



Rep. Frank J. Mautino

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LRB097 05652 WGH 59577 a

1 AMENDMENT TO SENATE BILL 72

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 72 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Employment Office Act is amended by  
5 changing Section 1 as follows:

6 (20 ILCS 1015/1) (from Ch. 48, par. 173)

7 Sec. 1. Public employment offices; establishment. The  
8 Department of Employment Security is authorized to establish  
9 and maintain State public employment offices as provided in  
10 Section 1705 of the Unemployment Insurance Act, for the purpose  
11 of receiving applications of persons seeking employment and  
12 applications of persons seeking to employ labor, ~~as follows:~~  
13 ~~One in each city, village or incorporated town of not less than~~  
14 ~~twenty five thousand population; one in two or more contiguous~~  
15 ~~cities, villages or incorporated towns having an aggregate or~~  
16 ~~combined population of not less than twenty five thousand; and~~

1 ~~in each city containing a population of one million or over,~~  
2 ~~one central office with as many departments as would be~~  
3 ~~practical to handle the various classes of labor, and such~~  
4 ~~branch offices not to exceed five at any one time, the location~~  
5 ~~of branch offices to be approved by the Governor. Those offices~~  
6 ~~shall be designated and known as Illinois Public Employment~~  
7 ~~Offices.~~

8 (Source: P.A. 90-372, eff. 7-1-98.)

9 Section 10. The Illinois Unemployment Insurance Trust Fund  
10 Financing Act is amended by changing Sections 3, 4, and 7 as  
11 follows:

12 (30 ILCS 440/3)

13 Sec. 3. Definitions. For purposes of this Act:

14 A. "Act" shall mean the Illinois Unemployment Insurance  
15 Trust Fund Financing Act.

16 B. "Benefits" shall have the meaning provided in the  
17 Unemployment Insurance Act.

18 C. "Bond" means any type of revenue obligation, including,  
19 without limitation, fixed rate, variable rate, auction rate or  
20 similar bond, note, certificate, or other instrument,  
21 including, without limitation, an interest rate exchange  
22 agreement, an interest rate lock agreement, a currency exchange  
23 agreement, a forward payment conversion agreement, an  
24 agreement to provide payments based on levels of or changes in

1 interest rates or currency exchange rates, an agreement to  
2 exchange cash flows or a series of payments, an option, put, or  
3 call to hedge payment, currency, interest rate, or other  
4 exposure, payable from and secured by a pledge of Fund Building  
5 Receipts collected pursuant to the Unemployment Insurance Act,  
6 and all interest and other earnings upon such amounts held in  
7 the Master Bond Fund, to the extent provided in the proceedings  
8 authorizing the obligation.

9 D. "Bond Administrative Expenses" means expenses and fees  
10 incurred to administer and issue, upon a conversion of any of  
11 the Bonds from one mode to another and from taxable to  
12 tax-exempt, the Bonds issued pursuant to this Act, including  
13 fees for paying agents, trustees, financial advisors,  
14 underwriters, remarketing agents, attorneys and for other  
15 professional services necessary to ensure compliance with  
16 applicable state or federal law.

17 E. "Bond Obligations" means the principal of a Bond and any  
18 premium and interest on a Bond issued pursuant to this Act,  
19 together with any amount owed under a related Credit Agreement.

20 F. "Credit Agreement" means, without limitation, a loan  
21 agreement, a revolving credit agreement, an agreement  
22 establishing a line of credit, a letter of credit, notes,  
23 municipal bond insurance, standby bond purchase agreements,  
24 surety bonds, remarketing agreements and the like, by which the  
25 Department may borrow funds to pay or redeem or purchase and  
26 hold its bonds, agreements for the purchase or remarketing of

1 bonds or any other agreement that enhances the marketability,  
2 security, or creditworthiness of a Bond issued under this Act.

3 1. Such Credit Agreement shall provide the following:

4 a. The choice of law for the obligations of a  
5 financial provider may be made for any state of these  
6 United States, but the law which shall apply to the  
7 Bonds shall be the law of the State of Illinois, and  
8 jurisdiction to enforce such Credit Agreement as  
9 against the Department shall be exclusively in the  
10 courts of the State of Illinois or in the applicable  
11 federal court having jurisdiction and located within  
12 the State of Illinois.

13 b. Any such Credit Agreement shall be fully  
14 enforceable as a valid and binding contract as and to  
15 the extent provided by applicable law.

16 2. Without limiting the foregoing, such Credit  
17 Agreement, may include any of the following:

18 a. Interest rates on the Bonds may vary from time  
19 to time depending upon criteria established by the  
20 Director, which may include, without limitation:

21 (i) A variation in interest rates as may be  
22 necessary to cause the Bonds to be remarketed from  
23 time to time at a price equal to their principal  
24 amount plus any accrued interest;

25 (ii) Rates set by auctions; or

26 (iii) Rates set by formula.

