

# HB3856



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB3856**

Introduced 2/26/2009, by Rep. Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/500

from Ch. 48, par. 420

Amends the Unemployment Insurance Act. Provides that an individual shall not be deemed unavailable for work because the individual is pursuing an online course of instruction offered by a public or private school via the Internet that requires neither presence at a campus nor adherence to a schedule of classes at particular dates and times.

LRB096 09317 WGH 19471 b

A BILL FOR

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 500 as follows:

6 (820 ILCS 405/500) (from Ch. 48, par. 420)

7 Sec. 500. Eligibility for benefits. An unemployed  
8 individual shall be eligible to receive benefits with respect  
9 to any week only if the Director finds that:

10 A. He has registered for work at and thereafter has  
11 continued to report at an employment office in accordance with  
12 such regulations as the Director may prescribe, except that the  
13 Director may, by regulation, waive or alter either or both of  
14 the requirements of this subsection as to individuals attached  
15 to regular jobs, and as to such other types of cases or  
16 situations with respect to which he finds that compliance with  
17 such requirements would be oppressive or inconsistent with the  
18 purposes of this Act, provided that no such regulation shall  
19 conflict with Section 400 of this Act.

20 B. He has made a claim for benefits with respect to such  
21 week in accordance with such regulations as the Director may  
22 prescribe.

23 C. He is able to work, and is available for work; provided

1 that during the period in question he was actively seeking work  
2 and he has certified such. Whenever requested to do so by the  
3 Director, the individual shall, in the manner the Director  
4 prescribes by regulation, inform the Department of the places  
5 at which he has sought work during the period in question.  
6 Nothing in this subsection shall limit the Director's approval  
7 of alternate methods of demonstrating an active search for work  
8 based on regular reporting to a trade union office.

9 1. If an otherwise eligible individual is unable to  
10 work or is unavailable for work on any normal workday of  
11 the week, he shall be eligible to receive benefits with  
12 respect to such week reduced by one-fifth of his weekly  
13 benefit amount for each day of such inability to work or  
14 unavailability for work. For the purposes of this  
15 paragraph, an individual who reports on a day subsequent to  
16 his designated report day shall be deemed unavailable for  
17 work on his report day if his failure to report on that day  
18 is without good cause, and on each intervening day, if any,  
19 on which his failure to report is without good cause. As  
20 used in the preceding sentence, "report day" means the day  
21 which has been designated for the individual to report to  
22 file his claim for benefits with respect to any week. This  
23 paragraph shall not be construed so as to effect any change  
24 in the status of part-time workers as defined in Section  
25 407.

26 2. An individual shall be considered to be unavailable

1 for work on days listed as whole holidays in "An Act to  
2 revise the law in relation to promissory notes, bonds, due  
3 bills and other instruments in writing," approved March 18,  
4 1874, as amended; on days which are holidays in his  
5 religion or faith, and on days which are holidays according  
6 to the custom of his trade or occupation, if his failure to  
7 work on such day is a result of the holiday. In determining  
8 the claimant's eligibility for benefits and the amount to  
9 be paid him, with respect to the week in which such holiday  
10 occurs, he shall have attributed to him as additional  
11 earnings for that week an amount equal to one-fifth of his  
12 weekly benefit amount for each normal work day on which he  
13 does not work because of a holiday of the type above  
14 enumerated.

15 3. An individual shall be deemed unavailable for work  
16 if, after his separation from his most recent employing  
17 unit, he has removed himself to and remains in a locality  
18 where opportunities for work are substantially less  
19 favorable than those in the locality he has left.

20 4. An individual shall be deemed unavailable for work  
21 with respect to any week which occurs in a period when his  
22 principal occupation is that of a student in attendance at,  
23 or on vacation from, a public or private school; however,  
24 an individual shall not be deemed unavailable for work with  
25 respect to any week because, during that week, the  
26 individual is pursuing an online course of instruction

1       offered by a public or private school via the Internet that  
2       requires neither presence at a campus nor adherence to a  
3       schedule of classes at particular dates and times.

4           5. Notwithstanding any other provisions of this Act, an  
5       individual shall not be deemed unavailable for work or to  
6       have failed actively to seek work, nor shall he be  
7       ineligible for benefits by reason of the application of the  
8       provisions of Section 603, with respect to any week,  
9       because he is enrolled in and is in regular attendance at a  
10      training course approved for him by the Director:

11           (a) but only if, with respect to that week, the  
12      individual presents, upon request, to the claims  
13      adjudicator referred to in Section 702 a statement  
14      executed by a responsible person connected with the  
15      training course, certifying that the individual was in  
16      full-time attendance at such course during the week.  
17      The Director may approve such course for an individual  
18      only if he finds that (1) reasonable work opportunities  
19      for which the individual is fitted by training and  
20      experience do not exist in his locality; (2) the  
21      training course relates to an occupation or skill for  
22      which there are, or are expected to be in the immediate  
23      future, reasonable work opportunities in his locality;  
24      (3) the training course is offered by a competent and  
25      reliable agency, educational institution, or employing  
26      unit; (4) the individual has the required

1            qualifications and aptitudes to complete the course  
2            successfully; and (5) the individual is not receiving  
3            and is not eligible (other than because he has claimed  
4            benefits under this Act) for subsistence payments or  
5            similar assistance under any public or private  
6            retraining program: Provided, that the Director shall  
7            not disapprove such course solely by reason of clause  
8            (5) if the subsistence payment or similar assistance is  
9            subject to reduction by an amount equal to any benefits  
10           payable to the individual under this Act in the absence  
11           of the clause. In the event that an individual's weekly  
12           unemployment compensation benefit is less than his  
13           certified training allowance, that person shall be  
14           eligible to receive his entire unemployment  
15           compensation benefits, plus such supplemental training  
16           allowances that would make an applicant's total weekly  
17           benefit identical to the original certified training  
18           allowance.

