



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5632

Introduced 2/15/2012, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

820 ILCS 405/401	from Ch. 48, par. 401
820 ILCS 405/706	from Ch. 48, par. 456
820 ILCS 405/900	from Ch. 48, par. 490
820 ILCS 405/901.1 new	
820 ILCS 405/1300	from Ch. 48, par. 540
820 ILCS 405/1401	from Ch. 48, par. 551
820 ILCS 405/1402	from Ch. 48, par. 552
820 ILCS 405/1501.1	from Ch. 48, par. 571.1
820 ILCS 405/1505	from Ch. 48, par. 575
820 ILCS 405/1506.1	from Ch. 48, par. 576.1
820 ILCS 405/1506.3	from Ch. 48, par. 576.3
820 ILCS 405/1506.5	
820 ILCS 405/1801.1	
820 ILCS 405/2100	from Ch. 48, par. 660
820 ILCS 405/2103	from Ch. 48, par. 663
820 ILCS 405/1503 rep.	

Amends the Unemployment Insurance Act. Provides that if benefits are paid after a reversal of a determination in subsequent proceedings, the benefit charges shall be treated as if the decision had not been reversed if the benefits were paid because the employer failed to respond timely or adequately and had established a pattern of that type of failure. Imposes an additional penalty for obtaining benefits by means of a false statement or failure to disclose a material fact. Repeals certain provisions concerning the benefit wage ratio. Makes technical changes. Effective immediately.

LRB097 18216 JLS 65924 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 401, 706, 900, 1300, 1401, 1402, 1501.1,
6 1505, 1506.1, 1506.3, 1506.5, 1801.1, 2100, and 2103 and by
7 adding Section 901.1 as follows:

8 (820 ILCS 405/401) (from Ch. 48, par. 401)

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

10 A. With respect to any week beginning in a benefit year
11 beginning prior to January 4, 2004 ~~April 24, 1983~~, an
12 individual's weekly benefit amount shall be an amount equal to
13 the weekly benefit amount as defined in the provisions of this
14 Act as amended and in effect on November 18, 2011 ~~30, 1982~~.

15 B. 1. ~~With respect to any week beginning on or after April~~
16 ~~24, 1983 and before January 3, 1988, an individual's weekly~~
17 ~~benefit amount shall be 48% of his prior average weekly wage,~~
18 ~~rounded (if not already a multiple of one dollar) to the next~~
19 ~~higher dollar; provided, however, that the weekly benefit~~
20 ~~amount cannot exceed the maximum weekly benefit amount, and~~
21 ~~cannot be less than 15% of the statewide average weekly wage,~~
22 ~~rounded (if not already a multiple of one dollar) to the next~~
23 ~~higher dollar. However, the weekly benefit amount for an~~

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

1 47% of his or her prior average weekly wage, rounded (if not
2 already a multiple of one dollar) to the next higher dollar;
3 provided, however, that the weekly benefit amount cannot exceed
4 the maximum weekly benefit amount and cannot be less than \$51.
5 With respect to any benefit year beginning in calendar year
6 2016, an individual's weekly benefit amount shall be 42.8% of
7 his or her prior average weekly wage, rounded (if not already a
8 multiple of one dollar) to the next higher dollar; provided,
9 however, that the weekly benefit amount cannot exceed the
10 maximum weekly benefit amount and cannot be less than \$51. With
11 respect to any benefit year beginning in calendar year 2018, an
12 individual's weekly benefit amount shall be 42.9% of his or her
13 prior average weekly wage, rounded (if not already a multiple
14 of one dollar) to the next higher dollar; provided, however,
15 that the weekly benefit amount cannot exceed the maximum weekly
16 benefit amount and cannot be less than \$51.

17 2. For the purposes of this subsection:

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

1 "Determination date" means June 1 ~~and, 1982,~~ December 1, ~~1982 and December 1~~ of each ~~succeeding~~ calendar year except
2 ~~that thereafter.~~ However, ~~if as of June 30, 1982, or any June~~
3 ~~30 thereafter, the net amount standing to the credit of this~~
4 ~~State's account in the unemployment trust fund (less all~~
5 ~~outstanding advances to that account, including advances~~
6 ~~pursuant to Title XII of the federal Social Security Act) is~~
7 ~~greater than \$100,000,000, "determination date" shall mean~~
8 ~~December 1 of that year and June 1 of the succeeding year.~~
9 ~~Notwithstanding the preceding sentence,~~ for the purposes of
10 this Act only, there shall be no June 1 determination date in
11 any year ~~after 1986.~~

13 "Determination period" means, with respect to each June 1
14 determination date, the 12 consecutive calendar months ending
15 on the immediately preceding December 31 and, with respect to
16 each December 1 determination date, the 12 consecutive calendar
17 months ending on the immediately preceding June 30.

18 "Benefit period" means the 12 consecutive calendar month
19 period beginning on the first day of the first calendar month
20 immediately following a determination date, except that, with
21 respect to any calendar year in which there is a June 1
22 determination date, "benefit period" shall mean the 6
23 consecutive calendar month period beginning on the first day of
24 the first calendar month immediately following the preceding
25 December 1 determination date and the 6 consecutive calendar
26 month period beginning on the first day of the first calendar

1 month immediately following the June 1 determination date.
2 ~~Notwithstanding the foregoing sentence, the 6 calendar months~~
3 ~~beginning January 1, 1982 and ending June 30, 1982 shall be~~
4 ~~deemed a benefit period with respect to which the determination~~
5 ~~date shall be June 1, 1981.~~

6 "Gross wages" means all the wages paid to individuals
7 during the determination period immediately preceding a
8 determination date for insured work, and reported to the
9 Director by employers prior to the first day of the third
10 calendar month preceding that date.

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

14 "Average monthly covered employment" means one-twelfth of
15 the sum of the covered employment for the 12 months of a
16 determination period.

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

21 "Statewide average weekly wage" means the quotient,
22 obtained by dividing the statewide average annual wage by 52,
23 rounded (if not already a multiple of one cent) to the nearest
24 cent. Notwithstanding any provision of this Section to the
25 contrary, the statewide average weekly wage for any benefit
26 period prior to calendar year 2012 shall be as determined by

1 the provisions of this Act as amended and in effect on November
2 18, 2011. Notwithstanding any provisions of this Section to the
3 contrary, the statewide average weekly wage for the benefit
4 period of beginning July 1, 1982 and ending December 31, 1982
5 ~~shall be the statewide average weekly wage in effect for the~~
6 ~~immediately preceding benefit period plus one half of the~~
7 ~~result obtained by subtracting the statewide average weekly~~
8 ~~wage for the immediately preceding benefit period from the~~
9 ~~statewide average weekly wage for the benefit period beginning~~
10 ~~July 1, 1982 and ending December 31, 1982 as such statewide~~
11 ~~average weekly wage would have been determined but for the~~
12 ~~provisions of this paragraph. Notwithstanding any provisions~~
13 ~~of this Section to the contrary, the statewide average weekly~~
14 ~~wage for the benefit period beginning April 24, 1983 and ending~~
15 ~~January 31, 1984 shall be \$321 and for the benefit period~~
16 ~~beginning February 1, 1984 and ending December 31, 1986 shall~~
17 ~~be \$335, and for the benefit period beginning January 1, 1987,~~
18 ~~and ending December 31, 1987, shall be \$350, except that for an~~
19 ~~individual who has established a benefit year beginning before~~
20 ~~April 24, 1983, the statewide average weekly wage used in~~
21 ~~determining benefits, for any week beginning on or after April~~
22 ~~24, 1983, claimed with respect to that benefit year, shall be~~
23 ~~\$334.80, except that, for the purpose of determining the~~
24 ~~minimum weekly benefit amount under subsection B(1) for the~~
25 ~~benefit period beginning January 1, 1987, and ending December~~
26 ~~31, 1987, the statewide average weekly wage shall be \$335; for~~

1 ~~the benefit periods January 1, 1988 through December 31, 1988,~~
2 ~~January 1, 1989 through December 31, 1989, and January 1, 1990~~
3 ~~through December 31, 1990, the statewide average weekly wage~~
4 ~~shall be \$359, \$381, and \$406, respectively. Notwithstanding~~
5 ~~the preceding sentences of this paragraph, for the benefit~~
6 ~~period of calendar year 1991, the statewide average weekly wage~~
7 ~~shall be \$406 plus (or minus) an amount equal to the percentage~~
8 ~~change in the statewide average weekly wage, as computed in~~
9 ~~accordance with the preceding sentences of this paragraph,~~
10 ~~between the benefit periods of calendar years 1989 and 1990,~~
11 ~~multiplied by \$406; and, for the benefit periods of calendar~~
12 ~~years 1992 through 2003 and calendar year 2012 shall be \$856.55~~
13 ~~2005~~ and for each calendar year thereafter, the statewide
14 average weekly wage, shall be the statewide average weekly
15 wage, as determined in accordance with this sentence, for the
16 immediately preceding benefit period plus (or minus) an amount
17 equal to the percentage change in the statewide average weekly
18 wage, as computed in accordance with the first sentence
19 ~~preceding sentences~~ of this paragraph, between the 2
20 immediately preceding benefit periods, multiplied by the
21 statewide average weekly wage, as determined in accordance with
22 this sentence, for the immediately preceding benefit period.
23 However, for purposes of the Workers' Compensation Act, the
24 statewide average weekly wage will be computed using June 1 and
25 December 1 determination dates of each calendar year and such
26 determination shall not be subject to the limitation of ~~\$321,~~

1 ~~\$335, \$350, \$359, \$381, \$406~~ or the statewide average weekly
2 wage as computed in accordance with the preceding sentence of
3 this paragraph.

4 With respect to any week beginning in a benefit year
5 beginning prior to January 4, 2004, "maximum weekly benefit
6 amount" with respect to each week beginning within a benefit
7 period shall be as defined in the provisions of this Act as
8 amended and in effect on November 18, 2011.

9 ~~With respect to any week beginning on or after April 24,~~
10 ~~1983 and before January 3, 1988, "maximum weekly benefit~~
11 ~~amount" means 48% of the statewide average weekly wage, rounded~~
12 ~~(if not already a multiple of one dollar) to the nearest~~
13 ~~dollar, provided however, that the maximum weekly benefit~~
14 ~~amount for an individual who has established a benefit year~~
15 ~~beginning before April 24, 1983, shall be determined, for weeks~~
16 ~~beginning on or after April 24, 1983 claimed with respect to~~
17 ~~that benefit year, as provided under this Act as amended and in~~
18 ~~effect on November 30, 1982, except that the statewide average~~
19 ~~weekly wage used in such determination shall be \$334.80.~~

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

25 ~~With respect to any week beginning on or after January 3,~~
26 ~~1993 and during a benefit year beginning before January 4,~~

1 ~~2004, "maximum weekly benefit amount" with respect to each week~~
2 ~~beginning within a benefit period means 49.5% 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, "maximum weekly
7 benefit amount" with respect to each week beginning within a
8 benefit period means 48% of the statewide average weekly wage,
9 rounded (if not already a multiple of one dollar) to the next
10 higher dollar.

11 Except as otherwise provided in this Section, with respect
12 to any benefit year beginning on or after January 6, 2008,
13 "maximum weekly benefit amount" with respect to each week
14 beginning within a benefit period means 47% of the statewide
15 average weekly wage, rounded (if not already a multiple of one
16 dollar) to the next higher dollar.

17 With respect to any benefit year beginning in calendar year
18 2016, "maximum weekly benefit amount" with respect to each week
19 beginning within a benefit period means 42.8% of the statewide
20 average weekly wage, rounded (if not already a multiple of one
21 dollar) to the next higher dollar.

22 With respect to any benefit year beginning in calendar year
23 2018, "maximum weekly benefit amount" with respect to each week
24 beginning within a benefit period means 42.9% of the statewide
25 average weekly wage, rounded (if not already a multiple of one
26 dollar) to the next higher dollar.

