

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 Illinois Unemployment Insurance Trust Fund
5 Financing Act is amended by changing Section 4 as follows:

6 (30 ILCS 440/4)

7 Sec. 4. Authority to Issue Revenue Bonds.

8 A. The Department shall have the continuing power to borrow
9 money for the purpose of carrying out the following:

10 1. To reduce or avoid the need to borrow or obtain a
11 federal advance under Section 1201, et seq., of the Social
12 Security Act (42 U.S.C. Section 1321), as amended, or any
13 similar federal law; or

14 2. To refinance a previous advance received by the
15 Department with respect to the payment of Benefits; or

16 3. To refinance, purchase, redeem, refund, advance
17 refund or defease (including, any combination of the
18 foregoing) any outstanding Bonds issued pursuant to this
19 Act; or

20 4. To fund a surplus in Illinois' account in the
21 Unemployment Trust Fund of the United States Treasury.

22 Paragraphs 1, 2 and 4 are inoperative on and after January
23 1, 2013 ~~2010~~.

1 B. As evidence of the obligation of the Department to repay
2 money borrowed for the purposes set forth in Section 4A above,
3 the Department may issue and dispose of its interest bearing
4 revenue Bonds and may also, from time-to-time, issue and
5 dispose of its interest bearing revenue Bonds to purchase,
6 redeem, refund, advance refund or defease (including, any
7 combination of the foregoing) any Bonds at maturity or pursuant
8 to redemption provisions or at any time before maturity. The
9 Director, in consultation with the Department's Employment
10 Security Advisory Board, shall have the power to direct that
11 the Bonds be issued. Bonds may be issued in one or more series
12 and under terms and conditions as needed in furtherance of the
13 purposes of this Act. The Illinois Finance Authority shall
14 provide any technical, legal, or administrative services if and
15 when requested by the Director and the Employment Security
16 Advisory Board with regard to the issuance of Bonds. Such Bonds
17 shall be issued in the name of the State of Illinois for the
18 benefit of the Department and shall be executed by the
19 Director. In case any Director whose signature appears on any
20 Bond ceases (after attaching his or her signature) to hold that
21 office, her or his signature shall nevertheless be valid and
22 effective for all purposes.

23 C. No Bonds shall be issued without the Director's written
24 certification that, based upon a reasonable financial
25 analysis, the issuance of Bonds is reasonably expected to:

26 (i) Result in a savings to the State as compared to

1 the cost of borrowing or obtaining an advance under
2 Section 1201, et seq., Social Security Act (42 U.S.C.
3 Section 1321), as amended, or any similar federal law;

4 (ii) Result in terms which are advantageous to the
5 State through refunding, advance refunding or other
6 similar restructuring of outstanding Bonds; or

7 (iii) Allow the State to avoid an anticipated
8 deficiency in the State's account in the Unemployment
9 Trust Fund of the United States Treasury by funding a
10 surplus in the State's account in the Unemployment
11 Trust Fund of the United States Treasury.

12 D. All such Bonds shall be payable from Fund Building
13 Receipts. Bonds may also be paid from (i) to the extent
14 allowable by law, from monies in the State's account in the
15 Unemployment Trust Fund of the United States Treasury; and (ii)
16 to the extent allowable by law, a federal advance under Section
17 1201, et seq., of the Social Security Act (42 U.S.C. Section
18 1321); and (iii) proceeds of Bonds and receipts from related
19 credit and exchange agreements to the extent allowed by this
20 Act and applicable legal requirements.

21 E. The maximum principal amount of the Bonds, when combined
22 with the outstanding principal of all other Bonds issued
23 pursuant to this Act, shall not at any time exceed
24 \$1,400,000,000, excluding all of the outstanding principal of
25 any other Bonds issued pursuant to this Act for which payment
26 has been irrevocably provided by refunding or other manner of

1 defeasance. It is the intent of this Act that the outstanding
2 Bond authorization limits provided for in this Section 4E shall
3 be revolving in nature, such that the amount of Bonds
4 outstanding that are not refunded or otherwise defeased shall
5 be included in determining the maximum amount of Bonds
6 authorized to be issued pursuant to the Act.

7 F. Such Bonds and refunding Bonds issued pursuant to this
8 Act may bear such date or dates, may mature at such time or
9 times not exceeding 10 years from their respective dates of
10 issuance, and may bear interest at such rate or rates not
11 exceeding the maximum rate authorized by the Bond Authorization
12 Act, as amended and in effect at the time of the issuance of
13 the Bonds.

14 G. The Department may enter into a Credit Agreement
15 pertaining to the issuance of the Bonds, upon terms which are
16 not inconsistent with this Act and any other laws, provided
17 that the term of such Credit Agreement shall not exceed the
18 term of the Bonds, plus any time period necessary to cure any
19 defaults under such Credit Agreement.

20 H. Interest earnings paid to holders of the Bonds shall not
21 be exempt from income taxes imposed by the State.

22 I. While any Bond Obligations are outstanding or
23 anticipated to come due as a result of Bonds expected to be
24 issued in either or both of the 2 immediately succeeding
25 calendar quarters, the Department shall collect and deposit
26 Fund Building Receipts into the Master Bond Fund in an amount

1 necessary to satisfy the Required Fund Building Receipts Amount
2 prior to expending Fund Building Receipts for any other
3 purpose. The Required Fund Building Receipts Amount shall be
4 that amount necessary to ensure the marketability of the Bonds,
5 which shall be specified in the Bond Sale Order executed by the
6 Director in connection with the issuance of the Bonds.

7 J. Holders of the Bonds shall have a first and priority
8 claim on all Fund Building Receipts in the Master Bond Fund in
9 parity with all other holders of the Bonds, provided that such
10 claim may be subordinated to the provider of any Credit
11 Agreement for any of the Bonds.

12 K. To the extent that Fund Building Receipts in the Master
13 Bond Fund are not otherwise needed to satisfy the requirements
14 of this Act and the instruments authorizing the issuance of the
15 Bonds, such monies shall be used by the Department, in such
16 amounts as determined by the Director to do any one or a
17 combination of the following:

18 1. To purchase, refinance, redeem, refund, advance
19 refund or defease (or any combination of the foregoing)
20 outstanding Bonds, to the extent such action is legally
21 available and does not impair the tax exempt status of any
22 of the Bonds which are, in fact, exempt from Federal income
23 taxation; or

24 2. As a deposit in the State's account in the
25 Unemployment Trust Fund of the United States Treasury; or

26 3. As a deposit into the Special Programs Fund provided

1 for under Section 2107 of the Unemployment Insurance Act.

2 L. The Director shall determine the method of sale, type of
3 bond, bond form, redemption provisions and other terms of the
4 Bonds that, in the Director's judgment, best achieve the
5 purposes of this Act and effect the borrowing at the lowest
6 practicable cost, provided that those determinations are not
7 inconsistent with this Act or other applicable legal
8 requirements. Those determinations shall be set forth in a
9 document entitled "Bond Sale Order" acceptable, in form and
10 substance, to the attorney or attorneys acting as bond counsel
11 for the Bonds in connection with the rendering of opinions
12 necessary for the issuance of the Bonds and executed by the
13 Director.