1           b. A national banking association, bank, trust  
2           company, investment banker or other financial  
3           institution may be appointed to serve as a remarketing  
4           agent in that connection, and such remarketing agent  
5           may be delegated authority by the Department to  
6           determine interest rates in accordance with criteria  
7           established by the Department.

8           c. Alternative interest rates or provisions may  
9           apply during such times as the Bonds are held by the  
10          financial providers or similar persons or entities  
11          providing a Credit Agreement for those Bonds and,  
12          during such times, the interest on the Bonds may be  
13          deemed not exempt from income taxation under the  
14          Internal Revenue Code for purposes of State law, as  
15          contained in the Bond Authorization Act, relating to  
16          the permissible rate of interest to be borne thereon.

17          d. Fees may be paid to the financial providers or  
18          similar persons or entities providing a Credit  
19          Agreement, including all reasonably related costs,  
20          including therein costs of enforcement and litigation  
21          (all such fees and costs being financial provider  
22          payments) and financial provider payments may be paid,  
23          without limitation, from proceeds of the Bonds being  
24          the subject of such agreements, or from Bonds issued to  
25          refund such Bonds, provided that such financial  
26          provider payments shall be made subordinate to the

1 payments on the Bonds.

2 e. The Bonds need not be held in physical form by  
3 the financial providers or similar persons or entities  
4 providing a Credit Agreement when providing funds to  
5 purchase or carry the Bonds from others but may be  
6 represented in uncertificated form in the Credit  
7 Agreement.

8 f. The debt or obligation of the Department  
9 represented by a Bond tendered for purchase to or  
10 otherwise made available to the Department thereupon  
11 acquired by either the Department or a financial  
12 provider shall not be deemed to be extinguished for  
13 purposes of State law until cancelled by the Department  
14 or its agent.

15 g. Such Credit Agreement may provide for  
16 acceleration of the principal amounts due on the Bonds.

17 G. "Department" means the Illinois Department of  
18 Employment Security.

19 H. "Director" means the Director of the Illinois Department  
20 of Employment Security.

21 I. "Fund Building Rates" are those rates imposed pursuant  
22 to Section 1506.3 of the Unemployment Insurance Act.

23 J. "Fund Building Receipts" shall have the meaning provided  
24 in the Unemployment Insurance Act and includes earnings on such  
25 receipts.

26 K. "Master Bond Fund" shall mean, for any particular

1 issuance of Bonds under this Act, the fund established for the  
2 deposit of Fund Building Receipts upon or prior to the issuance  
3 of Bonds under this Act, and during the time that any Bonds are  
4 outstanding under this Act and from which the payment of Bond  
5 Obligations and the related Bond Administrative Expenses  
6 incurred in connection with such Bonds shall be made. That  
7 portion of the Master Bond Fund containing the Required Fund  
8 Building Receipts Amount shall be irrevocably pledged to the  
9 timely payment of Bond Obligations and Bond Administrative  
10 Expenses due on any Bonds issued pursuant to this Act and any  
11 Credit Agreement entered in connection with the Bonds. The  
12 Master Bond Fund shall be held separate and apart from all  
13 other State funds. Moneys in the Master Bond Fund shall not be  
14 commingled with other State funds, but they shall be deposited  
15 as required by law and maintained in a separate account on the  
16 books of a savings and loan association, bank or other  
17 qualified financial institution. All interest earnings on  
18 amounts within the Master Bond Fund shall accrue to the Master  
19 Bond Fund. The Master Bond Fund may include such funds and  
20 accounts as are necessary for the deposit of bond proceeds,  
21 Fund Building Receipts, payment of principal, interest,  
22 administrative expenses, costs of issuance, in the case of  
23 bonds which are exempt from Federal taxation, rebate payments,  
24 and such other funds and accounts which may be necessary for  
25 the implementation and administration of this Act. The Director  
26 shall be liable on her or his general official bond for the

1 faithful performance of her or his duties as custodian of the  
2 Master Bond Fund. Such liability on her or his official bond  
3 shall exist in addition to the liability upon any separate bond  
4 given by her or him. All sums recovered for losses sustained by  
5 the Master Bond Fund shall be deposited into the Fund.

6 The Director shall report quarterly in writing to the  
7 Employment Security Advisory Board concerning the actual and  
8 anticipated deposits into and expenditures and transfers made  
9 from the Master Bond Fund. Notwithstanding any other provision  
10 to the contrary, no report is required under this subsection K  
11 if (i) the Master Bond Fund held a net balance of zero as of the  
12 close of the immediately preceding calendar quarter, (ii) there  
13 have been no deposits into the Master Bond Fund within any of  
14 the immediately preceding 4 calendar quarters, and (iii) there  
15 have been no expenditures or transfers from the Master Bond  
16 Fund within any of the immediately preceding 4 calendar  
17 quarters.