1 C. With respect to any week beginning in a benefit year
2 beginning prior to January 4, 2004, an individual's eligibility
3 for a dependent allowance with respect to a nonworking spouse
4 or one or more dependent children shall be as defined by the
5 provisions of this Act as amended and in effect on November 18,
6 2011. ~~on or after April 24, 1983 and before January 3, 1988, an~~
7 ~~individual to whom benefits are payable with respect to any~~
8 ~~week shall, in addition to such benefits, be paid, with respect~~
9 ~~to such week, as follows: in the case of an individual with a~~
10 ~~nonworking spouse, 7% of his prior average weekly wage, rounded~~
11 ~~(if not already a multiple of one dollar) to the higher dollar;~~
12 ~~provided, that the total amount payable to the individual with~~
13 ~~respect to a week shall not exceed 55% of the statewide average~~
14 ~~weekly wage, rounded (if not already a multiple of one dollar)~~
15 ~~to the nearest dollar; and in the case of an individual with a~~
16 ~~dependent child or dependent children, 14.4% of his prior~~
17 ~~average weekly wage, rounded (if not already a multiple of one~~
18 ~~dollar) to the higher dollar; provided, that the total amount~~
19 ~~payable to the individual with respect to a week shall not~~
20 ~~exceed 62.4% of the statewide average weekly wage, rounded (if~~
21 ~~not already a multiple of one dollar) to the next higher dollar~~
22 ~~with respect to the benefit period beginning January 1, 1987~~
23 ~~and ending December 31, 1987, and otherwise to the nearest~~
24 ~~dollar. However, for an individual with a nonworking spouse or~~
25 ~~with a dependent child or children who has established a~~
26 ~~benefit year beginning before April 24, 1983, the amount of~~

1 ~~additional benefits payable on account of the nonworking spouse~~
2 ~~or dependent child or children shall be determined, for weeks~~
3 ~~beginning on or after April 24, 1983 claimed with respect to~~
4 ~~that benefit year, as provided under this Act as in effect on~~
5 ~~November 30, 1982, except that the statewide average weekly~~
6 ~~wage used in such determination shall be \$334.80.~~

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

26 ~~With respect to any week beginning on or after January 1,~~

1 ~~1991 and before January 1, 1992, an individual to whom benefits~~
2 ~~are payable with respect to any week shall, in addition to the~~
3 ~~benefits, be paid, with respect to such week, as follows: in~~
4 ~~the case of an individual with a nonworking spouse, 8.3% of his~~
5 ~~prior average weekly wage, rounded (if not already a multiple~~
6 ~~of one dollar) to the next higher dollar, provided, that the~~
7 ~~total amount payable to the individual with respect to a week~~
8 ~~shall not exceed 57.3% of the statewide average weekly wage,~~
9 ~~rounded (if not already a multiple of one dollar) to the next~~
10 ~~higher dollar; and in the case of an individual with a~~
11 ~~dependent child or dependent children, 15.3% of his prior~~
12 ~~average weekly wage, rounded (if not already a multiple of one~~
13 ~~dollar) to the next higher dollar, provided that the total~~
14 ~~amount payable to the individual with respect to a week shall~~
15 ~~not exceed 64.3% of the statewide average weekly wage, rounded~~
16 ~~(if not already a multiple of one dollar) to the next higher~~
17 ~~dollar.~~

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

1 ~~statewide average weekly wage, rounded (if not already a~~
2 ~~multiple of one dollar) to the next higher dollar; and in the~~
3 ~~case of an individual with a dependent child or dependent~~
4 ~~children, 16% of his prior average weekly wage, rounded (if not~~
5 ~~already a multiple of one dollar) to the next higher dollar,~~
6 ~~provided that the total amount payable to the individual with~~
7 ~~respect to a week shall not exceed 65.5% of the statewide~~
8 ~~average weekly wage, rounded (if not already a multiple of one~~
9 ~~dollar) to the next higher dollar.~~

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

1 multiple of one dollar) to the next higher dollar.

2 With respect to any benefit year beginning on or after
3 January 6, 2008 and before January 1, 2010, an individual to
4 whom benefits are payable with respect to any week shall, in
5 addition to those benefits, be paid, with respect to such week,
6 as follows: in the case of an individual with a nonworking
7 spouse, 9% of his or her prior average weekly wage, rounded (if
8 not already a multiple of one dollar) to the next higher
9 dollar, provided, that the total amount payable to the
10 individual with respect to a week shall not exceed 56% of the
11 statewide average weekly wage, rounded (if not already a
12 multiple of one dollar) to the next higher dollar; and in the
13 case of an individual with a dependent child or dependent
14 children, 18.2% of his or her prior average weekly wage,
15 rounded (if not already a multiple of one dollar) to the next
16 higher dollar, provided that the total amount payable to the
17 individual with respect to a week shall not exceed 65.2% of the
18 statewide average weekly wage, rounded (if not already a
19 multiple of one dollar) to the next higher dollar.

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

1 Except as otherwise provided in this Section, with respect
2 to any benefit year beginning on or after January 1, 2010, an
3 individual to whom benefits are payable with respect to any
4 week shall, in addition to those benefits, be paid, with
5 respect to such week, as follows: in the case of an individual
6 with a nonworking spouse, the greater of (i) 9% of his or her
7 prior average weekly wage, rounded (if not already a multiple
8 of one dollar) to the next higher dollar, or (ii) \$15, provided
9 that the total amount payable to the individual with respect to
10 a week shall not exceed 56% of the statewide average weekly
11 wage, rounded (if not already a multiple of one dollar) to the
12 next higher dollar; and in the case of an individual with a
13 dependent child or dependent children, the greater of (i) the
14 product of the dependent child allowance rate multiplied by his
15 or her prior average weekly wage, rounded (if not already a
16 multiple of one dollar) to the next higher dollar, or (ii) the
17 lesser of \$50 or 50% of his or her weekly benefit amount,
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 the product
21 of the statewide average weekly wage multiplied by the sum of
22 47% plus the dependent child allowance rate, rounded (if not
23 already a multiple of one dollar) to the next higher dollar.

24 With respect to any benefit year beginning in calendar year
25 2016, an individual to whom benefits are payable with respect
26 to any week shall, in addition to those benefits, be paid, with

1 respect to such week, as follows: in the case of an individual
2 with a nonworking spouse, the greater of (i) 9% of his or her
3 prior average weekly wage, rounded (if not already a multiple
4 of one dollar) to the next higher dollar, or (ii) \$15, provided
5 that the total amount payable to the individual with respect to
6 a week shall not exceed 51.8% of the statewide average weekly
7 wage, rounded (if not already a multiple of one dollar) to the
8 next higher dollar; and in the case of an individual with a
9 dependent child or dependent children, the greater of (i) the
10 product of the dependent child allowance rate multiplied by his
11 or her prior average weekly wage, rounded (if not already a
12 multiple of one dollar) to the next higher dollar, or (ii) the
13 lesser of \$50 or 50% of his or her weekly benefit amount,
14 rounded (if not already a multiple of one dollar) to the next
15 higher dollar, provided that the total amount payable to the
16 individual with respect to a week shall not exceed the product
17 of the statewide average weekly wage multiplied by the sum of
18 42.8% plus the dependent child allowance rate, rounded (if not
19 already a multiple of one dollar) to the next higher dollar.

20 With respect to any benefit year beginning in calendar year
21 2018, an individual to whom benefits are payable with respect
22 to any week shall, in addition to those benefits, be paid, with
23 respect to such week, as follows: in the case of an individual
24 with a nonworking spouse, the greater of (i) 9% of his or her
25 prior average weekly wage, rounded (if not already a multiple
26 of one dollar) to the next higher dollar, or (ii) \$15, provided

1 that the total amount payable to the individual with respect to
2 a week shall not exceed 51.9% of the statewide average weekly
3 wage, rounded (if not already a multiple of one dollar) to the
4 next higher dollar; and in the case of an individual with a
5 dependent child or dependent children, the greater of (i) the
6 product of the dependent child allowance rate multiplied by his
7 or her prior average weekly wage, rounded (if not already a
8 multiple of one dollar) to the next higher dollar, or (ii) the
9 lesser of \$50 or 50% of his or her weekly benefit amount,
10 rounded (if not already a multiple of one dollar) to the next
11 higher dollar, provided that the total amount payable to the
12 individual with respect to a week shall not exceed the product
13 of the statewide average weekly wage multiplied by the sum of
14 42.9% plus the dependent child allowance rate, rounded (if not
15 already a multiple of one dollar) to the next higher dollar.

16 With respect to each benefit year beginning after calendar
17 year 2012 ~~2009~~, the dependent child allowance rate shall be the
18 sum of the allowance adjustment applicable pursuant to Section
19 1400.1 to the calendar year in which the benefit year begins,
20 plus the dependent child allowance rate with respect to each
21 benefit year beginning in the immediately preceding calendar
22 year, except as otherwise provided in this subsection. The
23 dependent child allowance rate with respect to each benefit
24 year beginning in calendar year 2010 shall ~~not~~ be 17.9% ~~greater~~
25 ~~than 18.2%~~. The dependent child allowance rate with respect to
26 each benefit year beginning in calendar year 2011 shall be

1 17.4%. ~~The reduced by 0.2% absolute below the rate it would~~
2 ~~otherwise have been pursuant to this subsection and, with~~
3 ~~respect to each benefit year beginning after calendar year~~
4 ~~2010, except as otherwise provided, shall not be less than~~
5 ~~17.1% or greater than 18.0%. Unless, as a result of this~~
6 ~~sentence, the agreement between the Federal Government and~~
7 ~~State regarding the Federal Additional Compensation program~~
8 ~~established under Section 2002 of the American Recovery and~~
9 ~~Reinvestment Act, or a successor program, would not apply or~~
10 ~~would cease to apply, the dependent child allowance rate with~~
11 respect to each benefit year beginning in calendar year 2012
12 shall be 17.0% ~~reduced by 0.1% absolute below the rate it would~~
13 ~~otherwise have been pursuant to this subsection and, with~~
14 respect to each benefit year beginning after calendar year 2012
15 ~~2011~~, shall not be less than 17.0% or greater than 17.9%.

16 For the purposes of this subsection:

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

18 "Child" means a natural child, stepchild, or adopted child
19 of an individual claiming benefits under this Act or a child
20 who is in the custody of any such individual by court order,
21 for whom the individual is supplying and, for at least 90
22 consecutive days (or for the duration of the parental
23 relationship if it has existed for less than 90 days)
24 immediately preceding any week with respect to which the
25 individual has filed a claim, has supplied more than one-half
26 the cost of support, or has supplied at least 1/4 of the cost

1 of support if the individual and the other parent, together,
2 are supplying and, during the aforesaid period, have supplied
3 more than one-half the cost of support, and are, and were
4 during the aforesaid period, members of the same household; and
5 who, on the first day of such week (a) is under 18 years of age,
6 or (b) is, and has been during the immediately preceding 90
7 days, unable to work because of illness or other disability:
8 provided, that no person who has been determined to be a child
9 of an individual who has been allowed benefits with respect to
10 a week in the individual's benefit year shall be deemed to be a
11 child of the other parent, and no other person shall be
12 determined to be a child of such other parent, during the
13 remainder of that benefit year.

14 "Nonworking spouse" means the lawful husband or wife of an
15 individual claiming benefits under this Act, for whom more than
16 one-half the cost of support has been supplied by the
17 individual for at least 90 consecutive days (or for the
18 duration of the marital relationship if it has existed for less
19 than 90 days) immediately preceding any week with respect to
20 which the individual has filed a claim, but only if the
21 nonworking spouse is currently ineligible to receive benefits
22 under this Act by reason of the provisions of Section 500E.

23 An individual who was obligated by law to provide for the
24 support of a child or of a nonworking spouse for the aforesaid
25 period of 90 consecutive days, but was prevented by illness or
26 injury from doing so, shall be deemed to have provided more

1 than one-half the cost of supporting the child or nonworking
2 spouse for that period.

3 (Source: P.A. 96-30, eff. 6-30-09; 97-621, eff. 11-18-11.)