14 (Source: P.A. 93-634, eff. 1-1-04; 94-1083, eff. 1-19-07.)

15 Section 10. The Unemployment Insurance Act is amended by
16 changing Sections 401, 409, and 601 as follows:

17 (820 ILCS 405/401) (from Ch. 48, par. 401)

18 Sec. 401. Weekly Benefit Amount - Dependents' Allowances.

19 A. With respect to any week beginning prior to April 24,
20 1983, an individual's weekly benefit amount shall be an amount
21 equal to the weekly benefit amount as defined in this Act as in
22 effect on November 30, 1982.

23 B. 1. With respect to any week beginning on or after April
24 24, 1983 and before January 3, 1988, an individual's weekly

1 benefit amount shall be 48% of his prior average weekly wage,
2 rounded (if not already a multiple of one dollar) to the next
3 higher dollar; provided, however, that the weekly benefit
4 amount cannot exceed the maximum weekly benefit amount, and
5 cannot be less than 15% of the statewide average weekly wage,
6 rounded (if not already a multiple of one dollar) to the next
7 higher dollar. However, the weekly benefit amount for an
8 individual who has established a benefit year beginning before
9 April 24, 1983, shall be determined, for weeks beginning on or
10 after April 24, 1983 claimed with respect to that benefit year,
11 as provided under this Act as in effect on November 30, 1982.
12 With respect to any week beginning on or after January 3, 1988
13 and before January 1, 1993, an individual's weekly benefit
14 amount shall be 49% of his prior average weekly wage, rounded
15 (if not already a multiple of one dollar) to the next higher
16 dollar; provided, however, that the weekly benefit amount
17 cannot exceed the maximum weekly benefit amount, and cannot be
18 less than \$51. With respect to any week beginning on or after
19 January 3, 1993 and during a benefit year beginning before
20 January 4, 2004, an individual's weekly benefit amount shall be
21 49.5% of his prior average weekly wage, rounded (if not already
22 a multiple of one dollar) to the next higher dollar; provided,
23 however, that the weekly benefit amount cannot exceed the
24 maximum weekly benefit amount and cannot be less than \$51. With
25 respect to any benefit year beginning on or after January 4,
26 2004 and before January 6, 2008, an individual's weekly benefit

1 amount shall be 48% of his or her prior average weekly wage,
2 rounded (if not already a multiple of one dollar) to the next
3 higher dollar; provided, however, that the weekly benefit
4 amount cannot exceed the maximum weekly benefit amount and
5 cannot be less than \$51. With respect to any benefit year
6 beginning on or after January 6, 2008, an individual's weekly
7 benefit amount shall be 47% of his or her prior average weekly
8 wage, rounded (if not already a multiple of one dollar) to the
9 next higher dollar; provided, however, that the weekly benefit
10 amount cannot exceed the maximum weekly benefit amount and
11 cannot be less than \$51.

12 2. For the purposes of this subsection:

13 With respect to any week beginning on or after April 24,
14 1983, an individual's "prior average weekly wage" means the
15 total wages for insured work paid to that individual during the
16 2 calendar quarters of his base period in which such total
17 wages were highest, divided by 26. If the quotient is not
18 already a multiple of one dollar, it shall be rounded to the
19 nearest dollar; however if the quotient is equally near 2
20 multiples of one dollar, it shall be rounded to the higher
21 multiple of one dollar.

22 "Determination date" means June 1, 1982, December 1, 1982
23 and December 1 of each succeeding calendar year thereafter.
24 However, if as of June 30, 1982, or any June 30 thereafter, the
25 net amount standing to the credit of this State's account in
26 the unemployment trust fund (less all outstanding advances to

1 that account, including advances pursuant to Title XII of the
2 federal Social Security Act) is greater than \$100,000,000,
3 "determination date" shall mean December 1 of that year and
4 June 1 of the succeeding year. Notwithstanding the preceding
5 sentence, for the purposes of this Act only, there shall be no
6 June 1 determination date in any year after 1986.

7 "Determination period" means, with respect to each June 1
8 determination date, the 12 consecutive calendar months ending
9 on the immediately preceding December 31 and, with respect to
10 each December 1 determination date, the 12 consecutive calendar
11 months ending on the immediately preceding June 30.

12 "Benefit period" means the 12 consecutive calendar month
13 period beginning on the first day of the first calendar month
14 immediately following a determination date, except that, with
15 respect to any calendar year in which there is a June 1
16 determination date, "benefit period" shall mean the 6
17 consecutive calendar month period beginning on the first day of
18 the first calendar month immediately following the preceding
19 December 1 determination date and the 6 consecutive calendar
20 month period beginning on the first day of the first calendar
21 month immediately following the June 1 determination date.
22 Notwithstanding the foregoing sentence, the 6 calendar months
23 beginning January 1, 1982 and ending June 30, 1982 shall be
24 deemed a benefit period with respect to which the determination
25 date shall be June 1, 1981.

26 "Gross wages" means all the wages paid to individuals

1 during the determination period immediately preceding a
2 determination date for insured work, and reported to the
3 Director by employers prior to the first day of the third
4 calendar month preceding that date.

5 "Covered employment" for any calendar month means the total
6 number of individuals, as determined by the Director, engaged
7 in insured work at mid-month.

8 "Average monthly covered employment" means one-twelfth of
9 the sum of the covered employment for the 12 months of a
10 determination period.

11 "Statewide average annual wage" means the quotient,
12 obtained by dividing gross wages by average monthly covered
13 employment for the same determination period, rounded (if not
14 already a multiple of one cent) to the nearest cent.

15 "Statewide average weekly wage" means the quotient,
16 obtained by dividing the statewide average annual wage by 52,
17 rounded (if not already a multiple of one cent) to the nearest
18 cent. Notwithstanding any provisions of this Section to the
19 contrary, the statewide average weekly wage for the benefit
20 period beginning July 1, 1982 and ending December 31, 1982
21 shall be the statewide average weekly wage in effect for the
22 immediately preceding benefit period plus one-half of the
23 result obtained by subtracting the statewide average weekly
24 wage for the immediately preceding benefit period from the
25 statewide average weekly wage for the benefit period beginning
26 July 1, 1982 and ending December 31, 1982 as such statewide

1 average weekly wage would have been determined but for the
2 provisions of this paragraph. Notwithstanding any provisions
3 of this Section to the contrary, the statewide average weekly
4 wage for the benefit period beginning April 24, 1983 and ending
5 January 31, 1984 shall be \$321 and for the benefit period
6 beginning February 1, 1984 and ending December 31, 1986 shall
7 be \$335, and for the benefit period beginning January 1, 1987,
8 and ending December 31, 1987, shall be \$350, except that for an
9 individual who has established a benefit year beginning before
10 April 24, 1983, the statewide average weekly wage used in
11 determining benefits, for any week beginning on or after April
12 24, 1983, claimed with respect to that benefit year, shall be
13 \$334.80, except that, for the purpose of determining the
14 minimum weekly benefit amount under subsection B(1) for the
15 benefit period beginning January 1, 1987, and ending December
16 31, 1987, the statewide average weekly wage shall be \$335; for
17 the benefit periods January 1, 1988 through December 31, 1988,
18 January 1, 1989 through December 31, 1989, and January 1, 1990
19 through December 31, 1990, the statewide average weekly wage
20 shall be \$359, \$381, and \$406, respectively. Notwithstanding
21 the preceding sentences of this paragraph, for the benefit
22 period of calendar year 1991, the statewide average weekly wage
23 shall be \$406 plus (or minus) an amount equal to the percentage
24 change in the statewide average weekly wage, as computed in
25 accordance with the preceding sentences of this paragraph,
26 between the benefit periods of calendar years 1989 and 1990,

