

SB3185



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3185

Introduced 2/9/2010, by Sen. Gary G. Dahl

SYNOPSIS AS INTRODUCED:

820 ILCS 405/235

from Ch. 48, par. 345

Amends the Unemployment Insurance Act. Provides that the term "wages", for purposes of the Act, does not include remuneration for duty in a branch of the United States Military Reserve or in the National Guard if the duty is served not more than 72 hours from the start of service to the end of service during any one-month period or required annual training as part of duty in a branch of the United States Military Reserve or in the National Guard for approximately 2 weeks.

LRB096 15974 WGH 31219 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning unemployment insurance.

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 235 as follows:

6 (820 ILCS 405/235) (from Ch. 48, par. 345)

7 Sec. 235. The term "wages" does not include:

8 A. That part of the remuneration which, after remuneration
9 equal to \$6,000 with respect to employment has been paid to an
10 individual by an employer during any calendar year after 1977
11 and before 1980, is paid to such individual by such employer
12 during such calendar year; and that part of the remuneration
13 which, after remuneration equal to \$6,500 with respect to
14 employment has been paid to an individual by an employer during
15 each calendar year 1980 and 1981, is paid to such individual by
16 such employer during that calendar year; and that part of the
17 remuneration which, after remuneration equal to \$7,000 with
18 respect to employment has been paid to an individual by an
19 employer during the calendar year 1982 is paid to such
20 individual by such employer during that calendar year.

21 With respect to the first calendar quarter of 1983, the
22 term "wages" shall include only the remuneration paid to an
23 individual by an employer during such quarter with respect to

1 employment which does not exceed \$7,000. With respect to the
2 three calendar quarters, beginning April 1, 1983, the term
3 "wages" shall include only the remuneration paid to an
4 individual by an employer during such period with respect to
5 employment which when added to the "wages" (as defined in the
6 preceding sentence) paid to such individual by such employer
7 during the first calendar quarter of 1983, does not exceed
8 \$8,000.

9 With respect to the calendar year 1984, the term "wages"
10 shall include only the remuneration paid to an individual by an
11 employer during that period with respect to employment which
12 does not exceed \$8,000; with respect to calendar years 1985,
13 1986 and 1987, the term "wages" shall include only the
14 remuneration paid to such individual by such employer during
15 that calendar year with respect to employment which does not
16 exceed \$8,500.

17 With respect to the calendar years 1988 through 2003, the
18 term "wages" shall include only the remuneration paid to an
19 individual by an employer during that period with respect to
20 employment which does not exceed \$9,000.

21 With respect to the calendar year 2004, the term "wages"
22 shall include only the remuneration paid to an individual by an
23 employer during that period with respect to employment which
24 does not exceed \$9,800. With respect to the calendar years 2005
25 through 2009, the term "wages" shall include only the
26 remuneration paid to an individual by an employer during that

1 period with respect to employment which does not exceed the
2 following amounts: \$10,500 with respect to the calendar year
3 2005; \$11,000 with respect to the calendar year 2006; \$11,500
4 with respect to the calendar year 2007; \$12,000 with respect to
5 the calendar year 2008; and \$12,300 with respect to the
6 calendar year 2009.

7 With respect to the calendar year 2010 and each calendar
8 year thereafter, the term "wages" shall include only the
9 remuneration paid to an individual by an employer during that
10 period with respect to employment which does not exceed the sum
11 of the wage base adjustment applicable to that year pursuant to
12 Section 1400.1, plus the maximum amount includable as "wages"
13 pursuant to this subsection with respect to the immediately
14 preceding calendar year. Notwithstanding any provision to the
15 contrary, the maximum amount includable as "wages" pursuant to
16 this Section shall not be less than \$12,300 or greater than
17 \$12,960 with respect to any calendar year after calendar year
18 2009.

19 The remuneration paid to an individual by an employer with
20 respect to employment in another State or States, upon which
21 contributions were required of such employer under an
22 unemployment compensation law of such other State or States,
23 shall be included as a part of the remuneration herein referred
24 to. For the purposes of this subsection, any employing unit
25 which succeeds to the organization, trade, or business, or to
26 substantially all of the assets of another employing unit, or

1 to the organization, trade, or business, or to substantially
2 all of the assets of a distinct severable portion of another
3 employing unit, shall be treated as a single unit with its
4 predecessor for the calendar year in which such succession
5 occurs; any employing unit which is owned or controlled by the
6 same interests which own or control another employing unit
7 shall be treated as a single unit with the unit so owned or
8 controlled by such interests for any calendar year throughout
9 which such ownership or control exists; and, with respect to
10 any trade or business transfer subject to subsection A of
11 Section 1507.1, a transferee, as defined in subsection G of
12 Section 1507.1, shall be treated as a single unit with the
13 transferor, as defined in subsection G of Section 1507.1, for
14 the calendar year in which the transfer occurs. This subsection
15 applies only to Sections 1400, 1405A, and 1500.

16 B. The amount of any payment (including any amount paid by
17 an employer for insurance or annuities, or into a fund, to
18 provide for any such payment), made to, or on behalf of, an
19 individual or any of his dependents under a plan or system
20 established by an employer which makes provision generally for
21 individuals performing services for him (or for such
22 individuals generally and their dependents) or for a class or
23 classes of such individuals (or for a class or classes of such
24 individuals and their dependents), on account of (1) sickness
25 or accident disability (except those sickness or accident
26 disability payments which would be includable as "wages" in

1 Section 3306(b) (2) (A) of the Federal Internal Revenue Code of
2 1954, in effect on January 1, 1985, such includable payments to
3 be attributable in such manner as provided by Section 3306(b)
4 of the Federal Internal Revenue Code of 1954, in effect on
5 January 1, 1985), or (2) medical or hospitalization expenses in
6 connection with sickness or accident disability, or (3) death.

7 C. Any payment made to, or on behalf of, an employee or his
8 beneficiary which would be excluded from "wages" by
9 subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section
10 3306(b) (5) of the Federal Internal Revenue Code of 1954, in
11 effect on January 1, 1985.

12 D. The amount of any payment on account of sickness or
13 accident disability, or medical or hospitalization expenses in
14 connection with sickness or accident disability, made by an
15 employer to, or on behalf of, an individual performing services
16 for him after the expiration of six calendar months following
17 the last calendar month in which the individual performed
18 services for such employer.

19 E. Remuneration paid in any medium other than cash by an
20 employing unit to an individual for service in agricultural
21 labor as defined in Section 214.

22 F. The amount of any supplemental payment made by an
23 employer to an individual performing services for him, other
24 than remuneration for services performed, under a shared work
25 plan approved by the Director pursuant to Section 407.1.

26 G. Remuneration for:

1 1. Duty in a branch of the United States Military
2 Reserve or in the National Guard if such duty is served
3 during a period of time that does not exceed 72 hours in
4 duration from the start of service to the end of service
5 during any one-month period.

6 2. Required annual training as part of duty pursuant to
7 paragraph 1 of this subsection G, for a period of time of
8 approximately 2 weeks.

9 (Source: P.A. 93-634, eff. 1-1-04; 93-676, eff. 6-22-04;
10 94-301, eff. 1-1-06.)