



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0426

Introduced 2/16/2005, by Sen. George P. Shadid

SYNOPSIS AS INTRODUCED:

820 ILCS 405/1502.1

from Ch. 48, par. 572.1

Amends provisions of the Unemployment Insurance Act providing that an employer is not chargeable for benefit charges resulting from the payment of benefits to an individual if the employer's business is closed solely because of the entrance of the employer or a partner, officer, or majority stockholder of the employer into active duty in the Illinois National Guard or the Armed Forces. Provides that those provisions apply notwithstanding any other provision of the Act, including those affecting finality of benefit charges or rates. Also provides that those provisions apply to benefit charges that result from the payment of benefits to an individual for any week of unemployment after January 1, 2003. Effective immediately.

LRB094 10557 WGH 40853 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 1502.1 as follows:

6 (820 ILCS 405/1502.1) (from Ch. 48, par. 572.1)

7 Sec. 1502.1. Employer's benefit charges.

8 A. Benefit charges which result from payments to any
9 claimant made on or after July 1, 1989 shall be charged:

10 1. For benefit years beginning prior to July 1, 1989,
11 to each employer who paid wages to the claimant during his
12 base period;

13 2. For benefit years beginning on or after July 1, 1989
14 but before January 1, 1993, to the later of:

15 a. the last employer prior to the beginning of the
16 claimant's benefit year:

17 i. from whom the claimant was separated or who,
18 by reduction of work offered, caused the claimant
19 to become unemployed as defined in Section 239,
20 and,

21 ii. for whom the claimant performed services
22 in employment, on each of 30 days whether or not
23 such days are consecutive, provided that the wages
24 for such services were earned during the period
25 from the beginning of the claimant's base period to
26 the beginning of the claimant's benefit year; but
27 that employer shall not be charged if:

28 (1) the claimant's last separation from
29 that employer was a voluntary leaving without
30 good cause, as the term is used in Section 601A
31 or under the circumstances described in
32 paragraphs 1 and 2 of Section 601B; or

1 (2) the claimant's last separation from
2 that employer was a discharge for misconduct or
3 a felony or theft connected with his work from
4 that employer, as these terms are used in
5 Section 602; or

6 (3) after his last separation from that
7 employer, prior to the beginning of his benefit
8 year, the claimant refused to accept an offer
9 of or to apply for suitable work from that
10 employer without good cause, as these terms are
11 used in Section 603; or

12 (4) the claimant, following his last
13 separation from that employer, prior to the
14 beginning of his benefit year, is ineligible or
15 would have been ineligible under Section 612 if
16 he has or had had base period wages from the
17 employers to which that Section applies; or

18 (5) the claimant subsequently performed
19 services for at least 30 days for an individual
20 or organization which is not an employer
21 subject to this Act; or

22 b. the single employer who pays wages to the
23 claimant that allow him to requalify for benefits after
24 disqualification under Section 601, 602 or 603, if:

25 i. the disqualifying event occurred prior to
26 the beginning of the claimant's benefit year, and

27 ii. the requalification occurred after the
28 beginning of the claimant's benefit year, and

29 iii. even if the 30 day requirement given in
30 this paragraph is not satisfied; but

31 iv. the requalifying employer shall not be
32 charged if the claimant is held ineligible with
33 respect to that requalifying employer under
34 Section 601, 602 or 603.

35 3. For benefit years beginning on or after January 1,
36 1993, with respect to each week for which benefits are

1 paid, to the later of:

2 a. the last employer:

3 i. from whom the claimant was separated or who,
4 by reduction of work offered, caused the claimant
5 to become unemployed as defined in Section 239, and

6 ii. for whom the claimant performed services
7 in employment, on each of 30 days whether or not
8 such days are consecutive, provided that the wages
9 for such services were earned since the beginning
10 of the claimant's base period; but that employer
11 shall not be charged if:

12 (1) the claimant's separation from that
13 employer was a voluntary leaving without good
14 cause, as the term is used in Section 601A or
15 under the circumstances described in
16 paragraphs 1, 2, and 6 of Section 601B; or

17 (2) the claimant's separation from that
18 employer was a discharge for misconduct or a
19 felony or theft connected with his work from
20 that employer, as these terms are used in
21 Section 602; or

22 (3) the claimant refused to accept an
23 offer of or to apply for suitable work from
24 that employer without good cause, as these
25 terms are used in Section 603 (but only for
26 weeks following the refusal of work); or

27 (4) the claimant subsequently performed
28 services for at least 30 days for an individual
29 or organization which is not an employer
30 subject to this Act; or

31 (5) the claimant, following his separation
32 from that employer, is ineligible or would have
33 been ineligible under Section 612 if he has or
34 had had base period wages from the employers to
35 which that Section applies (but only for the
36 period of ineligibility or potential

1 ineligibility); or

2 b. the single employer who pays wages to the
3 claimant that allow him to requalify for benefits after
4 disqualification under Section 601, 602, or 603, even
5 if the 30 day requirement given in this paragraph is
6 not satisfied; but the requalifying employer shall not
7 be charged if the claimant is held ineligible with
8 respect to that requalifying employer under Section
9 601, 602, or 603.

10 B. Whenever a claimant is ineligible pursuant to Section
11 614 on the basis of wages paid during his base period, any days
12 on which such wages were earned shall not be counted in
13 determining whether that claimant performed services during at
14 least 30 days for the employer that paid such wages as required
15 by paragraphs 2 and 3 of subsection A.

16 C. If no employer meets the requirements of paragraph 2 or
17 3 of subsection A, then no employer will be chargeable for any
18 benefit charges which result from the payment of benefits to
19 the claimant for that benefit year.

20 D. Notwithstanding the preceding provisions of this
21 Section, no employer shall be chargeable for any benefit
22 charges which result from the payment of benefits to any
23 claimant after the effective date of this amendatory Act of
24 1992 where the claimant's separation from that employer
25 occurred as a result of his detention, incarceration, or
26 imprisonment under State, local, or federal law.

27 D-1. Notwithstanding any other provision of this Act,
28 including those affecting finality of benefit charges or rates
29 ~~Section~~, an employer shall not be chargeable for any benefit
30 charges which result from the payment of benefits to an
31 individual for any week of unemployment after January 1, 2003,
32 during the period that the employer's business is closed solely
33 because of the entrance of the employer, one or more of the
34 partners or officers of the employer, or the majority
35 stockholder of the employer into active duty in the Illinois
36 National Guard or the Armed Forces of the United States.

1 E. For the purposes of Sections 302, 409, 701, 1403, 1404,
2 1405 and 1508.1, last employer means the employer that:

3 1. is charged for benefit payments which become benefit
4 charges under this Section, or

5 2. would have been liable for such benefit charges if
6 it had not elected to make payments in lieu of
7 contributions.

8 (Source: P.A. 93-634, eff. 1-1-04; 93-1012, eff. 8-24-04.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.