4 (820 ILCS 405/706) (from Ch. 48, par. 456)

5 Sec. 706. Benefits undisputed or allowed - Prompt payment.

6 Benefits shall be paid promptly in accordance with a claims
7 adjudicator's finding and determination, or reconsidered
8 finding or reconsidered determination, or the decision of a
9 Referee, the Board of Review or a reviewing court, upon the
10 issuance of such finding and determination, reconsidered
11 finding, reconsidered determination or decision, regardless of
12 the pendency of the period to apply for reconsideration, file
13 an appeal, or file a complaint for judicial review, or the
14 pendency of any such application or filing, unless and until
15 such finding, determination, reconsidered finding,
16 reconsidered determination or decision has been modified or
17 reversed by a subsequent reconsidered finding or reconsidered
18 determination or decision, in which event benefits shall be
19 paid or denied with respect to weeks thereafter in accordance
20 with such reconsidered finding, reconsidered determination, or
21 modified or reversed finding, determination, reconsidered
22 finding, reconsidered determination or decision. Except as
23 otherwise provided in this Section, if ~~if~~ benefits are paid
24 pursuant to a finding or a determination, or a reconsidered
25 finding, or a reconsidered determination, or a decision of a

1 Referee, the Board of Review or a court, which is finally
2 reversed or modified in subsequent proceedings with respect
3 thereto, the benefit wages on which such benefits are based
4 shall, for the purposes set forth in Section 1502, or benefit
5 charges, for purposes set forth in Section 1502.1, be treated
6 in the same manner as if such final reconsidered finding,
7 reconsidered determination, or decision had been the finding or
8 determination of the claims adjudicator. If benefits are paid
9 pursuant to a finding, determination, reconsidered finding or
10 determination, or a decision of a Referee, the Board of Review,
11 or a court which is finally reversed or modified in subsequent
12 proceedings with respect thereto, the benefit charges, for
13 purposes set forth in Section 1502.1, shall be treated in the
14 same manner as if the finding, determination, reconsidered
15 finding or determination, or decision of the Referee, the Board
16 of Review, or the court pursuant to which benefits were paid
17 had not been reversed if: (1) the benefits were paid because
18 the employer or an agent of the employer was at fault for
19 failing to respond timely or adequately to the Department's
20 request for information relating to the claim; and (2) the
21 employer or agent has established a pattern of failing to
22 respond timely or adequately to such requests.

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

24 (820 ILCS 405/900) (from Ch. 48, par. 490)

25 Sec. 900. Recoupment.) A. Whenever an individual has

1 received any sum as benefits for which he is found to have been
2 ineligible, the amount thereof may be recovered by suit in the
3 name of the People of the State of Illinois, or, from benefits
4 payable to him, may be recouped:

5 1. At any time, if, to receive such sum, he knowingly made
6 a false statement or knowingly failed to disclose a material
7 fact.

8 2. Within 3 years from any date prior to January 1, 1984,
9 on which he has been found to have been ineligible for any
10 other reason, pursuant to a reconsidered finding or a
11 reconsidered determination, or pursuant to the decision of a
12 Referee (or of the Director or his representative under Section
13 604) which modifies or sets aside a finding or a reconsidered
14 finding or a determination or a reconsidered determination; or
15 within 5 years from any date after December 31, 1983, on which
16 he has been found to have been ineligible for any other reason,
17 pursuant to a reconsidered finding or a reconsidered
18 determination, or pursuant to the decision of a Referee (or of
19 the Director or his representative under Section 604) which
20 modifies or sets aside a finding or a reconsidered finding or a
21 determination or a reconsidered determination. Recoupment
22 pursuant to the provisions of this paragraph from benefits
23 payable to an individual for any week may be waived upon the
24 individual's request, if the sum referred to in paragraph A was
25 received by the individual without fault on his part and if
26 such recoupment would be against equity and good conscience.

1 Such waiver may be denied with respect to any subsequent week
2 if, in that week, the facts and circumstances upon which waiver
3 was based no longer exist.

4 B. Whenever the claims adjudicator referred to in Section
5 702 decides that any sum received by a claimant as benefits
6 shall be recouped, or denies recoupment waiver requested by the
7 claimant, he shall promptly notify the claimant of his decision
8 and the reasons therefor. The decision and the notice thereof
9 shall state the amount to be recouped, the weeks with respect
10 to which such sum was received by the claimant, and the time
11 within which it may be recouped and, as the case may be, the
12 reasons for denial of recoupment waiver. The claims adjudicator
13 may reconsider his decision within one year after the date when
14 the decision was made. Such decision or reconsidered decision
15 may be appealed to a Referee within the time limits prescribed
16 by Section 800 for appeal from a determination. Any such
17 appeal, and any appeal from the Referee's decision thereon,
18 shall be governed by the applicable provisions of Sections 801,
19 803, 804 and 805. No recoupment shall be begun until the
20 expiration of the time limits prescribed by Section 800 of this
21 Act or, if an appeal has been filed, until the decision of a
22 Referee has been made thereon affirming the decision of the
23 Claims Adjudicator.

24 C. Any sums recovered under the provisions of this Section
25 shall be treated as repayments to the Department Director of
26 sums improperly obtained by the claimant.

1 D. Whenever, by reason of a back pay award made by any
2 governmental agency or pursuant to arbitration proceedings, or
3 by reason of a payment of wages wrongfully withheld by an
4 employing unit, an individual has received wages for weeks with
5 respect to which he has received benefits, the amount of such
6 benefits may be recouped or otherwise recovered as herein
7 provided. An employing unit making a back pay award to an
8 individual for weeks with respect to which the individual has
9 received benefits shall make the back pay award by check
10 payable jointly to the individual and to the Department
11 Director.

12 E. The amount recouped pursuant to paragraph 2 of
13 subsection A from benefits payable to an individual for any
14 week shall not exceed 25% of the individual's weekly benefit
15 amount.

16 In addition to the remedies provided by this Section, when
17 an individual has received any sum as benefits for which he is
18 found to be ineligible, the Director may request the
19 Comptroller to withhold such sum in accordance with Section
20 10.05 of the State Comptroller Act and the Director may request
21 the Secretary of the Treasury to withhold such sum to the
22 extent allowed by and in accordance with Section 6402(f) of the
23 federal Internal Revenue Code of 1986, as amended. Benefits
24 paid pursuant to this Act shall not be subject to such
25 withholding. Where the Director requests withholding by the
26 Secretary of the Treasury pursuant to this Section, in addition

1 to the amount of benefits for which the individual has been
2 found ineligible, the individual shall be liable for any
3 legally authorized administrative fee assessed by the
4 Secretary, with such fee to be added to the amount to be
5 withheld by the Secretary.

6 (Source: P.A. 97-621, eff. 11-18-11.)

7 (820 ILCS 405/901.1 new)

8 Sec. 901.1. Additional penalty. In addition to the
9 penalties imposed under Section 901, an individual who, for the
10 purposes of obtaining benefits, knowingly makes a false
11 statement or knowingly fails to disclose a material fact, and
12 thereby obtains any sum as benefits for which he or she is not
13 eligible, shall be required to pay a penalty in an amount equal
14 to 15% of such sum. All of the provisions of Section 900
15 applicable to the recovery of sums described in paragraph 1 of
16 subsection A of Section 900 shall apply to penalties imposed
17 pursuant to this Section. All penalties collected under this
18 Section shall be treated in the same manner as benefits
19 recovered from such individual.

20 (820 ILCS 405/1300) (from Ch. 48, par. 540)

21 Sec. 1300. Waiver or transfer of benefit rights - Partial
22 exemption.

23 (A) Except as otherwise provided herein any agreement by an
24 individual to waive, release or commute his rights under this

1 Act shall be void.

2 (B) Benefits due under this Act shall not be assigned,
3 pledged, encumbered, released or commuted and shall be exempt
4 from all claims of creditors and from levy, execution and
5 attachment or other remedy for recovery or collection of a
6 debt. However, nothing in this Section shall prohibit a
7 specified or agreed upon deduction from benefits by an
8 individual, or a court or administrative order for withholding
9 of income, for payment of past due child support from being
10 enforced and collected by the Department of Healthcare and
11 Family Services on behalf of persons receiving a grant of
12 financial aid under Article IV of the Illinois Public Aid Code,
13 persons for whom an application has been made and approved for
14 child support enforcement services under Section 10-1 of such
15 Code, or persons similarly situated and receiving like services
16 in other states. It is provided that:

17 (1) The aforementioned deduction of benefits and order
18 for withholding of income apply only if appropriate
19 arrangements have been made for reimbursement to the
20 Department ~~Director~~ by the Department of Healthcare and
21 Family Services for any administrative costs incurred ~~by~~
22 ~~the Director~~ under this Section.

23 (2) The Director shall deduct and withhold from
24 benefits payable under this Act, or under any arrangement
25 for the payment of benefits entered into by the Director
26 pursuant to the powers granted under Section 2700 of this

1 Act, the amount specified or agreed upon. In the case of a
2 court or administrative order for withholding of income,
3 the Director shall withhold the amount of the order.

4 (3) Any amount deducted and withheld by the Director
5 shall be paid to the Department of Healthcare and Family
6 Services or the State Disbursement Unit established under
7 Section 10-26 of the Illinois Public Aid Code, as directed
8 by the Department of Healthcare and Family Services, on
9 behalf of the individual.

10 (4) Any amount deducted and withheld under subsection
11 (3) shall for all purposes be treated as if it were paid to
12 the individual as benefits and paid by such individual to
13 the Department of Healthcare and Family Services or the
14 State Disbursement Unit in satisfaction of the
15 individual's child support obligations.

16 (5) For the purpose of this Section, child support is
17 defined as those obligations which are being enforced
18 pursuant to a plan described in Title IV, Part D, Section
19 454 of the Social Security Act and approved by the
20 Secretary of Health and Human Services.

21 (6) The deduction of benefits and order for withholding
22 of income for child support shall be governed by Titles III
23 and IV of the Social Security Act and all regulations duly
24 promulgated thereunder.

25 (C) Nothing in this Section prohibits an individual from
26 voluntarily electing to have federal income tax deducted and

1 withheld from his or her unemployment insurance benefit
2 payments.

3 (1) The Director shall, at the time that an individual
4 files his or her claim for benefits that establishes his or
5 her benefit year, inform the individual that:

6 (a) unemployment insurance is subject to federal,
7 State, and local income taxes;

8 (b) requirements exist pertaining to estimated tax
9 payments;

10 (c) the individual may elect to have federal income
11 tax deducted and withheld from his or her payments of
12 unemployment insurance in the amount specified in the
13 federal Internal Revenue Code; and

14 (d) the individual is permitted to change a
15 previously elected withholding status.

16 (2) Amounts deducted and withheld from unemployment
17 insurance shall remain in the unemployment fund until
18 transferred to the federal taxing authority as a payment of
19 income tax.

20 (3) The Director shall follow all procedures specified
21 by the United States Department of Labor and the federal
22 Internal Revenue Service pertaining to the deducting and
23 withholding of income tax.

24 (4) Amounts shall be deducted and withheld in
25 accordance with the priorities established in rules
26 promulgated by the Director.

1 (D) Nothing in this Section prohibits an individual from
2 voluntarily electing to have State of Illinois income tax
3 deducted and withheld from his or her unemployment insurance
4 benefit payments.

5 (1) The Director shall, at the time that an individual
6 files his or her claim for benefits that establishes his or
7 her benefit year, in addition to providing the notice
8 required under subsection C, inform the individual that:

9 (a) the individual may elect to have State of
10 Illinois income tax deducted and withheld from his or
11 her payments of unemployment insurance; and

12 (b) the individual is permitted to change a
13 previously elected withholding status.

14 (2) Amounts deducted and withheld from unemployment
15 insurance shall remain in the unemployment fund until
16 transferred to the Department of Revenue as a payment of
17 State of Illinois income tax.

18 (3) Amounts shall be deducted and withheld in
19 accordance with the priorities established in rules
20 promulgated by the Director.

21 (E) Nothing in this Section prohibits the deduction and
22 withholding of an uncollected overissuance of food stamp
23 coupons from unemployment insurance benefits pursuant to this
24 subsection (E).

25 (1) At the time that an individual files a claim for
26 benefits that establishes his or her benefit year, that

1 individual must disclose whether or not he or she owes an
2 uncollected overissuance (as defined in Section 13(c)(1)
3 of the federal Food Stamp Act of 1977) of food stamp
4 coupons. The Director shall notify the State food stamp
5 agency enforcing such obligation of any individual who
6 discloses that he or she owes an uncollected overissuance
7 of food stamp coupons and who meets the monetary
8 eligibility requirements of subsection E of Section 500.