1 multiplied by \$406; and, for the benefit periods of calendar
2 years 1992 through 2003 and calendar year 2005 and each
3 calendar year thereafter, the statewide average weekly wage,
4 shall be the statewide average weekly wage, as determined in
5 accordance with this sentence, for the immediately preceding
6 benefit period plus (or minus) an amount equal to the
7 percentage change in the statewide average weekly wage, as
8 computed in accordance with the preceding sentences of this
9 paragraph, between the 2 immediately preceding benefit
10 periods, multiplied by the statewide average weekly wage, as
11 determined in accordance with this sentence, for the
12 immediately preceding benefit period. However, for purposes of
13 the Workers' Compensation Act, the statewide average weekly
14 wage will be computed using June 1 and December 1 determination
15 dates of each calendar year and such determination shall not be
16 subject to the limitation of \$321, \$335, \$350, \$359, \$381, \$406
17 or the statewide average weekly wage as computed in accordance
18 with the preceding sentence of this paragraph.

19 With respect to any week beginning on or after April 24,
20 1983 and before January 3, 1988, "maximum weekly benefit
21 amount" means 48% of the statewide average weekly wage, rounded
22 (if not already a multiple of one dollar) to the nearest
23 dollar, provided however, that the maximum weekly benefit
24 amount for an individual who has established a benefit year
25 beginning before April 24, 1983, shall be determined, for weeks
26 beginning on or after April 24, 1983 claimed with respect to

1 that benefit year, as provided under this Act as amended and in
2 effect on November 30, 1982, except that the statewide average
3 weekly wage used in such determination shall be \$334.80.

4 With respect to any week beginning after January 2, 1988
5 and before January 1, 1993, "maximum weekly benefit amount"
6 with respect to each week beginning within a benefit period
7 means 49% of the statewide average weekly wage, rounded (if not
8 already a multiple of one dollar) to the next higher dollar.

9 With respect to any week beginning on or after January 3,
10 1993 and during a benefit year beginning before January 4,
11 2004, "maximum weekly benefit amount" with respect to each week
12 beginning within a benefit period means 49.5% of the statewide
13 average weekly wage, rounded (if not already a multiple of one
14 dollar) to the next higher dollar.

15 With respect to any benefit year beginning on or after
16 January 4, 2004 and before January 6, 2008, "maximum weekly
17 benefit amount" with respect to each week beginning within a
18 benefit period means 48% of the statewide average weekly wage,
19 rounded (if not already a multiple of one dollar) to the next
20 higher dollar.

21 With respect to any benefit year beginning on or after
22 January 6, 2008, "maximum weekly benefit amount" with respect
23 to each week beginning within a benefit period means 47% of the
24 statewide average weekly wage, rounded (if not already a
25 multiple of one dollar) to the next higher dollar.

26 C. With respect to any week beginning on or after April 24,

1 1983 and before January 3, 1988, an individual to whom benefits
2 are payable with respect to any week shall, in addition to such
3 benefits, be paid, with respect to such week, as follows: in
4 the case of an individual with a nonworking spouse, 7% of his
5 prior average weekly wage, rounded (if not already a multiple
6 of one dollar) to the higher dollar; provided, that the total
7 amount payable to the individual with respect to a week shall
8 not exceed 55% of the statewide average weekly wage, rounded
9 (if not already a multiple of one dollar) to the nearest
10 dollar; and in the case of an individual with a dependent child
11 or dependent children, 14.4% of his prior average weekly wage,
12 rounded (if not already a multiple of one dollar) to the higher
13 dollar; provided, that the total amount payable to the
14 individual with respect to a week shall not exceed 62.4% of the
15 statewide average weekly wage, rounded (if not already a
16 multiple of one dollar) to the next higher dollar with respect
17 to the benefit period beginning January 1, 1987 and ending
18 December 31, 1987, and otherwise to the nearest dollar.
19 However, for an individual with a nonworking spouse or with a
20 dependent child or children who has established a benefit year
21 beginning before April 24, 1983, the amount of additional
22 benefits payable on account of the nonworking spouse or
23 dependent child or children shall be determined, for weeks
24 beginning on or after April 24, 1983 claimed with respect to
25 that benefit year, as provided under this Act as in effect on
26 November 30, 1982, except that the statewide average weekly

1 wage used in such determination shall be \$334.80.

2 With respect to any week beginning on or after January 2,
3 1988 and before January 1, 1991 and any week beginning on or
4 after January 1, 1992, and before January 1, 1993, an
5 individual to whom benefits are payable with respect to any
6 week shall, in addition to those benefits, be paid, with
7 respect to such week, as follows: in the case of an individual
8 with a nonworking spouse, 8% of his prior average weekly wage,
9 rounded (if not already a multiple of one dollar) to the next
10 higher dollar, provided, that the total amount payable to the
11 individual with respect to a week shall not exceed 57% of the
12 statewide average weekly wage, rounded (if not already a
13 multiple of one dollar) to the next higher dollar; and in the
14 case of an individual with a dependent child or dependent
15 children, 15% of his prior average weekly wage, rounded (if not
16 already a multiple of one dollar) to the next higher dollar,
17 provided that the total amount payable to the individual with
18 respect to a week shall not exceed 64% of the statewide average
19 weekly wage, rounded (if not already a multiple of one dollar)
20 to the next higher dollar.

21 With respect to any week beginning on or after January 1,
22 1991 and before January 1, 1992, an individual to whom benefits
23 are payable with respect to any week shall, in addition to the
24 benefits, be paid, with respect to such week, as follows: in
25 the case of an individual with a nonworking spouse, 8.3% of his
26 prior average weekly wage, rounded (if not already a multiple

1 of one dollar) to the next higher dollar, provided, that the
2 total amount payable to the individual with respect to a week
3 shall not exceed 57.3% of the statewide average weekly wage,
4 rounded (if not already a multiple of one dollar) to the next
5 higher dollar; and in the case of an individual with a
6 dependent child or dependent children, 15.3% of his prior
7 average weekly wage, rounded (if not already a multiple of one
8 dollar) to the next higher dollar, provided that the total
9 amount payable to the individual with respect to a week shall
10 not exceed 64.3% of the statewide average weekly wage, rounded
11 (if not already a multiple of one dollar) to the next higher
12 dollar.

