

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 211.4 as follows:

6 (820 ILCS 405/211.4) (from Ch. 48, par. 321.4)

7 Sec. 211.4. A. Notwithstanding any other provision of this  
8 Act, the term "employment" shall include service performed  
9 after December 31, 1977, by an individual in agricultural labor  
10 as defined in Section 214 when:

11 1. Such service is performed for an employing unit which  
12 (a) paid cash wages of \$20,000 or more during any calendar  
13 quarter in either the current or preceding calendar year to an  
14 individual or individuals employed in agricultural labor (not  
15 taking into account service in agricultural labor performed  
16 before January 1, 1980, by an alien referred to in paragraph  
17 2); or (b) employed in agricultural labor (not taking into  
18 account service in agricultural labor performed before January  
19 1, 1980, by an alien referred to in paragraph 2) 10 or more  
20 individuals within each of 20 or more calendar weeks (but not  
21 necessarily simultaneously and irrespective of whether the  
22 same individuals are or were employed in each such week),  
23 whether or not such weeks are or were consecutive, within

1 either the current or preceding calendar year.

2 2. Such service is not performed in agricultural labor if  
3 performed before January 1, 1980 or on or after the effective  
4 date of this amendatory Act of the 96th General Assembly, by an  
5 individual who is an alien admitted to the United States to  
6 perform service in agricultural labor pursuant to Sections  
7 214(c) and 101(a)(15)(H) of the Immigration and Nationality  
8 Act.

9 B. For the purposes of this Section, any individual who is  
10 a member of a crew furnished by a crew leader to perform  
11 service in agricultural labor for any other employing unit  
12 shall be treated as performing service in the employ of such  
13 crew leader if (1) the leader holds a valid certificate of  
14 registration under the Farm Labor Contractor Registration Act  
15 of 1963, or substantially all the members of such crew operate  
16 or maintain tractors, mechanized harvesting or crop dusting  
17 equipment, or any other mechanized equipment, which is provided  
18 by the crew leader; and (2) the service of such individual is  
19 not in employment for such other employing unit within the  
20 meaning of subsections A and C of Section 212, and of Section  
21 213.

22 C. For the purposes of this Section, any individual who is  
23 furnished by a crew leader to perform service in agricultural  
24 labor for any other employing unit, and who is not treated as  
25 performing service in the employ of such crew leader under  
26 subsection B, shall be treated as performing service in the

1 employ of such other employing unit, and such employing unit  
2 shall be treated as having paid cash wages to such individual  
3 in an amount equal to the amount of cash wages paid to the  
4 individual by the crew leader (either on his own behalf or on  
5 behalf of such other employing unit) for the service in  
6 agricultural labor performed for such other employing unit.

7 D. For the purposes of this Section, the term "crew leader"  
8 means an individual who (1) furnishes individuals to perform  
9 service in agricultural labor for any other employing unit; (2)  
10 pays (either on his own behalf or on behalf of such other  
11 employing unit) the individuals so furnished by him for the  
12 service in agricultural labor performed by them; and (3) has  
13 not entered into a written agreement with such other employing  
14 unit under which an individual so furnished by him is  
15 designated as performing services in the employ of such other  
16 employing unit.

17 (Source: P.A. 80-2dSS-1.)