9 (2) The Director shall deduct and withhold from any
10 unemployment insurance benefits payable to an individual
11 who owes an uncollected overissuance of food stamp coupons:

12 (a) the amount specified by the individual to the
13 Director to be deducted and withheld under this
14 subsection (E);

15 (b) the amount (if any) determined pursuant to an
16 agreement submitted to the State food stamp agency
17 under Section 13(c)(3)(A) of the federal Food Stamp Act
18 of 1977; or

19 (c) any amount otherwise required to be deducted
20 and withheld from unemployment insurance benefits
21 pursuant to Section 13(c)(3)(B) of the federal Food
22 Stamp Act of 1977.

23 (3) Any amount deducted and withheld pursuant to this
24 subsection (E) shall be paid by the Director to the State
25 food stamp agency.

26 (4) Any amount deducted and withheld pursuant to this

1 subsection (E) shall for all purposes be treated as if it
2 were paid to the individual as unemployment insurance
3 benefits and paid by the individual to the State food stamp
4 agency as repayment of the individual's uncollected
5 overissuance of food stamp coupons.

6 (5) For purposes of this subsection (E), "unemployment
7 insurance benefits" means any compensation payable under
8 this Act including amounts payable by the Director pursuant
9 to an agreement under any federal law providing for
10 compensation, assistance, or allowances with respect to
11 unemployment.

12 (6) This subsection (E) applies only if arrangements
13 have been made for reimbursement by the State food stamp
14 agency for the administrative costs incurred by the
15 Director under this subsection (E) which are attributable
16 to the repayment of uncollected overissuances of food stamp
17 coupons to the State food stamp agency.

18 (Source: P.A. 94-237, eff. 1-1-06; 95-331, eff. 8-21-07.)

19 (820 ILCS 405/1401) (from Ch. 48, par. 551)

20 Sec. 1401. Interest. Any employer who shall fail to pay
21 any contributions (including any amounts due pursuant to
22 Section 1506.3) when required of him by the provisions of this
23 Act and the rules and regulations of the Director, whether or
24 not the amount thereof has been determined and assessed by the
25 Director, shall pay to the Department ~~Director~~, in addition to

1 such contribution, interest thereon at the rate of one percent
2 (1%) per month and one-thirtieth (1/30) of one percent (1%) for
3 each day or fraction thereof computed from the day upon which
4 said contribution became due. After 1981, such interest shall
5 accrue at the rate of 2% per month, computed at the rate of
6 12/365 of 2% for each day or fraction thereof, upon any unpaid
7 contributions which become due, provided that, after 1987, for
8 the purposes of calculating interest due under this Section
9 only, payments received more than 30 days after such
10 contributions become due shall be deemed received on the last
11 day of the month preceding the month in which they were
12 received except that, if the last day of such preceding month
13 is less than 30 days after the date that such contributions
14 became due, then such payments shall be deemed to have been
15 received on the 30th day after the date such contributions
16 became due.

17 However, all or part of any interest may be waived by the
18 Director for good cause shown.

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

20 (820 ILCS 405/1402) (from Ch. 48, par. 552)

21 Sec. 1402. Penalties.

22 A. If any employer fails, within the time prescribed in
23 this Act as amended and in effect on October 5, 1980, and the
24 regulations of the Director, to file a report of wages paid to
25 each of his workers, or to file a sufficient report of such

1 wages after having been notified by the Director to do so, for
2 any period which begins prior to January 1, 1982, he shall pay
3 to the Department ~~Director~~ as a penalty a sum determined in
4 accordance with the provisions of this Act as amended and in
5 effect on October 5, 1980.

6 B. Except as otherwise provided in this Section, any
7 employer who fails to file a report of wages paid to each of
8 his workers for any period which begins on or after January 1,
9 1982, within the time prescribed by the provisions of this Act
10 and the regulations of the Director, or, if the Director
11 pursuant to such regulations extends the time for filing the
12 report, fails to file it within the extended time, shall, in
13 addition to any sum otherwise payable by him under the
14 provisions of this Act, pay to the Department ~~Director~~ as a
15 penalty a sum equal to the lesser of (1) \$5 for each \$10,000 or
16 fraction thereof of the total wages for insured work paid by
17 him during the period or (2) \$2,500, for each month or part
18 thereof of such failure to file the report. With respect to an
19 employer who has elected to file reports of wages on an annual
20 basis pursuant to Section 1400.2, in assessing penalties for
21 the failure to submit all reports by the due date established
22 pursuant to that Section, the 30-day period immediately
23 following the due date shall be considered as one month.

24 If the Director deems an employer's report of wages paid to
25 each of his workers for any period which begins on or after
26 January 1, 1982, insufficient, he shall notify the employer to

1 file a sufficient report. If the employer fails to file such
2 sufficient report within 30 days after the mailing of the
3 notice to him, he shall, in addition to any sum otherwise
4 payable by him under the provisions of this Act, pay to the
5 Department Director as a penalty a sum determined in accordance
6 with the provisions of the first paragraph of this subsection,
7 for each month or part thereof of such failure to file such
8 sufficient report after the date of the notice.

9 For wages paid in calendar years prior to 1988, the penalty
10 or penalties which accrue under the two foregoing paragraphs
11 with respect to a report for any period shall not be less than
12 \$100, and shall not exceed the lesser of (1) \$10 for each
13 \$10,000 or fraction thereof of the total wages for insured work
14 paid during the period or (2) \$5,000. For wages paid in
15 calendar years after 1987, the penalty or penalties which
16 accrue under the 2 foregoing paragraphs with respect to a
17 report for any period shall not be less than \$50, and shall not
18 exceed the lesser of (1) \$10 for each \$10,000 or fraction of
19 the total wages for insured work paid during the period or (2)
20 \$5,000. With respect to an employer who has elected to file
21 reports of wages on an annual basis pursuant to Section 1400.2,
22 for purposes of calculating the minimum penalty prescribed by
23 this Section for failure to file the reports on a timely basis,
24 a calendar year shall constitute a single period. For reports
25 of wages paid after 1986, the Director shall not, however,
26 impose a penalty pursuant to either of the two foregoing

1 paragraphs on any employer who can prove within 30 working days
2 after the mailing of a notice of his failure to file such a
3 report, that (1) the failure to file the report is his first
4 such failure during the previous 20 consecutive calendar
5 quarters, and (2) the amount of the total contributions due for
6 the calendar quarter of such report is less than \$500.

7 Any employer who wilfully fails to pay any contribution or
8 part thereof, based upon wages paid prior to 1987, when
9 required by the provisions of this Act and the regulations of
10 the Director, with intent to defraud the Director, shall in
11 addition to such contribution or part thereof pay to the
12 Department ~~Director~~ a penalty equal to 50 percent of the amount
13 of such contribution or part thereof, as the case may be,
14 provided that the penalty shall not be less than \$200.

15 Any employer who willfully fails to pay any contribution or
16 part thereof, based upon wages paid in 1987 and in each
17 calendar year thereafter, when required by the provisions of
18 this Act and the regulations of the Director, with intent to
19 defraud the Director, shall in addition to such contribution or
20 part thereof pay to the Department ~~Director~~ a penalty equal to
21 60% of the amount of such contribution or part thereof, as the
22 case may be, provided that the penalty shall not be less than
23 \$400.

24 However, all or part of any penalty may be waived by the
25 Director for good cause shown.

26 (Source: P.A. 94-723, eff. 1-19-06.)

1 (820 ILCS 405/1501.1) (from Ch. 48, par. 571.1)

2 Sec. 1501.1. Benefit charges. A. When an individual is paid
3 regular benefits with respect to a week ~~in a benefit year which~~
4 ~~begins on or after July 1, 1989,~~ an amount equal to such
5 regular benefits, including dependents' allowances, shall
6 immediately become benefit charges.

7 B. (Blank). ~~When an individual is paid regular benefits on~~
8 ~~or after July 1, 1989, with respect to a week in a benefit year~~
9 ~~which began prior to July 1, 1989, an amount equal to such~~
10 ~~regular benefits, including dependents' allowances, shall~~
11 ~~immediately become benefit charges.~~

12 C. When an individual is paid extended benefits with
13 respect to any week in his eligibility period ~~beginning in a~~
14 ~~benefit year which begins on or after July 1, 1989,~~ an amount
15 equal to one-half of such extended benefits including
16 dependents' allowances, shall immediately become benefit
17 charges.

18 D. (Blank). ~~When an individual is paid extended benefits on~~
19 ~~or after July 1, 1989, with respect to any week in his~~
20 ~~eligibility period beginning in a benefit year which began~~
21 ~~prior to July 1, 1989, an amount equal to one half of such~~
22 ~~extended benefits including dependents' allowances, shall~~
23 ~~immediately become benefit charges.~~

24 E. Notwithstanding the foregoing subsections, the payment
25 of benefits shall not become benefit charges if, by reason of

1 the application of subsection B ~~the third paragraph~~ of Section
2 237, he is paid benefits based upon wages other than those paid
3 in a base period as defined in subsections A and C ~~the second~~
4 ~~paragraph~~ of Section 237.

5 F. (Blank). ~~Notwithstanding the foregoing subsections, the~~
6 ~~payment of regular or extended benefits on or after July 1,~~
7 ~~1989, with respect to a week in a benefit year which began~~
8 ~~prior to July 1, 1989, shall not become benefit charges under~~
9 ~~subsections B and D above where such benefit charges, had they~~
10 ~~been benefit wages under Section 1501, would have been subject~~
11 ~~to transfer under subsection F of Section 1501.~~

12 G. (Blank). ~~Notwithstanding any other provision of this~~
13 ~~Act, the benefit charges with respect to the payment of regular~~
14 ~~or extended benefits on or after July 1, 1989, with respect to~~
15 ~~a week in a benefit year which began prior to July 1, 1989,~~
16 ~~shall not exceed the difference between the base period wages~~
17 ~~paid with respect to that benefit year and the wages which~~
18 ~~became benefit wages with respect to that same benefit year~~
19 ~~(not including any benefit wages transferred pursuant to~~
20 ~~subsection F of Section 1501), provided that any change after~~
21 ~~September 30, 1989, in either base period wages or wages which~~
22 ~~became benefit wages as a result of benefit payments made prior~~
23 ~~to July 1, 1989 shall not affect such benefit charges.~~

24 H. For the purposes of this Section and of Section 1504,
25 benefits shall be deemed to have been paid on the date such
26 payment has been mailed to the individual by the Director or

1 the date on which the Director initiates an electronic transfer
2 of the benefits to the individual's debit card or financial
3 institution account.

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

5 (820 ILCS 405/1505) (from Ch. 48, par. 575)

6 Sec. 1505. Adjustment of state experience factor. The state
7 experience factor shall be adjusted in accordance with the
8 following provisions:

9 A. For calendar years prior to 1988, the state experience
10 factor shall be adjusted in accordance with the provisions of
11 this Act as amended and in effect on November 18, 2011. This
12 subsection shall apply to each calendar year prior to 1980 for
13 which a state experience factor is being determined.

14 ~~For every \$7,000,000 (or fraction thereof) by which the~~
15 ~~amount standing to the credit of this State's account in the~~
16 ~~unemployment trust fund as of June 30 of the calendar year~~
17 ~~immediately preceding the calendar year for which the state~~
18 ~~experience factor is being determined falls below~~
19 ~~\$450,000,000, the state experience factor for the succeeding~~
20 ~~calendar year shall be increased 1 percent absolute.~~

21 ~~For every \$7,000,000 (or fraction thereof) by which the~~
22 ~~amount standing to the credit of this State's account in the~~
23 ~~unemployment trust fund as of June 30 of the calendar year~~
24 ~~immediately preceding the calendar year for which the state~~
25 ~~experience factor is being determined exceeds \$450,000,000,~~

1 ~~the state experience factor for the succeeding year shall be~~
2 ~~reduced 1 percent absolute.~~

3 B. (Blank). ~~This subsection shall apply to the calendar~~
4 ~~years 1980 through 1987, for which the state experience factor~~
5 ~~is being determined.~~

6 ~~For every \$12,000,000 (or fraction thereof) by which the~~
7 ~~amount standing to the credit of this State's account in the~~
8 ~~unemployment trust fund as of June 30 of the calendar year~~
9 ~~immediately preceding the calendar year for which the state~~
10 ~~experience factor is being determined falls below~~
11 ~~\$750,000,000, the state experience factor for the succeeding~~
12 ~~calendar year shall be increased 1 percent absolute.~~

13 ~~For every \$12,000,000 (or fraction thereof) by which the~~
14 ~~amount standing to the credit of this State's account in the~~
15 ~~unemployment trust fund as of June 30 of the calendar year~~
16 ~~immediately preceding the calendar year for which the state~~
17 ~~experience factor is being determined exceeds \$750,000,000,~~
18 ~~the state experience factor for the succeeding year shall be~~
19 ~~reduced 1 percent absolute.~~

20 C. For ~~This subsection shall apply to the calendar year~~
21 ~~1988 and each calendar year thereafter, for which the state~~
22 ~~experience factor is being determined.~~

23 1. For every \$50,000,000 (or fraction thereof) by which
24 the adjusted trust fund balance falls below the target
25 balance set forth in this subsection, the state experience
26 factor for the succeeding year shall be increased one

1 percent absolute.