13 With respect to any week beginning on or after January 3,
14 1993, during a benefit year beginning before January 4, 2004,
15 an individual to whom benefits are payable with respect to any
16 week shall, in addition to those benefits, be paid, with
17 respect to such week, as follows: in the case of an individual
18 with a nonworking spouse, 9% of his prior average weekly wage,
19 rounded (if not already a multiple of one dollar) to the next
20 higher dollar, provided, that the total amount payable to the
21 individual with respect to a week shall not exceed 58.5% of the
22 statewide average weekly wage, rounded (if not already a
23 multiple of one dollar) to the next higher dollar; and in the
24 case of an individual with a dependent child or dependent
25 children, 16% of his prior average weekly wage, rounded (if not
26 already a multiple of one dollar) to the next higher dollar,

1 provided that the total amount payable to the individual with
2 respect to a week shall not exceed 65.5% of the statewide
3 average weekly wage, rounded (if not already a multiple of one
4 dollar) to the next higher dollar.

5 With respect to any benefit year beginning on or after
6 January 4, 2004 and before January 6, 2008, an individual to
7 whom benefits are payable with respect to any week shall, in
8 addition to those benefits, be paid, with respect to such week,
9 as follows: in the case of an individual with a nonworking
10 spouse, 9% of his or her prior average weekly wage, rounded (if
11 not already a multiple of one dollar) to the next higher
12 dollar, provided, that the total amount payable to the
13 individual with respect to a week shall not exceed 57% of the
14 statewide average weekly wage, rounded (if not already a
15 multiple of one dollar) to the next higher dollar; and in the
16 case of an individual with a dependent child or dependent
17 children, 17.2% of his or her prior average weekly wage,
18 rounded (if not already a multiple of one dollar) to the next
19 higher dollar, provided that the total amount payable to the
20 individual with respect to a week shall not exceed 65.2% of the
21 statewide average weekly wage, rounded (if not already a
22 multiple of one dollar) to the next higher dollar.

23 With respect to any benefit year beginning on or after
24 January 6, 2008 and before January 1, 2010, an individual to
25 whom benefits are payable with respect to any week shall, in
26 addition to those benefits, be paid, with respect to such week,

1 as follows: in the case of an individual with a nonworking
2 spouse, 9% of his or her prior average weekly wage, rounded (if
3 not already a multiple of one dollar) to the next higher
4 dollar, provided, that the total amount payable to the
5 individual with respect to a week shall not exceed 56% of the
6 statewide average weekly wage, rounded (if not already a
7 multiple of one dollar) to the next higher dollar; and ~~with~~
8 ~~respect to any benefit year beginning before January 1, 2010,~~
9 in the case of an individual with a dependent child or
10 dependent children, 18.2% of his or her prior average weekly
11 wage, rounded (if not already a multiple of one dollar) to the
12 next higher dollar, provided that the total amount payable to
13 the individual with respect to a week shall not exceed 65.2% of
14 the statewide average weekly wage, rounded (if not already a
15 multiple of one dollar) to the next higher dollar.

16 The additional amount paid pursuant to this subsection in
17 the case of an individual with a dependent child or dependent
18 children shall be referred to as the "dependent child
19 allowance", and the percentage rate by which an individual's
20 prior average weekly wage is multiplied pursuant to this
21 subsection to calculate the dependent child allowance shall be
22 referred to as the "dependent child allowance rate".

23 With respect to any benefit year beginning on or after
24 January 1, 2010, an individual to whom benefits are payable
25 with respect to any week shall, in addition to those benefits,
26 be paid, with respect to such week, as follows: in the case of

1 an individual with a nonworking spouse, the greater of (i) 9%
2 of his or her prior average weekly wage, rounded (if not
3 already a multiple of one dollar) to the next higher dollar, or
4 (ii) \$15, provided that the total amount payable to the
5 individual with respect to a week shall not exceed 56% of the
6 statewide average weekly wage, rounded (if not already a
7 multiple of one dollar) to the next higher dollar; and in the
8 case of an individual with a dependent child or dependent
9 children, the greater of (i) the product of the dependent child
10 allowance rate multiplied by his or her prior average weekly
11 wage, rounded (if not already a multiple of one dollar) to the
12 next higher dollar, or (ii) the lesser of \$50 or 50% of his or
13 her weekly benefit amount, rounded (if not already a multiple
14 of one dollar) to the next higher dollar, provided that the
15 total amount payable to the individual with respect to a week
16 shall not exceed the product of the statewide average weekly
17 wage multiplied by the sum of 47% plus the dependent child
18 allowance rate, rounded (if not already a multiple of one
19 dollar) to the next higher dollar.

20 With respect to each benefit year beginning ~~in a calendar~~
21 ~~year~~ after calendar year 2009, the ~~percentage rate used to~~
22 ~~calculate the~~ dependent child allowance rate shall be the sum
23 of the allowance adjustment applicable pursuant to Section
24 1400.1 to the calendar year in which the benefit year begins,
25 plus ~~the percentage rate used to calculate~~ the dependent child
26 allowance rate with respect to each benefit year beginning in

1 the immediately preceding calendar year, except as otherwise
2 provided in this subsection ~~, provided that the total amount~~
3 ~~payable to the individual with respect to a week beginning in~~
4 ~~such benefit year shall not exceed the product of the statewide~~
5 ~~average weekly wage, rounded (if not already a multiple of one~~
6 ~~dollar) to the next higher dollar and the sum of 47% plus the~~
7 ~~percentage rate used to calculate the individual's dependent~~
8 ~~child allowance. The Notwithstanding any provision to the~~
9 ~~contrary, the percentage rate used to calculate the dependent~~
10 ~~child allowance rate with respect to each any benefit year~~
11 ~~beginning in calendar year on or after January 1, 2010,~~ shall
12 ~~not be less than 17.3% or greater than 18.2%. The dependent~~
13 ~~child allowance rate with respect to each benefit year~~
14 ~~beginning in calendar year 2011 shall be reduced by 0.2%~~
15 ~~absolute below the rate it would otherwise have been pursuant~~
16 ~~to this subsection and, with respect to each benefit year~~
17 ~~beginning after calendar year 2010, except as otherwise~~
18 ~~provided, shall not be less than 17.1% or greater than 18.0%.~~
19 ~~Unless, as a result of this sentence, the agreement between the~~
20 ~~Federal Government and State regarding the Federal Additional~~
21 ~~Compensation program established under Section 2002 of the~~
22 ~~American Recovery and Reinvestment Act, or a successor program,~~
23 ~~would not apply or would cease to apply, the dependent child~~
24 ~~allowance rate with respect to each benefit year beginning in~~
25 ~~calendar year 2012 shall be reduced by 0.1% absolute below the~~
26 ~~rate it would otherwise have been pursuant to this subsection~~

1 and, with respect to each benefit year beginning after calendar
2 year 2011, shall not be less than 17.0% or greater than 17.9%.

3 For the purposes of this subsection:

4 "Dependent" means a child or a nonworking spouse.

