individual will perform such service in the second~~
13 ~~of such academic years or terms.~~

14 3. (Blank) ~~An individual shall be ineligible for~~
15 ~~benefits, on the basis of wages for service in employment~~
16 ~~in any capacity performed for an educational institution,~~
17 ~~for any week which begins after January 5, 1985, during an~~
18 ~~established and customary vacation period or holiday~~
19 ~~recess, if the individual performed such service in the~~
20 ~~period immediately before such vacation period or holiday~~
21 ~~recess and there is a reasonable assurance that the~~
22 ~~individual will perform such service in the period~~
23 ~~immediately following such vacation period or holiday~~
24 ~~recess.~~

25 4. An individual shall be ineligible for benefits on
26 the basis of wages for service in employment in an
27 instructional, research, or principal administrative ~~any~~
28 capacity performed in an educational institution while in
29 the employ of an educational service agency for any week
30 which begins after January 5, 1985, (a) during a period
31 between two successive academic years or terms, if the
32 individual performed such service in the first of such
33 academic years or terms and there is a reasonable assurance
34 that the individual will perform such service in the second
35 of such academic years or terms; and (b) during an
36 established and customary vacation period or holiday

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

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

24 ~~2. If benefits on the basis of wages for service in~~
25 ~~employment in other than an instructional, research, or~~
26 ~~principal administrative capacity performed in an educational~~
27 ~~institution while in the employ of an educational service~~
28 ~~agency are denied to any individual under the provisions of~~
29 ~~subparagraph (a) of paragraph 4 of subsection B and such~~
30 ~~individual is not offered a bona fide opportunity to perform~~
31 ~~such services in an educational institution while in the employ~~
32 ~~of an educational service agency for the second of such~~
33 ~~academic years or terms, such individual shall be entitled to a~~
34 ~~retroactive payment of benefits for each week for which the~~
35 ~~individual filed a timely claim for benefits as determined by~~
36 ~~the rules and regulations issued by the Director for the filing~~

1 ~~of claims for benefits, provided that such benefits were denied~~
2 ~~solely because of subparagraph (a) of paragraph 4 of subsection~~
3 ~~B of this Section.~~

4 D. This amendatory Act of the 93rd General Assembly applies
5 to weeks beginning on or after January 2, 2005.

6 E. As used in this Section, "educational service agency"
7 means a governmental agency or governmental entity which is
8 established and operated exclusively for the purpose of
9 providing such services to one or more educational
10 institutions.

11 (Source: P.A. 87-1178.)