



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5052

Introduced 2/7/2012, by Rep. David R. Leitch

SYNOPSIS AS INTRODUCED:

820 ILCS 405/602

from Ch. 48, par. 432

Amends provisions of the Unemployment Insurance Act regarding ineligibility for benefits because of a discharge for misconduct by changing the elements of the definition of "misconduct" as follows: by requiring that a violation constituting misconduct be knowing (rather than deliberate and willful); by providing that a violation of a reasonable rule or policy has harmed the employing unit or another employee or other employees (rather than the employing unit or other employees); and by providing that a violation is knowing when an individual acts deliberately to violate the rule or policy, is consciously aware that his or her conduct will violate the rule or policy, or is consciously aware that his or her conduct is practically certain to violate the rule or policy.

LRB097 17478 WGH 62681 b

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 602 as follows:

6 (820 ILCS 405/602) (from Ch. 48, par. 432)

7 Sec. 602. Discharge for misconduct - Felony. A. An
8 individual shall be ineligible for benefits for the week in
9 which he has been discharged for misconduct connected with his
10 work and, thereafter, until he has become reemployed and has
11 had earnings equal to or in excess of his current weekly
12 benefit amount in each of four calendar weeks which are either
13 for services in employment, or have been or will be reported
14 pursuant to the provisions of the Federal Insurance
15 Contributions Act by each employing unit for which such
16 services are performed and which submits a statement certifying
17 to that fact. The requalification requirements of the preceding
18 sentence shall be deemed to have been satisfied, as of the date
19 of reinstatement, if, subsequent to his discharge by an
20 employing unit for misconduct connected with his work, such
21 individual is reinstated by such employing unit. For purposes
22 of this subsection, the term "misconduct" means the knowing
23 ~~deliberate and willful~~ violation of a reasonable rule or policy

1 of the employing unit, governing the individual's behavior in
2 performance of his work, provided such violation has harmed the
3 employing unit or another employee or other employees or has
4 been repeated by the individual despite a warning or other
5 explicit instruction from the employing unit. A violation is
6 knowing when an individual acts deliberately to violate the
7 rule or policy, when an individual is consciously aware that
8 his or her conduct will violate the rule or policy, or when an
9 individual is consciously aware that his or her conduct is
10 practically certain to violate the rule or policy.

11 B. Notwithstanding any other provision of this Act, no
12 benefit rights shall accrue to any individual based upon wages
13 from any employer for service rendered prior to the day upon
14 which such individual was discharged because of the commission
15 of a felony in connection with his work, or because of theft in
16 connection with his work, for which the employer was in no way
17 responsible; provided, that the employer notified the Director
18 of such possible ineligibility within the time limits specified
19 by regulations of the Director, and that the individual has
20 admitted his commission of the felony or theft to a
21 representative of the Director, or has signed a written
22 admission of such act and such written admission has been
23 presented to a representative of the Director, or such act has
24 resulted in a conviction or order of supervision by a court of
25 competent jurisdiction; and provided further, that if by reason
26 of such act, he is in legal custody, held on bail or is a

1 fugitive from justice, the determination of his benefit rights
2 shall be held in abeyance pending the result of any legal
3 proceedings arising therefrom.

4 (Source: P.A. 85-956.)