5 "Child" means a natural child, stepchild, or adopted child
6 of an individual claiming benefits under this Act or a child
7 who is in the custody of any such individual by court order,
8 for whom the individual is supplying and, for at least 90
9 consecutive days (or for the duration of the parental
10 relationship if it has existed for less than 90 days)
11 immediately preceding any week with respect to which the
12 individual has filed a claim, has supplied more than one-half
13 the cost of support, or has supplied at least 1/4 of the cost
14 of support if the individual and the other parent, together,
15 are supplying and, during the aforesaid period, have supplied
16 more than one-half the cost of support, and are, and were
17 during the aforesaid period, members of the same household; and
18 who, on the first day of such week (a) is under 18 years of age,
19 or (b) is, and has been during the immediately preceding 90
20 days, unable to work because of illness or other disability:
21 provided, that no person who has been determined to be a child
22 of an individual who has been allowed benefits with respect to
23 a week in the individual's benefit year shall be deemed to be a
24 child of the other parent, and no other person shall be
25 determined to be a child of such other parent, during the
26 remainder of that benefit year.

1 "Nonworking spouse" means the lawful husband or wife of an
2 individual claiming benefits under this Act, for whom more than
3 one-half the cost of support has been supplied by the
4 individual for at least 90 consecutive days (or for the
5 duration of the marital relationship if it has existed for less
6 than 90 days) immediately preceding any week with respect to
7 which the individual has filed a claim, but only if the
8 nonworking spouse is currently ineligible to receive benefits
9 under this Act by reason of the provisions of Section 500E.

10 An individual who was obligated by law to provide for the
11 support of a child or of a nonworking spouse for the aforesaid
12 period of 90 consecutive days, but was prevented by illness or
13 injury from doing so, shall be deemed to have provided more
14 than one-half the cost of supporting the child or nonworking
15 spouse for that period.

16 (Source: P.A. 93-634, eff. 1-1-04.)

17 (820 ILCS 405/409) (from Ch. 48, par. 409)

18 Sec. 409. Extended Benefits.

19 A. For the purposes of this Section:

20 1. "Extended benefit period" means a period which
21 begins with the third week after a week for which there is
22 a State "on" indicator; and ends with either of the
23 following weeks, whichever occurs later: (1) the third week
24 after the first week for which there is a State "off"
25 indicator, or (2) the thirteenth consecutive week of such

1 period. No extended benefit period shall begin by reason of
2 a State "on" indicator before the fourteenth week following
3 the end of a prior extended benefit period.

4 2. There is a "State 'on' indicator" for a week if (a)
5 the Director determines, in accordance with the
6 regulations of the United States Secretary of Labor or
7 other appropriate Federal agency, that for the period
8 consisting of such week and the immediately preceding
9 twelve weeks, the rate of insured unemployment (not
10 seasonally adjusted) in this State ~~(a) equaled or exceeded~~
11 ~~4% and equaled or exceeded 120% of the average of such~~
12 ~~rates for the corresponding 13-week period ending in each~~
13 ~~of the preceding two calendar years, or (b) equaled or~~
14 ~~exceeded 5%; for weeks beginning after September 25, 1982~~
15 (1) equaled or exceeded 5% and equaled or exceeded 120% of
16 the average of such rates for the corresponding 13-week
17 period ending in each of the preceding 2 calendar years, or
18 (2) equaled or exceeded 6 percent, or (b) the United States
19 Secretary of Labor determines that (1) the average rate of
20 total unemployment in this State (seasonally adjusted) for
21 the period consisting of the most recent 3 months for which
22 data for all states are published before the close of such
23 week equals or exceeds 6.5%, and (2) the average rate of
24 total unemployment in this State (seasonally adjusted) for
25 the 3-month period referred to in (1) equals or exceeds
26 110% of such average rate for either (or both) of the

1 corresponding 3-month periods ending in the 2 preceding
2 calendar years. Clause (b) of this paragraph shall only
3 apply to weeks beginning on or after February 22, 2009,
4 through the week ending 3 weeks prior to the last week for
5 which federal sharing is provided as authorized by Section
6 2005(a) of Public Law 111-5 and is inoperative as of the
7 end of the last week for which federal sharing is provided
8 as authorized by Section 2005(a) of Public Law 111-5.

9 3. There is a "State 'off' indicator" for a week if
10 there is not a State 'on' indicator for the week pursuant
11 to paragraph 2 the Director determines, in accordance with
12 the regulations of the United States Secretary of Labor or
13 other appropriate Federal agency, that for the period
14 consisting of such week and the immediately preceding
15 twelve weeks, the rate of insured unemployment (not
16 seasonally adjusted) in this State (a) was less than 5% and
17 was less than 120% of the average of such rates for the
18 corresponding 13 week period ending in each of the
19 preceding 2 calendar years, or (b) was less than 4%; and
20 for weeks beginning after September 25, 1982, (1) was less
21 than 6% and less than 120% of the average of such rates for
22 the corresponding 13-week period ending in each of the
23 preceding 2 calendar years, or (2) was less than 5%.

24 4. "Rate of insured unemployment", for the purpose of
25 paragraph paragraphs 2 and 3, means the percentage derived
26 by dividing (a) the average weekly number of individuals

1 filing claims for "regular benefits" in this State for
2 weeks of unemployment with respect to the most recent 13
3 consecutive week period, as determined by the Director on
4 the basis of his reports to the United States Secretary of
5 Labor or other appropriate Federal agency, by (b) the
6 average monthly employment covered under this Act for the
7 first four of the most recent six completed calendar
8 quarters ending before the close of such 13-week period.

9 5. "Regular benefits" means benefits, other than
10 extended benefits and additional benefits, payable to an
11 individual (including dependents' allowances) under this
12 Act or under any other State unemployment compensation law
13 (including benefits payable to Federal civilian employees
14 and ex-servicemen pursuant to 5 U.S.C. chapter 85).

15 6. "Extended benefits" means benefits (including
16 benefits payable to Federal civilian employees and
17 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to
18 an individual under the provisions of this Section for
19 weeks which begin in his eligibility period.

20 7. "Additional benefits" means benefits totally
21 financed by a State and payable to exhaustees (as defined
22 in subsection C) by reason of conditions of high
23 unemployment or by reason of other specified factors. If an
24 individual is eligible to receive extended benefits under
25 the provisions of this Section and is eligible to receive
26 additional benefits with respect to the same week under the

1 law of another State, he may elect to claim either extended
2 benefits or additional benefits with respect to the week.

3 8. "Eligibility period" means the period consisting of
4 the weeks in an individual's benefit year which begin in an
5 extended benefit period and, if his benefit year ends
6 within such extended benefit period, any weeks thereafter
7 which begin in such period. An individual's eligibility
8 period shall also include such other weeks as federal law
9 may allow.