2 For every \$50,000,000 (or fraction thereof) by which
3 the adjusted trust fund balance exceeds the target balance
4 set forth in this subsection, the state experience factor
5 for the succeeding year shall be decreased by one percent
6 absolute.

7 The target balance in each calendar year prior to 2003
8 is \$750,000,000. The target balance in calendar year 2003
9 is \$920,000,000. The target balance in calendar year 2004
10 is \$960,000,000. The target balance in calendar year 2005
11 and each calendar year thereafter is \$1,000,000,000.

12 2. For the purposes of this subsection:

13 "Net trust fund balance" is the amount standing to the
14 credit of this State's account in the unemployment trust
15 fund as of June 30 of the calendar year immediately
16 preceding the year for which a state experience factor is
17 being determined.

18 "Adjusted trust fund balance" is the net trust fund
19 balance minus the sum of the benefit reserves for fund
20 building for July 1, 1987 through June 30 of the year prior
21 to the year for which the state experience factor is being
22 determined. The adjusted trust fund balance shall not be
23 less than zero. If the preceding calculation results in a
24 number which is less than zero, the amount by which it is
25 less than zero shall reduce the sum of the benefit reserves
26 for fund building for subsequent years.

1 For the purpose of determining the state experience
2 factor for 1989 and for each calendar year thereafter, the
3 following "benefit reserves for fund building" shall apply
4 for each state experience factor calculation in which that
5 12 month period is applicable:

6 a. For the 12 month period ending on June 30, 1988,
7 the "benefit reserve for fund building" shall be
8 8/104th of the total benefits paid from January 1, 1988
9 through June 30, 1988.

10 b. For the 12 month period ending on June 30, 1989,
11 the "benefit reserve for fund building" shall be the
12 sum of:

13 i. 8/104ths of the total benefits paid from
14 July 1, 1988 through December 31, 1988, plus

15 ii. 4/108ths of the total benefits paid from
16 January 1, 1989 through June 30, 1989.

17 c. For the 12 month period ending on June 30, 1990,
18 the "benefit reserve for fund building" shall be
19 4/108ths of the total benefits paid from July 1, 1989
20 through December 31, 1989.

21 d. For 1992 and for each calendar year thereafter,
22 the "benefit reserve for fund building" for the 12
23 month period ending on June 30, 1991 and for each
24 subsequent 12 month period shall be zero.

25 3. Notwithstanding the preceding provisions of this
26 subsection, for calendar years 1988 through 2003, the state

1 experience factor shall not be increased or decreased by
2 more than 15 percent absolute.

3 D. Notwithstanding the provisions of subsection C, the
4 adjusted state experience factor:

5 1. Shall be 111 percent for calendar year 1988;

6 2. Shall not be less than 75 percent nor greater than
7 135 percent for calendar years 1989 through 2003; and shall
8 not be less than 75% nor greater than 150% for calendar
9 year 2004 and each calendar year thereafter, not counting
10 any increase pursuant to subsection D-1, D-2, or D-3;

11 3. Shall not be decreased by more than 5 percent
12 absolute for any calendar year, beginning in calendar year
13 1989 and through calendar year 1992, by more than 6%
14 absolute for calendar years 1993 through 1995, by more than
15 10% absolute for calendar years 1999 through 2003 and by
16 more than 12% absolute for calendar year 2004 and each
17 calendar year thereafter, from the adjusted state
18 experience factor of the calendar year preceding the
19 calendar year for which the adjusted state experience
20 factor is being determined;

21 4. Shall not be increased by more than 15% absolute for
22 calendar year 1993, by more than 14% absolute for calendar
23 years 1994 and 1995, by more than 10% absolute for calendar
24 years 1999 through 2003 and by more than 16% absolute for
25 calendar year 2004 and each calendar year thereafter, from
26 the adjusted state experience factor for the calendar year

1 preceding the calendar year for which the adjusted state
2 experience factor is being determined;

3 5. Shall be 100% for calendar years 1996, 1997, and
4 1998.

5 D-1. The adjusted state experience factor for each of
6 calendar years 2013 through 2015 shall be increased by 5%
7 absolute above the adjusted state experience factor as
8 calculated without regard to this subsection. The adjusted
9 state experience factor for each of calendar years 2016 through
10 2018 shall be increased by 6% absolute above the adjusted state
11 experience factor as calculated without regard to this
12 subsection. The increase in the adjusted state experience
13 factor for calendar year 2018 pursuant to this subsection shall
14 not be counted for purposes of applying paragraph 3 or 4 of
15 subsection D to the calculation of the adjusted state
16 experience factor for calendar year 2019.

17 D-2. The adjusted state experience factor for calendar year
18 2016 shall be increased by 19% absolute above the adjusted
19 state experience factor as calculated without regard to this
20 subsection. The increase in the adjusted state experience
21 factor for calendar year 2016 pursuant to this subsection shall
22 not be counted for purposes of applying paragraph 3 or 4 of
23 subsection D to the calculation of the adjusted state
24 experience factor for calendar year 2017.

25 D-3. The adjusted state experience factor for calendar year
26 2018 shall be increased by 19% absolute above the adjusted

1 state experience factor as calculated without regard to this
2 subsection. The increase in the adjusted state experience
3 factor for calendar year 2018 pursuant to this subsection shall
4 not be counted for purposes of applying paragraph 3 or 4 of
5 subsection D to the calculation of the adjusted state
6 experience factor for calendar year 2019.

7 E. The amount standing to the credit of this State's
8 account in the unemployment trust fund as of June 30 shall be
9 deemed to include as part thereof (a) any amount receivable on
10 that date from any Federal governmental agency, or as a payment
11 in lieu of contributions under the provisions of Sections 1403
12 and 1405 B and paragraph 2 of Section 302C, in reimbursement of
13 benefits paid to individuals, and (b) amounts credited by the
14 Secretary of the Treasury of the United States to this State's
15 account in the unemployment trust fund pursuant to Section 903
16 of the Federal Social Security Act, as amended, including any
17 such amounts which have been appropriated by the General
18 Assembly in accordance with the provisions of Section 2100 B
19 for expenses of administration, except any amounts which have
20 been obligated on or before that date pursuant to such
21 appropriation.

22 (Source: P.A. 97-621, eff. 11-18-11.)

23 (820 ILCS 405/1506.1) (from Ch. 48, par. 576.1)

24 Sec. 1506.1. Determination of Employer's Contribution
25 Rate.

1 A. The contribution rate for any calendar year prior to
2 1991 ~~1982~~ of each employer whose contribution rate is
3 determined as provided in Sections 1501 through 1507,
4 inclusive, ~~who has incurred liability for the payment of~~
5 ~~contributions within each of the three calendar years~~
6 ~~immediately preceding the calendar year for which a rate is~~
7 ~~being determined~~ shall be determined in accordance with the
8 provisions of this Act as amended and in effect on November 18,
9 2011 ~~October 5, 1980~~.

10 B. (Blank). ~~The contribution rate for calendar years 1982~~
11 ~~and 1983 of each employer who has incurred liability for the~~
12 ~~payment of contributions within each of the three calendar~~
13 ~~years immediately preceding the calendar year for which a rate~~
14 ~~is being determined shall be the product obtained by~~
15 ~~multiplying the employer's benefit wage ratio for that calendar~~
16 ~~year by the adjusted state experience factor for the same year,~~
17 ~~provided that:~~

18 1. ~~No employer's contribution rate shall be lower than~~
19 ~~two tenths of 1 percent or higher than 5.3%; and~~

20 2. ~~Intermediate contribution rates between such~~
21 ~~minimum and maximum rates shall be at one tenth of 1~~
22 ~~percent intervals.~~

23 3. ~~If the product obtained as provided in this~~
24 ~~subsection is not an exact multiple of one tenth of 1~~
25 ~~percent, it shall be increased or reduced, as the case may~~
26 ~~be, to the nearer multiple of one tenth of 1 percent. If~~

1 ~~such product is equally near to two multiples of one-tenth~~
2 ~~of 1 percent, it shall be increased to the higher multiple~~
3 ~~of one-tenth of 1 percent. If such product is less than~~
4 ~~two-tenths of one percent, it shall be increased to~~
5 ~~two-tenths of 1 percent, and if greater than 5.3%, it shall~~
6 ~~be reduced to 5.3%.~~

7 ~~The contribution rate of each employer for whom wages~~
8 ~~became benefit wages during the applicable period specified in~~
9 ~~Section 1503, but who paid no contributions upon wages for~~
10 ~~insured work during such period on or before the date~~
11 ~~designated in Section 1503, shall be 5.3%.~~

12 ~~The contribution rate of each employer for whom no wages~~
13 ~~became benefit wages during the applicable period specified in~~
14 ~~Section 1503, and who paid no contributions upon wages for~~
15 ~~insured work during such period on or before the date specified~~
16 ~~in Section 1503, shall be 2.7 percent.~~

17 ~~Notwithstanding the other provisions of this Section, no~~
18 ~~employer's contribution rate with respect to calendar years~~
19 ~~1982 and 1983 shall exceed 2.7 percent of the wages for insured~~
20 ~~work paid by him during any calendar quarter, if such wages~~
21 ~~paid during such calendar quarter total less than \$50,000.~~

22 ~~C. (Blank). The contribution rate for calendar years 1984,~~
23 ~~1985 and 1986 of each employer who has incurred liability for~~
24 ~~the payment of contributions within each of the two calendar~~
25 ~~years immediately preceding the calendar year for which a rate~~
26 ~~is being determined shall be the product obtained by~~

1 ~~multiplying the employer's benefit wage ratio for that calendar~~
2 ~~year by the adjusted state experience factor for the same year,~~
3 ~~provided that:~~

4 ~~1. An employer's minimum contribution rate shall be the~~
5 ~~greater of: .2%; or, the product obtained by multiplying~~
6 ~~.2% by the adjusted state experience factor for the~~
7 ~~applicable calendar year.~~

8 ~~2. An employer's maximum contribution rate shall be the~~
9 ~~greater of 5.5% or the product of 5.5% and the adjusted~~
10 ~~State experience factor for the applicable calendar year~~
11 ~~except that such maximum contribution rate shall not be~~
12 ~~higher than 6.3% for calendar year 1984, nor be higher than~~
13 ~~6.6% or lower than 6.4% for calendar year 1985, nor be~~
14 ~~higher than 6.7% or lower than 6.5% for calendar year 1986.~~

15 ~~3. If any product obtained in this subsection is not an~~
16 ~~exact multiple of one tenth of one percent, it shall be~~
17 ~~increased or reduced, as the case may be to the nearer~~
18 ~~multiple of one tenth of one percent. If such product is~~
19 ~~equally near to two multiples of one tenth of one percent,~~
20 ~~it shall be increased to the higher multiple of one tenth~~
21 ~~of one percent.~~

22 ~~4. Intermediate rates between such minimum and maximum~~
23 ~~rates shall be at one tenth of one percent intervals.~~

24 ~~The contribution rate of each employer for whom wages~~
25 ~~became benefit wages during the applicable period specified in~~
26 ~~Section 1503, but who paid no contributions upon wages for~~

