



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1172

Introduced 2/8/2005, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

820 ILCS 405/612

from Ch. 48, par. 442

Amends the Unemployment Insurance Act. Provides that an individual is ineligible for benefits on the basis of wages for service for a municipality as a school crossing guard between 2 successive academic years or terms or during a vacation period or holiday recess if the individual performed the service in the first of the academic years or terms or before the vacation period or holiday recess and there is a reasonable assurance that the individual will perform the service in the second of the academic years or terms or after the vacation period or holiday recess, subject to specified exceptions. Effective immediately.

LRB094 05914 WGH 35968 b

FISCAL NOTE ACT
MAY APPLY

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; crossing guards -
8 Ineligibility between 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. An individual shall be ineligible for benefits, on
30 the basis of wages for service in employment in any
31 capacity other than those referred to in paragraph 1,
32 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. An individual shall be ineligible for benefits, on
8 the basis of wages for service in employment in any
9 capacity other than those referred to in paragraph 1,
10 performed for an institution of higher education, for any
11 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. An individual shall be ineligible for benefits, on
5 the basis of wages for service in employment in any
6 capacity other than those referred to in paragraph 1,
7 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. An individual shall be ineligible for benefits, on
15 the basis of wages for service in employment in any
16 capacity performed for an educational institution, for any
17 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 any
27 capacity performed in an educational institution while in
28 the employ of an educational service agency for any week
29 which begins after January 5, 1985, (a) during a period
30 between two successive academic years or terms, if the
31 individual performed such service in the first of such
32 academic years or terms and there is a reasonable assurance
33 that the individual will perform such service in the second
34 of such academic years or terms; and (b) during an
35 established and customary vacation period or holiday
36 recess, if the individual performed such service in the

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

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

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

1 B of this Section.

2 D. 1. An individual shall be ineligible for benefits, on
3 the basis of wages for service in employment for a municipality
4 as a school crossing guard for any week which begins on or
5 after the effective date of this amendatory Act of the 94th
6 General Assembly, during a period between 2 successive academic
7 years or terms, if the individual performed such service in the
8 first of such academic years or terms and there is a reasonable
9 assurance that the individual will perform such service in the
10 second of such academic years or terms.

11 2. An individual shall be ineligible for benefits, on the
12 basis of wages for service in employment for a municipality as
13 a school crossing guard for any week which begins on or after
14 the effective date of this amendatory Act of the 94th General
15 Assembly, during an established and customary vacation period
16 or holiday recess, if the individual performed such service in
17 the period immediately before such vacation period or holiday
18 recess and there is a reasonable assurance that the individual
19 will perform such service in the period immediately following
20 such vacation period or holiday recess.

21 3. If benefits are denied to any individual under the
22 provisions of paragraph 1 of this subsection D for any week
23 which begins on or after the effective date of this amendatory
24 Act of the 94th General Assembly and such individual is not
25 offered a bona fide opportunity to perform such services for
26 the second of such academic years or terms, such individual
27 shall be entitled to a retroactive payment of benefits for each
28 week for which the individual filed a timely claim for benefits
29 as determined by the rules and regulations issued by the
30 Director for the filing of claims for benefits, provided that
31 such benefits were denied solely because of the provisions of
32 paragraph 1 of this subsection D.

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

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.