19           (b) The Director shall have the authority to grant  
20           approval pursuant to subparagraph (a) above prior to an  
21           individual's formal admission into a training course.  
22           Requests for approval shall not be made more than 30  
23           days prior to the actual starting date of such course.  
24           Requests shall be made at the appropriate unemployment  
25           office.

26           (c) The Director shall for purposes of paragraph C

1           have the authority to issue a blanket approval of  
2           training programs implemented pursuant to the federal  
3           Workforce Investment Act of 1998 if both the training  
4           program and the criteria for an individual's  
5           participation in such training meet the requirements  
6           of this paragraph C.

7           (d) Notwithstanding the requirements of  
8           subparagraph (a), the Director shall have the  
9           authority to issue blanket approval of training  
10          programs implemented under the terms of a collective  
11          bargaining agreement.

12          6. Notwithstanding any other provisions of this Act, an  
13          individual shall not be deemed unavailable for work or to  
14          have failed actively to seek work, nor shall he be  
15          ineligible for benefits, by reason of the application of  
16          the provisions of Section 603 with respect to any week  
17          because he is in training approved under Section 236 (a) (1)  
18          of the federal Trade Act of 1974, nor shall an individual  
19          be ineligible for benefits under the provisions of Section  
20          601 by reason of leaving work voluntarily to enter such  
21          training if the work left is not of a substantially equal  
22          or higher skill level than the individual's past adversely  
23          affected employment as defined under the federal Trade Act  
24          of 1974 and the wages for such work are less than 80% of  
25          his average weekly wage as determined under the federal  
26          Trade Act of 1974.

1           D. If his benefit year begins prior to July 6, 1975 or  
2 subsequent to January 2, 1982, he has been unemployed for a  
3 waiting period of 1 week during such benefit year. If his  
4 benefit year begins on or after July 6, 1975, but prior to  
5 January 3, 1982, and his unemployment continues for more than  
6 three weeks during such benefit year, he shall be eligible for  
7 benefits with respect to each week of such unemployment,  
8 including the first week thereof. An individual shall be deemed  
9 to be unemployed within the meaning of this subsection while  
10 receiving public assistance as remuneration for services  
11 performed on work projects financed from funds made available  
12 to governmental agencies for such purpose. No week shall be  
13 counted as a week of unemployment for the purposes of this  
14 subsection:

15           1. Unless it occurs within the benefit year which  
16 includes the week with respect to which he claims payment  
17 of benefits, provided that, for benefit years beginning  
18 prior to January 3, 1982, this requirement shall not  
19 interrupt the payment of benefits for consecutive weeks of  
20 unemployment; and provided further that the week  
21 immediately preceding a benefit year, if part of one  
22 uninterrupted period of unemployment which continues into  
23 such benefit year, shall be deemed (for the purpose of this  
24 subsection only and with respect to benefit years beginning  
25 prior to January 3, 1982, only) to be within such benefit  
26 year, as well as within the preceding benefit year, if the



1 unemployed individual would, except for the provisions of  
2 the first paragraph and paragraph 1 of this subsection and  
3 of Section 605, be eligible for and entitled to benefits  
4 for such week.

5 2. If benefits have been paid with respect thereto.

6 3. Unless the individual was eligible for benefits with  
7 respect thereto except for the requirements of this  
8 subsection and of Section 605.

9 E. With respect to any benefit year beginning prior to  
10 January 3, 1982, he has been paid during his base period wages  
11 for insured work not less than the amount specified in Section  
12 500E of this Act as amended and in effect on October 5, 1980.  
13 With respect to any benefit year beginning on or after January  
14 3, 1982, he has been paid during his base period wages for  
15 insured work equal to not less than \$1,600, provided that he  
16 has been paid wages for insured work equal to at least \$440  
17 during that part of his base period which does not include the  
18 calendar quarter in which the wages paid to him were highest.

19 F. During that week he has participated in reemployment  
20 services to which he has been referred, including but not  
21 limited to job search assistance services, pursuant to a  
22 profiling system established by the Director by rule in  
23 conformity with Section 303(j)(1) of the federal Social  
24 Security Act, unless the Director determines that:

25 1. the individual has completed such services; or

26 2. there is justifiable cause for the claimant's

1 failure to participate in such services.

2 This subsection F is added by this amendatory Act of 1995  
3 to clarify authority already provided under subsections A and C  
4 in connection with the unemployment insurance claimant  
5 profiling system required under subsections (a)(10) and (j)(1)  
6 of Section 303 of the federal Social Security Act as a  
7 condition of federal funding for the administration of the  
8 Unemployment Insurance Act.

9 (Source: P.A. 92-396, eff. 1-1-02.)