1 ~~insured work during such period on or before the date~~
2 ~~designated in Section 1503, shall be the maximum contribution~~
3 ~~rate as determined by paragraph 2 of this subsection. The~~
4 ~~contribution rate for each employer for whom no wages became~~
5 ~~benefit wages during the applicable period on or before the~~
6 ~~date specified in Section 1503, and who paid no contributions~~
7 ~~upon wages for insured work during such period on or before the~~
8 ~~date specified in Section 1503, shall be the greater of 2.7% or~~
9 ~~2.7% times the then current adjusted state experience factor as~~
10 ~~determined by the Director in accordance with the provisions of~~
11 ~~Sections 1504 and 1505.~~

12 ~~Notwithstanding, the other provisions of this Section, no~~
13 ~~employer's contribution rate with respect to the calendar year~~
14 ~~1984 shall exceed 2.7 percent times the then current adjusted~~
15 ~~state experience factor as determined by the Director in~~
16 ~~accordance with the provisions of Sections 1504 and 1505 of the~~
17 ~~wages for insured work paid by him during any calendar quarter,~~
18 ~~if such wages paid during such calendar quarter total less than~~
19 ~~\$50,000.~~

20 D. (Blank). ~~The contribution rate for calendar years 1987,~~
21 ~~1988, 1989 and 1990 of each employer who has incurred liability~~
22 ~~for the payment of contributions within each of the three~~
23 ~~calendar years immediately preceding the calendar year for~~
24 ~~which a rate is being determined shall be the product obtained~~
25 ~~by multiplying the employer's benefit wage ratio for that~~
26 ~~calendar year by the adjusted state experience factor for the~~

1 ~~same year, provided, that:~~

2 ~~1. An employer's minimum contribution rate shall be the~~
3 ~~greater of .2% or the product obtained by multiplying .2%~~
4 ~~by the adjusted State experience factor for the applicable~~
5 ~~calendar year.~~

6 ~~2. An employer's maximum contribution rate shall be the~~
7 ~~greater of 5.5% or the product of 5.5% and the adjusted~~
8 ~~State experience factor for the calendar year 1987 except~~
9 ~~that such maximum contribution rate shall not be higher~~
10 ~~than 6.7% or lower than 6.5% and an employer's maximum~~
11 ~~contribution rate for 1988, 1989 and 1990 shall be the~~
12 ~~greater of 6.4% or the product of 6.4% and the adjusted~~
13 ~~State experience factor for the applicable calendar year.~~

14 ~~3. If any product obtained in this subsection is not an~~
15 ~~exact multiple of one tenth of one percent, it shall be~~
16 ~~increased or reduced, as the case may be to the nearer~~
17 ~~multiple of one tenth of 1 percent. If such product is~~
18 ~~equally near to two multiples of one tenth of 1 percent, it~~
19 ~~shall be increased to the higher multiple of one tenth of 1~~
20 ~~percent.~~

21 ~~4. Intermediate rates between such minimum and maximum~~
22 ~~rates shall be at one tenth of 1 percent intervals.~~

23 ~~The contribution rate of each employer for whom wages~~
24 ~~became benefit wages during the applicable period specified in~~
25 ~~Section 1503, but who did not report wages for insured work~~
26 ~~during such period, shall be the maximum contribution rate as~~

1 ~~determined by paragraph 2 of this subsection. The contribution~~
2 ~~rate for each employer for whom no wages became benefit wages~~
3 ~~during the applicable period specified in Section 1503, and who~~
4 ~~did not report wages for insured work during such period, shall~~
5 ~~be the greater of 2.7% or 2.7% times the then current adjusted~~
6 ~~State experience factor as determined by the Director in~~
7 ~~accordance with the provisions of Sections 1504 and 1505.~~

8 E. The contribution rate for calendar year 1991 and each
9 calendar year thereafter of each employer who has incurred
10 liability for the payment of contributions within each of the
11 three calendar years immediately preceding the calendar year
12 for which a rate is being determined shall be the product
13 obtained by multiplying the employer's benefit ratio defined by
14 Section 1503.1 for that calendar year by the adjusted state
15 experience factor for the same year, provided that:

16 1. Except as otherwise provided in this paragraph, an
17 employer's minimum contribution rate shall be the greater
18 of 0.2% or the product obtained by multiplying 0.2% by the
19 adjusted state experience factor for the applicable
20 calendar year. An employer's minimum contribution rate
21 shall be 0.1% for calendar year 1996. An employer's minimum
22 contribution rate shall be 0.0% for calendar years 2012
23 through 2019.

24 2. An employer's maximum contribution rate shall be the
25 greater of 6.4% or the product of 6.4% and the adjusted
26 state experience factor for the applicable calendar year.

1 3. If any product obtained in this subsection is not an
2 exact multiple of one-tenth of one percent, it shall be
3 increased or reduced, as the case may be to the nearer
4 multiple of one-tenth of one percent. If such product is
5 equally near to two multiples of one-tenth of one percent,
6 it shall be increased to the higher multiple of one-tenth
7 of one percent.

8 4. Intermediate rates between such minimum and maximum
9 rates shall be at one-tenth of one percent intervals.

10 The contribution rate of each employer for whom wages
11 became benefit wages during the applicable period specified in
12 Section 1503 or for whom benefit payments became benefit
13 charges during the applicable period specified in Section
14 1503.1, but who did not report wages for insured work during
15 such period, shall be the maximum contribution rate as
16 determined by paragraph 2 of this subsection. The contribution
17 rate for each employer for whom no wages became benefit wages
18 during the applicable period specified in Section 1503 or for
19 whom no benefit payments became benefit charges during the
20 applicable period specified in Section 1503.1, and who did not
21 report wages for insured work during such period, shall be the
22 greater of 2.7% or 2.7% times the then current adjusted state
23 experience factor as determined by the Director in accordance
24 with the provisions of Sections 1504 and 1505.

25 F. (Blank). ~~Notwithstanding the other provisions of this~~
26 ~~Section, and pursuant to Section 271 of the Tax Equity and~~

1 ~~Fiscal Responsibility Act of 1982, as amended, no employer's~~
2 ~~contribution rate with respect to calendar years 1985, 1986,~~
3 ~~1987 and 1988 shall, for any calendar quarter during which the~~
4 ~~wages paid by that employer are less than \$50,000, exceed the~~
5 ~~following: with respect to calendar year 1985, 3.7%; with~~
6 ~~respect to calendar year 1986, 4.1%; with respect to calendar~~
7 ~~year 1987, 4.5%; and with respect to calendar year 1988, 5.0%.~~

8 G. Notwithstanding the other provisions of this Section, no
9 employer's contribution rate with respect to calendar year 1989
10 and each calendar year thereafter shall exceed 5.4% of the
11 wages for insured work paid by him during any calendar quarter,
12 if such wages paid during such calendar quarter total less than
13 \$50,000, plus any applicable penalty contribution rate
14 calculated pursuant to subsection C of Section 1507.1.

15 (Source: P.A. 97-621, eff. 11-18-11.)

16 (820 ILCS 405/1506.3) (from Ch. 48, par. 576.3)

17 Sec. 1506.3. Fund building rates - Temporary
18 Administrative Funding.

19 A. Notwithstanding any other provision of this Act, an
20 employer's contribution rate for calendar years prior to 2004
21 shall be determined in accordance with the provisions of this
22 Act as amended and in effect on November 18, 2011. The ~~the~~
23 following fund building rates shall be in effect for the
24 following calendar years:

25 ~~For each employer whose contribution rate for 1988, 1989,~~

1 ~~1990, the first, third, and fourth quarters of 1991, 1992,~~
2 ~~1993, 1994, 1995, and 1997 through 2003 would, in the absence~~
3 ~~of this Section, be 0.2% or higher, a contribution rate which~~
4 ~~is the sum of such rate and a fund building rate of 0.4%;~~

5 ~~For each employer whose contribution rate for the second~~
6 ~~quarter of 1991 would, in the absence of this Section, be 0.2%~~
7 ~~or higher, a contribution rate which is the sum of such rate~~
8 ~~and 0.3%;~~

9 ~~For each employer whose contribution rate for 1996 would,~~
10 ~~in the absence of this Section, be 0.1% or higher, a~~
11 ~~contribution rate which is the sum of such rate and 0.4%;~~

12 For each employer whose contribution rate for 2004 through
13 2009 would, in the absence of this Section, be 0.2% or higher,
14 a contribution rate which is the sum of such rate and the
15 following: a fund building rate of 0.7% for 2004; a fund
16 building rate of 0.9% for 2005; a fund building rate of 0.8%
17 for 2006 and 2007; a fund building rate of 0.6% for 2008; a
18 fund building rate of 0.4% for 2009.

19 Except as otherwise provided in this Section, for each
20 employer whose contribution rate for 2010 and any calendar year
21 thereafter is determined pursuant to Section 1500 or 1506.1,
22 including but not limited to an employer whose contribution
23 rate pursuant to Section 1506.1 is 0.0%, a contribution rate
24 which is the sum of the rate determined pursuant to Section
25 1500 or 1506.1 and a fund building rate equal to the sum of the
26 rate adjustment applicable to that year pursuant to Section

1 1400.1, plus the fund building rate in effect pursuant to this
2 Section for the immediately preceding calendar year.

3 For calendar year 2012 and any outstanding bond year
4 thereafter, for each employer whose contribution rate is
5 determined pursuant to Section 1500 or 1506.1, including but
6 not limited to an employer whose contribution rate pursuant to
7 Section 1506.1 is 0.0%, a contribution rate which is the sum of
8 the rate determined pursuant to Section 1500 or 1506.1 and
9 .55%. For purposes of this subsection, a calendar year is an
10 outstanding bond year if, as of October 31 of the immediately
11 preceding calendar year, there are bonds outstanding pursuant
12 to the Illinois Unemployment Insurance Trust Fund Financing
13 Act.

14 Notwithstanding any provision to the contrary, the fund
15 building rate in effect for any calendar year after calendar
16 year 2009 shall not be less than 0.4% or greater than 0.55%.
17 Notwithstanding any other provision to the contrary, the fund
18 building rate established pursuant to this Section shall not
19 apply with respect to the first quarter of calendar year 2011.
20 The changes made to Section 235 by this amendatory Act of the
21 97th General Assembly are intended to offset the loss of
22 revenue to the State's account in the unemployment trust fund
23 with respect to the first quarter of calendar year 2011 as a
24 result of Section 1506.5 and the changes made to this Section
25 by this amendatory Act of the 97th General Assembly.

26 Notwithstanding the preceding paragraphs of this Section

1 or any other provision of this Act, except for the provisions
2 contained in Section 1500 pertaining to rates applicable to
3 employers classified under the Standard Industrial Code, or
4 another classification system sanctioned by the United States
5 Department of Labor and prescribed by the Director by rule, no
6 employer whose total wages for insured work paid by him during
7 any calendar quarter ~~in 1988 and any calendar year thereafter~~
8 are less than \$50,000 shall pay contributions at a rate with
9 respect to such quarter which exceeds ~~the following: with~~
10 ~~respect to calendar year 1988, 5%; with respect to 1989 and any~~
11 ~~calendar year thereafter, 5.4%, plus any penalty contribution~~
12 rate calculated pursuant to subsection C of Section 1507.1.

13 ~~Notwithstanding the preceding paragraph of this Section,~~
14 ~~or any other provision of this Act, no employer's contribution~~
15 ~~rate with respect to calendar years 1993 through 1995 shall~~
16 ~~exceed 5.4% if the employer ceased operations at an Illinois~~
17 ~~manufacturing facility in 1991 and remained closed at that~~
18 ~~facility during all of 1992, and the employer in 1993 commits~~
19 ~~to invest at least \$5,000,000 for the purpose of resuming~~
20 ~~operations at that facility, and the employer rehires during~~
21 ~~1993 at least 250 of the individuals employed by it at that~~
22 ~~facility during the one year period prior to the cessation of~~
23 ~~its operations, provided that, within 30 days after the~~
24 ~~effective date of this amendatory Act of 1993, the employer~~
25 ~~makes application to the Department to have the provisions of~~
26 ~~this paragraph apply to it. The immediately preceding sentence~~

1 ~~shall be null and void with respect to an employer which by~~
2 ~~December 31, 1993 has not satisfied the rehiring requirement~~
3 ~~specified by this paragraph or which by December 31, 1994 has~~
4 ~~not made the investment specified by this paragraph.~~

5 All payments attributable to the fund building rate
6 established pursuant to this Section with respect to the first
7 quarter of calendar year 2013 and any calendar quarter
8 thereafter as of the close of which there are either bond
9 obligations outstanding pursuant to the Illinois Unemployment
10 Insurance Trust Fund Financing Act, or bond obligations
11 anticipated to be outstanding as of either or both of the 2
12 immediately succeeding calendar quarters, shall be directed
13 for deposit into the Master Bond Fund. Notwithstanding any
14 other provision of this subsection, no fund building rate shall
15 be added to any penalty contribution rate assessed pursuant to
16 subsection C of Section 1507.1.