10 9. Notwithstanding any other provision to the contrary
11 ~~of the provisions of Sections 1404, 1405B, and 1501,~~ no
12 employer shall be liable for payments in lieu of
13 contributions pursuant to Section 1404, ~~and wages shall not~~
14 ~~become benefit wages,~~ by reason of the payment of extended
15 benefits which are wholly reimbursed to this State by the
16 Federal Government or would have been wholly reimbursed to
17 this State by the Federal Government if the employer had
18 paid all of the claimant's wages during the applicable base
19 period. ~~With respect to extended benefits, paid prior to~~
20 ~~July 1, 1989, wages shall become benefit wages under~~
21 ~~Section 1501 only when an individual is first paid such~~
22 ~~benefits with respect to his eligibility period which are~~
23 ~~not wholly reimbursed to this State by the Federal~~
24 ~~Government.~~ Extended benefits ~~, paid on or after July 1,~~
25 ~~1989,~~ shall not become benefit charges under Section 1501.1
26 if they are wholly reimbursed to this State by the Federal

1 Government or would have been wholly reimbursed to this
2 State by the Federal Government if the employer had paid
3 all of the claimant's wages during the applicable base
4 period. For purposes of this paragraph, extended benefits
5 will be considered to be wholly reimbursed by the Federal
6 Government notwithstanding the operation of Section
7 204(a)(2)(D) of the Federal-State Extended Unemployment
8 Compensation Act of 1970 ~~only when any individual is paid~~
9 ~~such benefits with respect to his eligibility period which~~
10 ~~are not wholly reimbursed by the Federal Government.~~

11 B. An individual shall be eligible to receive extended
12 benefits pursuant to this Section for any week which begins in
13 his eligibility period if, with respect to such week (1) he has
14 been paid wages for insured work during his base period equal
15 to at least 1 1/2 times the wages paid in that calendar quarter
16 of his base period in which such wages were highest, ~~provided~~
17 ~~that this provision applies only with respect to weeks~~
18 ~~beginning after September 25, 1982;~~ (2) he has met the
19 requirements of Section 500E of this Act; (3) he is an
20 exhaustee; and (4) except when the result would be inconsistent
21 with the provisions of this Section, he has satisfied the
22 requirements of this Act for the receipt of regular benefits.

23 C. An individual is an exhaustee with respect to a week
24 which begins in his eligibility period if:

25 1. Prior to such week (a) he has received, with respect
26 to his current benefit year that includes such week, the

1 maximum total amount of benefits to which he was entitled
2 under the provisions of Section 403B, and all of the
3 regular benefits (including dependents' allowances) to
4 which he had entitlement (if any) on the basis of wages or
5 employment under any other State unemployment compensation
6 law; or (b) he has received all the regular benefits
7 available to him with respect to his current benefit year
8 that includes such week, under this Act and under any other
9 State unemployment compensation law, after a cancellation
10 of some or all of his wage credits or the partial or total
11 reduction of his regular benefit rights; or (c) his benefit
12 year terminated, and he cannot meet the qualifying wage
13 requirements of Section 500E of this Act or the qualifying
14 wage or employment requirements of any other State
15 unemployment compensation law to establish a new benefit
16 year which would include such week or, having established a
17 new benefit year that includes such week, he is ineligible
18 for regular benefits by reason of Section 607 of this Act
19 or a like provision of any other State unemployment
20 compensation law; and

21 2. For such week (a) he has no right to benefits or
22 allowances, as the case may be, under the Railroad
23 Unemployment Insurance Act, or such other Federal laws as
24 are specified in regulations of the United States Secretary
25 of Labor or other appropriate Federal agency; and (b) he
26 has not received and is not seeking benefits under the

1 unemployment compensation law of Canada, except that if he
2 is seeking such benefits and the appropriate agency finally
3 determines that he is not entitled to benefits under such
4 law, this clause shall not apply.

5 3. For the purposes of clauses (a) and (b) of paragraph
6 1 of this subsection, an individual shall be deemed to have
7 received, with respect to his current benefit year, the
8 maximum total amount of benefits to which he was entitled
9 or all of the regular benefits to which he had entitlement,
10 or all of the regular benefits available to him, as the
11 case may be, even though (a) as a result of a pending
12 reconsideration or appeal with respect to the "finding"
13 defined in Section 701, or of a pending appeal with respect
14 to wages or employment or both under any other State
15 unemployment compensation law, he may subsequently be
16 determined to be entitled to more regular benefits; or (b)
17 by reason of a seasonality provision in a State
18 unemployment compensation law which establishes the weeks
19 of the year for which regular benefits may be paid to
20 individuals on the basis of wages in seasonal employment he
21 may be entitled to regular benefits for future weeks but
22 such benefits are not payable with respect to the week for
23 which he is claiming extended benefits, provided that he is
24 otherwise an exhaustee under the provisions of this
25 subsection with respect to his rights to regular benefits,
26 under such seasonality provision, during the portion of the

1 year in which that week occurs; or (c) having established a
2 benefit year, no regular benefits are payable to him with
3 respect to such year because his wage credits were
4 cancelled or his rights to regular benefits were totally
5 reduced by reason of the application of a disqualification
6 provision of a State unemployment compensation law.

7 D. 1. The provisions of Section 607 and the waiting period
8 requirements of Section 500D shall not be applicable to any
9 week with respect to which benefits are otherwise payable
10 under this Section.

11 2. An individual shall not cease to be an exhaustee
12 with respect to any week solely because he meets the
13 qualifying wage requirements of Section 500E for a part of
14 such week.

15 ~~3. For the purposes of this Section, the "base period"~~
16 ~~referred to in Sections 601 and 602 shall be the base~~
17 ~~period with respect to the benefit year in which the~~
18 ~~individual's eligibility period begins.~~

19 E. With respect to any week which begins in his eligibility
20 period, an exhaustee's "weekly extended benefit amount" shall
21 be the same as his weekly benefit amount during his benefit
22 year which includes such week or, if such week is not in a
23 benefit year, during his applicable benefit year, as defined in
24 regulations issued by the United States Secretary of Labor or
25 other appropriate Federal agency. If the exhaustee had more
26 than one weekly benefit amount during his benefit year, his

1 weekly extended benefit amount with respect to such week shall
2 be the latest of such weekly benefit amounts.

3 F. 1. An eligible exhaustee shall be entitled, during any
4 eligibility period, to a maximum total amount of extended
5 benefits equal to the lesser of the following amounts:

6 a. ~~1.~~ Fifty percent of the maximum total amount of
7 benefits to which he was entitled under Section 403B during
8 his applicable benefit year; ~~or~~

9 b. ~~2.~~ Thirteen times his weekly extended benefit amount
10 as determined under subsection E; or ~~-~~

11 c. Thirty-nine times his or her average weekly extended
12 benefit amount, reduced by the regular benefits (not
13 including any dependents' allowances) paid to him or her
14 during such benefit year.

15 2. An eligible exhaustee shall be entitled, during a "high
16 unemployment period", to a maximum total amount of extended
17 benefits equal to the lesser of the following amounts:

18 a. Eighty percent of the maximum total amount of
19 benefits to which he or she was entitled under Section 403B
20 during his or her applicable benefit year;

21 b. Twenty times his or her weekly extended benefit
22 amount as determined under subsection E; or

23 c. Forty-six times his or her average weekly extended
24 benefit amount, reduced by the regular benefits (not
25 including any dependents' allowances) paid to him or her
26 during such benefit year.

1 For purposes of this paragraph, the term "high unemployment
2 period" means any period during which (i) clause (b) of
3 paragraph (2) of subsection A is operative and (ii) an extended
4 benefit period would be in effect if clause (b) of paragraph
5 (2) of subsection A of this Section were applied by
6 substituting "8%" for "6.5%".