18 L. "Required Fund Building Receipts Amount" means the  
19 aggregate amount of Fund Building Receipts required to be  
20 maintained in the Master Bond Fund as set forth in Section 4I  
21 of this Act.

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

23 (30 ILCS 440/4)

24 Sec. 4. Authority to Issue Revenue Bonds.

25 A. The Department shall have the continuing power to borrow



1 money for the purpose of carrying out the following:

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

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

8 3. To refinance, purchase, redeem, refund, advance  
9 refund or defease (including, any combination of the  
10 foregoing) any outstanding Bonds issued pursuant to this  
11 Act; or

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

14 Paragraphs 1, 2 and 4 are inoperative on and after January  
15 1, 2022 ~~2013~~.

16 B. As evidence of the obligation of the Department to repay  
17 money borrowed for the purposes set forth in Section 4A above,  
18 the Department may issue and dispose of its interest bearing  
19 revenue Bonds and may also, from time-to-time, issue and  
20 dispose of its interest bearing revenue Bonds to purchase,  
21 redeem, refund, advance refund or defease (including, any  
22 combination of the foregoing) any Bonds at maturity or pursuant  
23 to redemption provisions or at any time before maturity. The  
24 Director, in consultation with the Department's Employment  
25 Security Advisory Board, shall have the power to direct that  
26 the Bonds be issued. Bonds may be issued in one or more series

1 and under terms and conditions as needed in furtherance of the  
2 purposes of this Act. The Illinois Finance Authority shall  
3 provide any technical, legal, or administrative services if and  
4 when requested by the Director and the Employment Security  
5 Advisory Board with regard to the issuance of Bonds. The  
6 Governor's Office of Management and Budget may, upon the  
7 written request of the Director, issue the bonds authorized  
8 pursuant to this Act on behalf of the Department and, for that  
9 purpose, may retain such underwriters, financial advisors, and  
10 counsel as may be appropriate from the Office's then-existing  
11 roster of prequalified vendors. Such Bonds shall be issued in  
12 the name of the State of Illinois for the benefit of the  
13 Department and shall be executed by the Director. In case any  
14 Director whose signature appears on any Bond ceases (after  
15 attaching his or her signature) to hold that office, her or his  
16 signature shall nevertheless be valid and effective for all  
17 purposes.

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

21 (i) Result in a savings to the State as compared to the  
22 cost of borrowing or obtaining an advance under Section  
23 1201, et seq., Social Security Act (42 U.S.C. Section  
24 1321), as amended, or any similar federal law;

25 (ii) Result in terms which are advantageous to the  
26 State through refunding, advance refunding or other

1 similar restructuring of outstanding Bonds; ~~or~~

2 (iii) Allow the State to avoid an anticipated  
3 deficiency in the State's account in the Unemployment Trust  
4 Fund of the United States Treasury by funding a surplus in  
5 the State's account in the Unemployment Trust Fund of the  
6 United States Treasury; or -

7 (iv) Prevent the reduction of the employer credit  
8 provided under Section 3302 of the Federal Unemployment Tax  
9 Act with respect to employers subject to the Unemployment  
10 Insurance Act.

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

20 E. The maximum principal amount of the Bonds, when combined  
21 with the outstanding principal of all other Bonds issued  
22 pursuant to this Act, shall not at any time exceed  
23 \$2,400,000,000 ~~\$1,400,000,000~~, excluding all of the  
24 outstanding principal of any other Bonds issued pursuant to  
25 this Act for which payment has been irrevocably provided by  
26 refunding or other manner of defeasance. It is the intent of

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

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

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

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

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

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

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

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

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

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

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

1 for under Section 2107 of the Unemployment Insurance Act.

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

14 (Source: P.A. 96-30, eff. 6-30-09.)

15 (30 ILCS 440/7)

16 Sec. 7. State Not to Impair Bond Obligations. While Bonds  
17 under this Act are outstanding, the State irrevocably pledges  
18 and covenants that it shall not:

19 A. Take action to limit or restrict the rights of the  
20 Department to fulfill its responsibilities to pay Bond  
21 Obligations, Bond Administrative Expenses or otherwise comply  
22 with instruments entered by the Department pertaining to the  
23 issuance of the Bonds;

24 B. In any way impair the rights and remedies of the holders  
25 of the Bonds until the Bonds are fully discharged; or

1 C. Reduce:

2 1. The Fund Building Rates below the levels in  
3 existence effective January 1, 2012 ~~2004~~;

4 2. The maximum amount includable as wages pursuant to  
5 Section 235 of the Unemployment Insurance Act below the  
6 levels in existence effective January 1, 2012 ~~2004~~; and

7 3. The Solvency Adjustments imposed pursuant to  
8 Section 1400.1 of the Unemployment Insurance Act below the  
9 levels in existence effective January 1, 2012 ~~2004~~.