17 B. (Blank). ~~Notwithstanding any other provision of this~~
18 ~~Act, for the second quarter of 1991, the contribution rate of~~
19 ~~each employer as determined in accordance with Sections 1500,~~
20 ~~1506.1, and subsection A of this Section shall be equal to the~~
21 ~~sum of such rate and 0.1%; provided that this subsection shall~~
22 ~~not apply to any employer whose rate computed under Section~~
23 ~~1506.1 for such quarter is between 5.1% and 5.3%, inclusive,~~
24 ~~and who qualifies for the 5.4% rate ceiling imposed by the last~~
25 ~~paragraph of subsection A for such quarter. All payments made~~
26 ~~pursuant to this subsection shall be deposited in the~~

1 ~~Employment Security Administrative Fund established under~~
2 ~~Section 2103.1 and used for the administration of this Act.~~

3 C. (Blank). ~~Payments received by the Director which are~~
4 ~~insufficient to pay the total contributions due under the Act~~
5 ~~shall be first applied to satisfy the amount due pursuant to~~
6 ~~subsection B.~~

7 C-1. Payments received by the Department ~~Director~~ with
8 respect to the first quarter of calendar year 2013 and any
9 calendar quarter thereafter as of the close of which there are
10 either bond obligations outstanding pursuant to the Illinois
11 Unemployment Insurance Trust Fund Financing Act, or bond
12 obligations anticipated to be outstanding as of either or both
13 of the 2 immediately succeeding calendar quarters, shall, to
14 the extent they are insufficient to pay the total amount due
15 under the Act with respect to the quarter, be first applied to
16 satisfy the amount due with respect to that quarter and
17 attributable to the fund building rate established pursuant to
18 this Section. Notwithstanding any other provision to the
19 contrary, with respect to an employer whose contribution rate
20 with respect to a quarter subject to this subsection would have
21 exceeded 5.4% but for the 5.4% rate ceiling imposed pursuant to
22 subsection A, the amount due from the employer with respect to
23 that quarter and attributable to the fund building rate
24 established pursuant to subsection A shall equal the amount, if
25 any, by which the amount due and attributable to the 5.4% rate
26 exceeds the amount that would have been due and attributable to

1 the employer's rate determined pursuant to Sections 1500 and
2 1506.1, without regard to the fund building rate established
3 pursuant to subsection A.

4 D. All provisions of this Act applicable to the collection
5 or refund of any contribution due under this Act shall be
6 applicable to the collection or refund of amounts ~~due pursuant~~
7 ~~to subsection B and amounts~~ directed pursuant to this Section
8 for deposit into the Master Bond Fund to the extent they would
9 not otherwise be considered as contributions.

10 (Source: P.A. 97-1, eff. 3-31-11; 97-621, eff. 11-18-11.)

11 (820 ILCS 405/1506.5)

12 Sec. 1506.5. Surcharge; specified period. With respect to
13 the first quarter of calendar year 2011, each employer shall
14 pay a surcharge equal to 0.5% of the total wages for insured
15 work subject to the payment of contributions under Sections
16 234, 235, and 245. The surcharge established by this Section
17 shall be due at the same time as contributions with respect to
18 the first quarter of calendar year 2011 are due, as provided in
19 Section 1400. Notwithstanding any other provision to the
20 contrary, with respect to an employer whose contribution rate
21 with respect to the first quarter of calendar year 2011,
22 calculated without regard to this amendatory Act of the 97th
23 General Assembly, would have exceeded 5.4% but for the 5.4%
24 rate ceiling imposed pursuant to subsection A of Section
25 1506.3, the amount due from the employer with respect to that

1 quarter and attributable to the surcharge established pursuant
2 to this Section shall equal the amount, if any, by which the
3 amount due and attributable to the 5.4% rate exceeds the amount
4 that would have been due and attributable to the employer's
5 rate determined pursuant to Sections 1500 and 1506.1. Payments
6 received by the Department ~~Director~~ with respect to the first
7 quarter of calendar year 2011 shall, to the extent they are
8 insufficient to pay the total amount due under the Act with
9 respect to the quarter, be first applied to satisfy the amount
10 due with respect to that quarter and attributable to the
11 surcharge established pursuant to this Section. All provisions
12 of this Act applicable to the collection or refund of any
13 contribution due under this Act shall be applicable to the
14 collection or refund of amounts due pursuant to this Section.
15 Interest shall accrue with respect to amounts due pursuant to
16 this Section to the same extent and under the same terms and
17 conditions as provided by Section 1401 with respect to
18 contributions. The changes made to Section 235 by this
19 amendatory Act of the 97th General Assembly are intended to
20 offset the loss of revenue to the State's account in the
21 unemployment trust fund with respect to the first quarter of
22 calendar year 2011 as a result of this Section 1506.5 and the
23 changes made to Section 1506.3 by this amendatory Act of the
24 97th General Assembly.

25 (Source: P.A. 97-1, eff. 3-31-11.)

1 (820 ILCS 405/1801.1)

2 Sec. 1801.1. Directory of New Hires.

3 A. The Director shall establish and operate an automated
4 directory of newly hired employees which shall be known as the
5 "Illinois Directory of New Hires" which shall contain the
6 information required to be reported by employers to the
7 Department under subsection B. In the administration of the
8 Directory, the Director shall comply with any requirements
9 concerning the Employer New Hire Reporting Program established
10 by the federal Personal Responsibility and Work Opportunity
11 Reconciliation Act of 1996. The Director is authorized to use
12 the information contained in the Directory of New Hires to
13 administer any of the provisions of this Act.

14 B. Each employer in Illinois, except a department, agency,
15 or instrumentality of the United States, shall file with the
16 Department a report in accordance with rules adopted by the
17 Department (but in any event not later than 20 days after the
18 date the employer hires the employee or, in the case of an
19 employer transmitting reports magnetically or electronically,
20 by 2 monthly transmissions, if necessary, not less than 12 days
21 nor more than 16 days apart) providing the following
22 information concerning each newly hired employee: the
23 employee's name, address, and social security number, the date
24 services for remuneration were first performed by the employee,
25 and the employer's name, address, Federal Employer
26 Identification Number assigned under Section 6109 of the

1 Internal Revenue Code of 1986, and such other information as
2 may be required by federal law or regulation, provided that
3 each employer may voluntarily file the address to which the
4 employer wants income withholding orders to be mailed, if it is
5 different from the address given on the Federal Employer
6 Identification Number. An employer in Illinois which transmits
7 its reports electronically or magnetically and which also has
8 employees in another state may report all newly hired employees
9 to a single designated state in which the employer has
10 employees if it has so notified the Secretary of the United
11 States Department of Health and Human Services in writing. An
12 employer may, at its option, submit information regarding any
13 rehired employee in the same manner as information is submitted
14 regarding a newly hired employee. Each report required under
15 this subsection shall, to the extent practicable, be made on an
16 Internal Revenue Service Form W-4 or, at the option of the
17 employer, an equivalent form, and may be transmitted by first
18 class mail, by telefax, magnetically, or electronically.

19 C. An employer which knowingly fails to comply with the
20 reporting requirements established by this Section shall be
21 subject to a civil penalty of \$15 for each individual whom it
22 fails to report. An employer shall be considered to have
23 knowingly failed to comply with the reporting requirements
24 established by this Section with respect to an individual if
25 the employer has been notified by the Department that it has
26 failed to report an individual, and it fails, without

1 reasonable cause, to supply the required information to the
2 Department within 21 days after the date of mailing of the
3 notice. Any individual who knowingly conspires with the newly
4 hired employee to cause the employer to fail to report the
5 information required by this Section or who knowingly conspires
6 with the newly hired employee to cause the employer to file a
7 false or incomplete report shall be guilty of a Class B
8 misdemeanor with a fine not to exceed \$500 with respect to each
9 employee with whom the individual so conspires.

10 D. As used in this Section, "newly hired employee" means an
11 individual who (i) is an employee within the meaning of Chapter
12 24 of the Internal Revenue Code of 1986~~7~~, and (ii) either has
13 not previously been employed by the employer or was previously
14 employed by the employer but has been separated from that prior
15 employment for at least 60 consecutive days ~~whose reporting to~~
16 ~~work which results in earnings from the employer is the first~~
17 ~~instance within the preceding 180 days that the individual has~~
18 ~~reported for work for which earnings were received from that~~
19 ~~employer~~; however, "newly hired employee" does not include an
20 employee of a federal or State agency performing intelligence
21 or counterintelligence functions, if the head of that agency
22 has determined that the filing of the report required by this
23 Section with respect to the employee could endanger the safety
24 of the employee or compromise an ongoing investigation or
25 intelligence mission.

26 Notwithstanding Section 205, and for the purposes of this

1 Section only, the term "employer" has the meaning given by
2 Section 3401(d) of the Internal Revenue Code of 1986 and
3 includes any governmental entity and labor organization as
4 defined by Section 2(5) of the National Labor Relations Act,
5 and includes any entity (also known as a hiring hall) which is
6 used by the organization and an employer to carry out the
7 requirements described in Section 8(f)(3) of that Act of an
8 agreement between the organization and the employer.

9 (Source: P.A. 97-621, eff. 11-18-11.)

10 (820 ILCS 405/2100) (from Ch. 48, par. 660)

11 Sec. 2100. Handling of funds - Bond - Accounts.

12 A. All contributions and payments in lieu of contributions
13 collected under this Act, including but not limited to fund
14 building receipts and receipts attributable to the surcharge
15 established pursuant to Section 1506.5, together with any
16 interest thereon; all penalties collected pursuant to this Act;
17 any property or securities acquired through the use thereof;
18 all moneys advanced to this State's account in the unemployment
19 trust fund pursuant to the provisions of Title XII of the
20 Social Security Act, as amended; all moneys directed for
21 transfer from the Master Bond Fund or the Title XII Interest
22 Fund to this State's account in the unemployment trust fund;
23 all moneys received from the Federal government as
24 reimbursements pursuant to Section 204 of the Federal-State
25 Extended Unemployment Compensation Act of 1970, as amended; all

1 moneys credited to this State's account in the unemployment
2 trust fund pursuant to Section 903 of the Federal Social
3 Security Act, as amended; all administrative fees collected
4 from individuals pursuant to Section 900 or from employing
5 units pursuant to Section 2206.1; and all earnings of such
6 property or securities and any interest earned upon any such
7 moneys shall be paid or turned over to the Department and held
8 by the Director, as ex-officio custodian of the clearing
9 account, the unemployment trust fund account and the benefit
10 account, and by the State Treasurer, as ex-officio custodian of
11 the special administrative account, separate and apart from all
12 public moneys or funds of this State, as hereinafter provided.
13 Such moneys shall be administered by the Director exclusively
14 for the purposes of this Act.

15 No such moneys shall be paid or expended except upon the
16 direction of the Director in accordance with such regulations
17 as he shall prescribe pursuant to the provisions of this Act.

18 The State Treasurer shall be liable on his general official
19 bond for the faithful performance of his duties in connection
20 with the moneys in the special administrative account provided
21 for under this Act. Such liability on his official bond shall
22 exist in addition to the liability upon any separate bond given
23 by him. All sums recovered for losses sustained by the account
24 shall be deposited in that account.

25 The Director shall be liable on his general official bond
26 for the faithful performance of his duties in connection with

1 the moneys in the clearing account, the benefit account and
2 unemployment trust fund account provided for under this Act.
3 Such liability on his official bond shall exist in addition to
4 the liability upon any separate bond given by him. All sums
5 recovered for losses sustained by any one of the accounts shall
6 be deposited in the account that sustained such loss.