7 3. Notwithstanding paragraphs ~~subparagraphs~~ 1 and 2 of this
8 subsection F, and if the benefit year of an individual ends
9 within an extended benefit period, the remaining balance of
10 extended benefits that the individual would, but for this
11 subsection F, be otherwise entitled to receive in that extended
12 benefit period, for weeks of unemployment beginning after the
13 end of the benefit year, shall be reduced (but not below zero)
14 by the product of the number of weeks for which the individual
15 received any amounts as trade readjustment allowances as
16 defined in the federal Trade Act of 1974 within that benefit
17 year multiplied by his weekly benefit amount for extended
18 benefits.

19 G. 1. A claims adjudicator shall examine the first claim
20 filed by an individual with respect to his eligibility
21 period and, on the basis of the information in his
22 possession, shall make an "extended benefits finding".
23 Such finding shall state whether or not the individual has
24 met the requirement of subsection B(1), is an exhaustee
25 and, if he is, his weekly extended benefit amount and the
26 maximum total amount of extended benefits to which he is

1 entitled. The claims adjudicator shall promptly notify the
2 individual of his "extended benefits finding", and shall
3 promptly notify the individual's most recent employing
4 unit, ~~with respect to benefit years beginning on or after~~
5 ~~July 1, 1989~~ and the individual's last employer (referred
6 to in Section 1502.1) that the individual has filed a claim
7 for extended benefits. The claims adjudicator may
8 reconsider his "extended benefits finding" at any time
9 within one year after the close of the individual's
10 eligibility period, and shall promptly notify the
11 individual of such reconsidered finding. All of the
12 provisions of this Act applicable to reviews from findings
13 or reconsidered findings made pursuant to Sections 701 and
14 703 which are not inconsistent with the provisions of this
15 subsection shall be applicable to reviews from extended
16 benefits findings and reconsidered extended benefits
17 findings.

18 2. If, pursuant to the reconsideration or appeal with
19 respect to a "finding", referred to in paragraph 3 of
20 subsection C, an exhaustee is found to be entitled to more
21 regular benefits and, by reason thereof, is entitled to
22 more extended benefits, the claims adjudicator shall make a
23 reconsidered extended benefits finding and shall promptly
24 notify the exhaustee thereof.

25 H. Whenever an extended benefit period is to begin in this
26 State because there is a State "on" indicator, or whenever an

1 extended benefit period is to end in this State because there
2 is a State "off" indicator, the Director shall make an
3 appropriate public announcement.

4 I. Computations required by the provisions of paragraph 4 ~~6~~
5 of subsection A shall be made by the Director in accordance
6 with regulations prescribed by the United States Secretary of
7 Labor, or other appropriate Federal agency.

8 J. 1. Interstate Benefit Payment Plan means the plan
9 approved by the Interstate Conference of Employment
10 Security Agencies under which benefits shall be payable to
11 unemployed individuals absent from the state (or states) in
12 which benefit credits have been accumulated.

13 2. An individual who commutes from his state of
14 residence to work in another state and continues to reside
15 in such state of residence while filing his claim for
16 unemployment insurance under this Section of the Act shall
17 not be considered filing a claim under the Interstate
18 Benefit Payment Plan so long as he files his claim in and
19 continues to report to the employment office under the
20 regulations applicable to intrastate claimants in the
21 state in which he was so employed.

22 3. "State" when used in this subsection includes States
23 of the United States of America, the District of Columbia,
24 Puerto Rico and the Virgin Islands. For purposes of this
25 subsection, the term "state" shall also be construed to
26 include Canada.

1 4. Notwithstanding any other provision of this Act,
2 ~~effective with weeks beginning on or after June 1, 1981~~ an
3 individual shall be eligible for a maximum of 2 weeks of
4 benefits payable under this Section after he files his
5 initial claim for extended benefits in an extended benefit
6 period, as defined in paragraph 1 of subsection A, under
7 the Interstate Benefit Payment Plan unless there also
8 exists an extended benefit period, as defined in paragraph
9 1 of subsection A, in the state where such claim is filed.
10 Such maximum eligibility shall continue as long as the
11 individual continues to file his claim under the Interstate
12 Benefit Payment Plan, notwithstanding that the individual
13 moves to another state where an extended benefit period
14 exists and files for weeks prior to his initial Interstate
15 claim in that state.

16 5. To assure full tax credit to the employers of this
17 state against the tax imposed by the Federal Unemployment
18 Tax Act, the Director shall take any action or issue any
19 regulations necessary in the administration of this
20 subsection to insure that its provisions are so interpreted
21 and applied as to meet the requirements of such Federal Act
22 as interpreted by the United States Secretary of Labor or
23 other appropriate Federal agency.

24 K. 1. Notwithstanding any other provisions of this Act, an
25 individual shall be ineligible for the payment of extended
26 benefits for any week of unemployment in his eligibility

1 period if the Director finds that during such period:

2 a. he failed to accept any offer of suitable work
3 (as defined in paragraph 3 below) or failed to apply
4 for any suitable work to which he was referred by the
5 Director; or

6 b. he failed to actively engage in seeking work as
7 prescribed under paragraph 5 below.

8 2. Any individual who has been found ineligible for
9 extended benefits by reason of the provisions of paragraph
10 1 of this subsection shall be denied benefits beginning
11 with the first day of the week in which such failure has
12 occurred and until he has been employed in each of 4
13 subsequent weeks (whether or not consecutive) and has
14 earned remuneration equal to at least 4 times his weekly
15 benefit amount.

16 3. For purposes of this subsection only, the term
17 "suitable work" means, with respect to any individual, any
18 work which is within such individual's capabilities,
19 provided, however, that the gross average weekly
20 remuneration payable for the work ~~must exceed the sum of:~~

21 a. must exceed the sum of (i) the individual's
22 extended weekly benefit amount as determined under
23 subsection E above plus (ii) ~~b.~~ the amount, if any, of
24 supplemental unemployment benefits (as defined in
25 Section 501(c)(17)(D) of the Internal Revenue Code of
26 1954) payable to such individual for such week; and

1 further,

2 b. is ~~e. pays wages~~ not less than the higher of --

3 (i) the minimum wage provided by Section 6
4 (a)(1) of the Fair Labor Standards Act of 1938,
5 without regard to any exemption; or

6 (ii) the applicable state or local minimum
7 wage;

8 c. d. provided, however, that no individual shall
9 be denied extended benefits for failure to accept an
10 offer of or apply for any job which meets the
11 definition of suitability as described above if:

12 (i) the position was not offered to such
13 individual in writing or was not listed with the
14 employment service;

15 (ii) such failure could not result in a denial
16 of benefits under the definition of suitable work
17 for regular benefits claimants in Section 603 to
18 the extent that the criteria of suitability in that
19 Section are not inconsistent with the provisions
20 of this paragraph 3;

21 (iii) the individual furnishes satisfactory
22 evidence to the Director that his prospects for
23 obtaining work in his customary occupation within
24 a reasonably short period are good. If such
25 evidence is deemed satisfactory for this purpose,
26 the determination of whether any work is suitable

1 with respect to such individual shall be made in
2 accordance with the definition of suitable work
3 for regular benefits in Section 603 without regard
4 to the definition specified by this paragraph.

5 4. Notwithstanding the provisions of paragraph 3 to the
6 contrary, no work shall be deemed to be suitable work for
7 an individual which does not accord with the labor standard
8 provisions required by Section 3304(a)(5) of the Internal
9 Revenue Code of 1954 and set forth herein under Section 603
10 of this Act.

