

HB5683



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5683

Introduced 2/9/2010, by Rep. Jerry L. Mitchell

SYNOPSIS AS INTRODUCED:

820 ILCS 405/500

from Ch. 48, par. 420

Amends the Unemployment Insurance Act. Deletes language providing that an individual is deemed unavailable for work with respect to any week which occurs in a period when the individual's principal occupation is that of a student in attendance at, or on vacation from, a public or private school.

LRB096 16969 WGH 32282 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. (Blank). ~~An individual shall be deemed unavailable~~
21 ~~for work with respect to any week which occurs in a period~~
22 ~~when his principal occupation is that of a student in~~
23 ~~attendance at, or on vacation from, a public or private~~
24 ~~school.~~

25 5. Notwithstanding any other provisions of this Act, an
26 individual shall not be deemed unavailable for work or to

1 have failed actively to seek work, nor shall he be
2 ineligible for benefits by reason of the application of the
3 provisions of Section 603, with respect to any week,
4 because he is enrolled in and is in regular attendance at a
5 training course approved for him by the Director:

6 (a) but only if, with respect to that week, the
7 individual presents, upon request, to the claims
8 adjudicator referred to in Section 702 a statement
9 executed by a responsible person connected with the
10 training course, certifying that the individual was in
11 full-time attendance at such course during the week.
12 The Director may approve such course for an individual
13 only if he finds that (1) reasonable work opportunities
14 for which the individual is fitted by training and
15 experience do not exist in his locality; (2) the
16 training course relates to an occupation or skill for
17 which there are, or are expected to be in the immediate
18 future, reasonable work opportunities in his locality;
19 (3) the training course is offered by a competent and
20 reliable agency, educational institution, or employing
21 unit; (4) the individual has the required
22 qualifications and aptitudes to complete the course
23 successfully; and (5) the individual is not receiving
24 and is not eligible (other than because he has claimed
25 benefits under this Act) for subsistence payments or
26 similar assistance under any public or private

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

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

21 (c) The Director shall for purposes of paragraph C
22 have the authority to issue a blanket approval of
23 training programs implemented pursuant to the federal
24 Workforce Investment Act of 1998 if both the training
25 program and the criteria for an individual's
26 participation in such training meet the requirements

1 of this paragraph C.

2 (d) Notwithstanding the requirements of
3 subparagraph (a), the Director shall have the
4 authority to issue blanket approval of training
5 programs implemented under the terms of a collective
6 bargaining agreement.

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

22 D. If his benefit year begins prior to July 6, 1975 or
23 subsequent to January 2, 1982, he has been unemployed for a
24 waiting period of 1 week during such benefit year. If his
25 benefit year begins on or after July 6, 1975, but prior to
26 January 3, 1982, and his unemployment continues for more than

1 three weeks during such benefit year, he shall be eligible for
2 benefits with respect to each week of such unemployment,
3 including the first week thereof. An individual shall be deemed
4 to be unemployed within the meaning of this subsection while
5 receiving public assistance as remuneration for services
6 performed on work projects financed from funds made available
7 to governmental agencies for such purpose. No week shall be
8 counted as a week of unemployment for the purposes of this
9 subsection:

10 1. Unless it occurs within the benefit year which
11 includes the week with respect to which he claims payment
12 of benefits, provided that, for benefit years beginning
13 prior to January 3, 1982, this requirement shall not
14 interrupt the payment of benefits for consecutive weeks of
15 unemployment; and provided further that the week
16 immediately preceding a benefit year, if part of one
17 uninterrupted period of unemployment which continues into
18 such benefit year, shall be deemed (for the purpose of this
19 subsection only and with respect to benefit years beginning
20 prior to January 3, 1982, only) to be within such benefit
21 year, as well as within the preceding benefit year, if the
22 unemployed individual would, except for the provisions of
23 the first paragraph and paragraph 1 of this subsection and
24 of Section 605, be eligible for and entitled to benefits
25 for such week.

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

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

4 E. With respect to any benefit year beginning prior to
5 January 3, 1982, he has been paid during his base period wages
6 for insured work not less than the amount specified in Section
7 500E of this Act as amended and in effect on October 5, 1980.
8 With respect to any benefit year beginning on or after January
9 3, 1982, he has been paid during his base period wages for
10 insured work equal to not less than \$1,600, provided that he
11 has been paid wages for insured work equal to at least \$440
12 during that part of his base period which does not include the
13 calendar quarter in which the wages paid to him were highest.

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

- 20 1. the individual has completed such services; or
21 2. there is justifiable cause for the claimant's
22 failure to participate in such services.

23 This subsection F is added by this amendatory Act of 1995
24 to clarify authority already provided under subsections A and C
25 in connection with the unemployment insurance claimant
26 profiling system required under subsections (a)(10) and (j)(1)

1 of Section 303 of the federal Social Security Act as a
2 condition of federal funding for the administration of the
3 Unemployment Insurance Act.

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