7 The Treasurer shall maintain for such moneys a special
8 administrative account. The Director shall maintain for such
9 moneys 3 separate accounts: a clearing account, a benefit
10 account, and an unemployment trust fund account. All moneys
11 payable under this Act (except moneys requisitioned from this
12 State's account in the unemployment trust fund and deposited in
13 the benefit account and moneys directed for deposit into the
14 Special Programs Fund provided for under Section 2107),
15 including but not limited to moneys directed for transfer from
16 the Master Bond Fund or the Title XII Interest Fund to this
17 State's account in the unemployment trust fund, upon receipt
18 thereof ~~by the Director~~, shall be immediately deposited in the
19 clearing account; provided, however, that, except as is
20 otherwise provided in this Section, interest and penalties
21 shall not be deemed a part of the clearing account but shall be
22 transferred immediately upon clearance thereof to the special
23 administrative account; further provided that an amount not to
24 exceed \$90,000,000 in payments attributable to the surcharge
25 established pursuant to Section 1506.5, including any interest
26 thereon, shall not be deemed a part of the clearing account but

1 shall be transferred immediately upon clearance thereof to the
2 Title XII Interest Fund.

3 After clearance thereof, all other moneys in the clearing
4 account shall be immediately deposited by the Director with the
5 Secretary of the Treasury of the United States of America to
6 the credit of the account of this State in the unemployment
7 trust fund, established and maintained pursuant to the Federal
8 Social Security Act, as amended, except fund building receipts,
9 which shall be deposited into the Master Bond Fund. The benefit
10 account shall consist of all moneys requisitioned from this
11 State's account in the unemployment trust fund. The moneys in
12 the benefit account shall be expended in accordance with
13 regulations prescribed by the Director and solely for the
14 payment of benefits, refunds of contributions, interest and
15 penalties under the provisions of the Act, the payment of
16 health insurance in accordance with Section 410 of this Act,
17 and the transfer or payment of funds to any Federal or State
18 agency pursuant to reciprocal arrangements entered into by the
19 Director under the provisions of Section 2700E, except that
20 moneys credited to this State's account in the unemployment
21 trust fund pursuant to Section 903 of the Federal Social
22 Security Act, as amended, shall be used exclusively as provided
23 in subsection B. For purposes of this Section only, to the
24 extent allowed by applicable legal requirements, the payment of
25 benefits includes but is not limited to the payment of
26 principal on any bonds issued pursuant to the Illinois

1 Unemployment Insurance Trust Fund Financing Act, exclusive of
2 any interest or administrative expenses in connection with the
3 bonds. The Director shall, from time to time, requisition from
4 the unemployment trust fund such amounts, not exceeding the
5 amounts standing to the State's account therein, as he deems
6 necessary solely for the payment of such benefits, refunds, and
7 funds, for a reasonable future period. The Director, as
8 ex-officio custodian of the benefit account, which shall be
9 kept separate and apart from all other public moneys, shall
10 issue payment of such benefits, refunds, health insurance and
11 funds solely from the moneys so received into the benefit
12 account. However, after January 1, 1987, no payment shall be
13 drawn on such benefit account unless at the time of drawing
14 there is sufficient money in the account to make the payment.
15 The Director shall retain in the clearing account an amount of
16 interest and penalties equal to the amount of interest and
17 penalties to be refunded from the benefit account. After
18 clearance thereof, the amount so retained shall be immediately
19 deposited by the Director, as are all other moneys in the
20 clearing account, with the Secretary of the Treasury of the
21 United States. If, at any time, an insufficient amount of
22 interest and penalties is available for retention in the
23 clearing account, no refund of interest or penalties shall be
24 made from the benefit account until a sufficient amount is
25 available for retention and is so retained, or until the State
26 Treasurer, upon the direction of the Director, transfers to the

1 Director a sufficient amount from the special administrative
2 account, for immediate deposit in the benefit account.

3 Any balance of moneys requisitioned from the unemployment
4 trust fund which remains unclaimed or unpaid in the benefit
5 account after the expiration of the period for which such sums
6 were requisitioned shall either be deducted from estimates of
7 and may be utilized for authorized expenditures during
8 succeeding periods, or, in the discretion of the Director,
9 shall be redeposited with the Secretary of the Treasury of the
10 United States to the credit of the State's account in the
11 unemployment trust fund.

12 Moneys in the clearing, benefit and special administrative
13 accounts shall not be commingled with other State funds but
14 they shall be deposited as required by law and maintained in
15 separate accounts on the books of a savings and loan
16 association or bank.

17 No bank or savings and loan association shall receive
18 public funds as permitted by this Section, unless it has
19 complied with the requirements established pursuant to Section
20 6 of "An Act relating to certain investments of public funds by
21 public agencies", approved July 23, 1943, as now or hereafter
22 amended.

23 B. Moneys credited to the account of this State in the
24 unemployment trust fund by the Secretary of the Treasury of the
25 United States pursuant to Section 903 of the Social Security
26 Act may be requisitioned from this State's account and used as

1 authorized by Section 903. Any interest required to be paid on
2 advances under Title XII of the Social Security Act shall be
3 paid in a timely manner and shall not be paid, directly or
4 indirectly, by an equivalent reduction in contributions or
5 payments in lieu of contributions from amounts in this State's
6 account in the unemployment trust fund. Such moneys may be
7 requisitioned and used for the payment of expenses incurred for
8 the administration of this Act, but only pursuant to a specific
9 appropriation by the General Assembly and only if the expenses
10 are incurred and the moneys are requisitioned after the
11 enactment of an appropriation law which:

12 1. Specifies the purpose or purposes for which such
13 moneys are appropriated and the amount or amounts
14 appropriated therefor;

15 2. Limits the period within which such moneys may be
16 obligated to a period ending not more than 2 years after
17 the date of the enactment of the appropriation law; and

18 3. Limits the amount which may be obligated during any
19 fiscal year to an amount which does not exceed the amount
20 by which (a) the aggregate of the amounts transferred to
21 the account of this State pursuant to Section 903 of the
22 Social Security Act exceeds (b) the aggregate of the
23 amounts used by this State pursuant to this Act and charged
24 against the amounts transferred to the account of this
25 State.

26 For purposes of paragraph (3) above, amounts obligated for

1 administrative purposes pursuant to an appropriation shall be
2 chargeable against transferred amounts at the exact time the
3 obligation is entered into. The appropriation, obligation, and
4 expenditure or other disposition of money appropriated under
5 this subsection shall be accounted for in accordance with
6 standards established by the United States Secretary of Labor.

7 Moneys appropriated as provided herein for the payment of
8 expenses of administration shall be requisitioned by the
9 Director as needed for the payment of obligations incurred
10 under such appropriation. Upon requisition, such moneys shall
11 be deposited with the State Treasurer, who shall hold such
12 moneys, as ex-officio custodian thereof, in accordance with the
13 requirements of Section 2103 and, upon the direction of the
14 Director, shall make payments therefrom pursuant to such
15 appropriation. Moneys so deposited shall, until expended,
16 remain a part of the unemployment trust fund and, if any will
17 not be expended, shall be returned promptly to the account of
18 this State in the unemployment trust fund.

19 C. The Governor is authorized to apply to the United States
20 Secretary of Labor for an advance or advances to this State's
21 account in the unemployment trust fund pursuant to the
22 conditions set forth in Title XII of the Federal Social
23 Security Act, as amended. The amount of any such advance may be
24 repaid from this State's account in the unemployment trust
25 fund.

26 D. The Director shall annually on or before the first day

1 of March report in writing to the Employment Security Advisory
2 Board concerning the deposits into and expenditures from this
3 State's account in the Unemployment Trust Fund.

4 (Source: P.A. 97-1, eff. 3-31-11; 97-621, eff. 11-18-11.)

5 (820 ILCS 405/2103) (from Ch. 48, par. 663)

6 Sec. 2103. Unemployment compensation administration and
7 other workforce development costs. All moneys received by the
8 State or by the Department ~~Director~~ from any source for the
9 financing of the cost of administration of this Act, including
10 all federal moneys allotted or apportioned to the State or to
11 the Department ~~Director~~ for that purpose, including moneys
12 received directly or indirectly from the federal government
13 under the Job Training Partnership Act, and including moneys
14 received from the Railroad Retirement Board as compensation for
15 services or facilities supplied to said Board, or any moneys
16 made available by this State or its political subdivisions and
17 matched by moneys granted to this State pursuant to the
18 provisions of the Wagner-Peyser Act, shall be received and held
19 by the State Treasurer as ex-officio custodian thereof,
20 separate and apart from all other State moneys, in the Title
21 III Social Security and Employment Fund, and such funds shall
22 be distributed or expended upon the direction of the Director
23 and, except money received pursuant to the last paragraph of
24 Section 2100B, shall be distributed or expended solely for the
25 purposes and in the amounts found necessary by the Secretary of

1 Labor of the United States of America, or other appropriate
2 federal agency, for the proper and efficient administration of
3 this Act. Notwithstanding any provision of this Section, all
4 money requisitioned and deposited with the State Treasurer
5 pursuant to the last paragraph of Section 2100B shall remain
6 part of the unemployment trust fund and shall be used only in
7 accordance with the conditions specified in the last paragraph
8 of Section 2100B.

9 If any moneys received from the Secretary of Labor, or
10 other appropriate federal agency, under Title III of the Social
11 Security Act, or any moneys granted to this State pursuant to
12 the provisions of the Wagner-Peyser Act, or any moneys made
13 available by this State or its political subdivisions and
14 matched by moneys granted to this State pursuant to the
15 provisions of the Wagner-Peyser Act, are found by the Secretary
16 of Labor, or other appropriate Federal agency, because of any
17 action or contingency, to have been lost or expended for
18 purposes other than, or in amounts in excess of, those found
19 necessary, by the Secretary of Labor, or other appropriate
20 Federal agency, for the proper administration of this Act, it
21 is the policy of this State that such moneys shall be replaced
22 by moneys appropriated for such purpose from the general funds
23 of this State for expenditure as provided in the first
24 paragraph of this Section. The Director shall report to the
25 Governor's Office of Management and Budget, in the same manner
26 as is provided generally for the submission by State

1 Departments of financial requirements for the ensuing fiscal
2 year, and the Governor shall include in his budget report to
3 the next regular session of the General Assembly, the amount
4 required for such replacement.

5 Moneys in the Title III Social Security and Employment Fund
6 shall not be commingled with other State funds, but they shall
7 be deposited as required by law and maintained in a separate
8 account on the books of a savings and loan association or bank.

9 The State Treasurer shall be liable on his general official
10 bond for the faithful performance of his duties as custodian of
11 all moneys in the Title III Social Security and Employment
12 Fund. Such liability on his official bond shall exist in
13 addition to the liability upon any separate bond given by him.
14 All sums recovered for losses sustained by the fund herein
15 described shall be deposited therein.

16 Upon the effective date of this amendatory Act of 1987
17 (January 1, 1988), the Comptroller shall transfer all
18 unobligated funds from the Job Training Fund into the Title III
19 Social Security and Employment Fund.

20 On September 1, 2000, or as soon thereafter as may be
21 reasonably practicable, the State Comptroller shall transfer
22 all unobligated moneys from the Job Training Partnership Fund
23 into the Title III Social Security and Employment Fund. The
24 moneys transferred pursuant to this amendatory Act may be used
25 or expended for purposes consistent with the conditions under
26 which those moneys were received by the State.

1 Beginning on the effective date of this amendatory Act of
2 the 91st General Assembly, all moneys that would otherwise be
3 deposited into the Job Training Partnership Fund shall instead
4 be deposited into the Title III Social Security and Employment
5 Fund, to be used for purposes consistent with the conditions
6 under which those moneys are received by the State, except that
7 any moneys that may be necessary to pay liabilities outstanding
8 as of June 30, 2000 shall be deposited into the Job Training
9 Partnership Fund.

10 (Source: P.A. 94-793, eff. 5-19-06.)

11 (820 ILCS 405/1503 rep.)

12 Section 25. The Unemployment Insurance Act is amended by
13 repealing Section 1503.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.