11 5. For the purposes of subparagraph b of paragraph 1,
12 an individual shall be treated as actively engaged in
13 seeking work during any week if --

14 a. the individual has engaged in a systematic and
15 sustained effort to obtain work during such week, and

16 b. the individual furnishes tangible evidence that
17 he has engaged in such effort during such week.

18 6. The employment service shall refer any individual
19 entitled to extended benefits under this Act to any
20 suitable work which meets the criteria prescribed in
21 paragraph 3.

22 7. Notwithstanding any other provision of this Act, an
23 individual shall not be eligible to receive extended
24 benefits, otherwise payable under this Section, with
25 respect to any week of unemployment in his eligibility
26 period if such individual has been held ineligible for

1 benefits under the provisions of Sections 601, 602 or 603
2 of this Act until such individual had requalified for such
3 benefits by returning to employment and satisfying the
4 monetary requalification provision by earning at least his
5 weekly benefit amount.

6 ~~8. This subsection shall be effective for weeks~~
7 ~~beginning on or after March 31, 1981, and before March 7,~~
8 ~~1993, and for weeks beginning on or after January 1, 1995.~~

9 L. The Governor may, if federal law so allows, elect, in
10 writing, to pay individuals, otherwise eligible for extended
11 benefits pursuant to this Section, any other federally funded
12 unemployment benefits, including but not limited to benefits
13 payable pursuant to the federal Supplemental Appropriations
14 Act, 2008, as amended, prior to paying them benefits under this
15 Section.

16 M. The provisions of this Section, as revised by this
17 amendatory Act of the 96th General Assembly, are retroactive to
18 February 22, 2009. The provisions of this amendatory Act of the
19 96th General Assembly with regard to subsection L and paragraph
20 8 of subsection A clarify authority already provided.

21 (Source: P.A. 86-3; 87-1266.)

22 (820 ILCS 405/601) (from Ch. 48, par. 431)

23 Sec. 601. Voluntary leaving.

24 A. An individual shall be ineligible for benefits for the
25 week in which he or she has left work voluntarily without good

1 cause attributable to the employing unit and, thereafter, until
2 he or she has become reemployed and has had earnings equal to
3 or in excess of his or her current weekly benefit amount in
4 each of four calendar weeks which are either for services in
5 employment, or have been or will be reported pursuant to the
6 provisions of the Federal Insurance Contributions Act by each
7 employing unit for which such services are performed and which
8 submits a statement certifying to that fact.

9 B. The provisions of this Section shall not apply to an
10 individual who has left work voluntarily:

11 1. Because he or she is deemed physically unable to
12 perform his or her work by a licensed and practicing
13 physician, or because the individual's ~~or has left work~~
14 ~~voluntarily upon the advice of a licensed and practicing~~
15 ~~physician that~~ assistance is necessary for the purpose of
16 caring for his or her spouse, child, or parent who,
17 according to a licensed and practicing physician or as
18 otherwise reasonably verified, is in poor physical or
19 mental health or is mentally or physically disabled and the
20 employer is unable to accommodate the individual's need to
21 provide such assistance ~~will not allow him to perform the~~
22 ~~usual and customary duties of his employment, and he has~~
23 ~~notified the employing unit of the reasons for his absence;~~

24 2. To accept other bona fide work and, after such
25 acceptance, the individual is either not unemployed in each
26 of 2 weeks, or earns remuneration for such work equal to at

1 least twice his or her current weekly benefit amount;

2 3. In lieu of accepting a transfer to other work
3 offered to the individual by the employing unit under the
4 terms of a collective bargaining agreement or pursuant to
5 an established employer plan, program, or policy, if the
6 acceptance of such other work by the individual would
7 require the separation from that work of another individual
8 currently performing it;

9 4. Solely because of the sexual harassment of the
10 individual by another employee. Sexual harassment means
11 (1) unwelcome sexual advances, requests for sexual favors,
12 sexually motivated physical contact or other conduct or
13 communication which is made a term or condition of the
14 employment or (2) the employee's submission to or rejection
15 of such conduct or communication which is the basis for
16 decisions affecting employment, or (3) when such conduct or
17 communication has the purpose or effect of substantially
18 interfering with an individual's work performance or
19 creating an intimidating, hostile, or offensive working
20 environment and the employer knows or should know of the
21 existence of the harassment and fails to take timely and
22 appropriate action;

23 5. Which he or she had accepted after separation from
24 other work, and the work which he or she left voluntarily
25 would be deemed unsuitable under the provisions of Section
26 603;

1 6. (a) Because the individual left work due to verified
2 ~~circumstances resulting from the individual being a victim~~
3 ~~of~~ domestic violence as defined in Section 103 of the
4 Illinois Domestic Violence Act of 1986 where the domestic
5 violence caused the individual to reasonably believe that
6 his or her continued employment would jeopardize his or her
7 safety or the safety of his or her spouse, minor child, or
8 parent ; ~~and provided, such individual has made reasonable~~
9 ~~efforts to preserve the employment.~~

10 ~~For the purposes of this paragraph 6, the individual~~
11 ~~shall be treated as being a victim of domestic violence if~~
12 the individual provides the following:

13 (i) ~~written~~ notice to the employing unit of the
14 reason for the individual's voluntarily leaving; and

15 (ii) to the Department provides:

16 (A) an order of protection or other
17 documentation of equitable relief issued by a
18 court of competent jurisdiction; or

19 (B) a police report or criminal charges
20 documenting the domestic violence; or

21 (C) medical documentation of the domestic
22 violence; or

23 (D) evidence of domestic violence from a
24 member of the clergy, attorney, counselor, social
25 worker, health worker or domestic violence shelter
26 worker.

1 (b) If the individual does not meet the provisions of
2 subparagraph (a), the individual shall be held to have
3 voluntarily terminated employment for the purpose of
4 determining the individual's eligibility for benefits
5 pursuant to subsection A.

6 (c) Notwithstanding any other provision to the
7 contrary, evidence of domestic violence experienced by an
8 individual, or his or her spouse, minor child, or parent,
9 including the individual's statement and corroborating
10 evidence, shall not be disclosed by the Department unless
11 consent for disclosure is given by the individual.

12 7. Because, due to a change in location of employment
13 of the individual's spouse, the individual left work to
14 accompany his or her spouse to a place from which it is
15 impractical to commute or because the individual left
16 employment to accompany a spouse who has been reassigned
17 from one military assignment to another. The employer's
18 account, however, shall not be charged for any benefits
19 paid out to the individual who leaves work under a
20 circumstance described in this paragraph ~~to accompany a~~
21 ~~spouse reassigned from one military assignment to another.~~

22 C. Within 90 days of the effective date of this amendatory
23 Act of the 96th General Assembly, the Department shall
24 promulgate rules, pursuant to the Illinois Administrative
25 Procedure Act and consistent with Section 903(f)(3)(B) of the
26 Social Security Act, to clarify and provide guidance regarding

1 eligibility and the prevention of fraud.

2 (Source: P.A. 95-736, eff. 7-16-08.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.