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

11 Section 15. The Unemployment Insurance Act is amended by  
12 changing Sections 235, 401, 403, 702, 804, 900, 1505, 1506.1,  
13 and 1506.3, 1510, 1705, 1801.1, 1900, 2100, 2203, and 2206.1  
14 and by adding Sections 611.1, 1506.6, and 2405 as follows:

15 (820 ILCS 405/235) (from Ch. 48, par. 345)

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

17 A. With respect to calendar years prior to calendar year  
18 2004, the maximum amount includable as "wages" shall be  
19 determined pursuant to this Section as in effect on January 1,  
20 2006.

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

1 through 2009, the term "wages" shall include only the  
2 remuneration paid to an individual by an employer during that  
3 period with respect to employment which does not exceed the  
4 following amounts: \$10,500 with respect to the calendar year  
5 2005; \$11,000 with respect to the calendar year 2006; \$11,500  
6 with respect to the calendar year 2007; \$12,000 with respect to  
7 the calendar year 2008; and \$12,300 with respect to the  
8 calendar year 2009.

9 ~~With Except as otherwise provided in subsection A-1, with~~  
10 respect to the calendar years 2010, 2011, 2020 ~~2013~~, and each  
11 calendar year thereafter, the term "wages" shall include only  
12 the remuneration paid to an individual by an employer during  
13 that period with respect to employment which does not exceed  
14 the sum of the wage base adjustment applicable to that year  
15 pursuant to Section 1400.1, plus the maximum amount includable  
16 as "wages" pursuant to this subsection with respect to the  
17 immediately preceding calendar year; ~~for purposes of this~~  
18 ~~sentence, the maximum amount includable as "wages" with respect~~  
19 ~~to calendar year 2013 shall be calculated as though the maximum~~  
20 ~~amount includable as "wages" with respect to calendar year 2012~~  
21 ~~had been calculated pursuant to this sentence.~~ With respect to  
22 calendar year 2012, to offset the loss of revenue to the  
23 State's account in the unemployment trust fund with respect to  
24 the first quarter of calendar year 2011 as a result of Section  
25 1506.5 and the changes made by this amendatory Act of the 97th  
26 General Assembly to Section 1506.3, the term "wages" shall



1 include only the remuneration paid to an individual by an  
2 employer during that period with respect to employment which  
3 does not exceed \$13,560. With respect to calendar year 2013,  
4 the term "wages" shall include only the remuneration paid to an  
5 individual by an employer during that period with respect to  
6 employment which does not exceed \$12,900. With respect to the  
7 calendar years 2014 through 2019, the term "wages" shall  
8 include only the remuneration paid to an individual by an  
9 employer during that period with respect to employment which  
10 does not exceed \$12,960. Notwithstanding any provision to the  
11 contrary, the maximum amount includable as "wages" pursuant to  
12 this Section shall not be less than \$12,300 or greater than  
13 \$12,960 with respect to any calendar year after calendar year  
14 2009 except calendar year 2012 ~~and except as otherwise provided~~  
15 ~~in subsection A 1.~~

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

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

13 A-1. (Blank). ~~If, by March 1, 2013, the payments~~  
14 ~~attributable to the changes to subsection A by this or any~~  
15 ~~subsequent amendatory Act of the 97th General Assembly do not~~  
16 ~~equal or exceed the loss to this State's account in the~~  
17 ~~unemployment trust fund as a result of Section 1506.5 and the~~  
18 ~~changes made to Section 1506.3 by this or any subsequent~~  
19 ~~amendatory Act of the 97th General Assembly, including~~  
20 ~~unrealized interest, then, with respect to calendar year 2013,~~  
21 ~~the term "wages" shall include only the remuneration paid to an~~  
22 ~~individual by an employer during that period with respect to~~  
23 ~~employment which does not exceed \$13,560. For purposes of~~  
24 ~~subsection A, if the maximum amount includable as "wages" with~~  
25 ~~respect to calendar year 2013 is \$13,560, the maximum amount~~  
26 ~~includable as "wages" with respect to calendar year 2014 shall~~

1 ~~be calculated as though the maximum amount includable as~~  
2 ~~"wages" with respect to calendar year 2013 had been calculated~~  
3 ~~pursuant to subsection A, without regard to this Section.~~

4 B. The amount of any payment (including any amount paid by  
5 an employer for insurance or annuities, or into a fund, to  
6 provide for any such payment), made to, or on behalf of, an  
7 individual or any of his dependents under a plan or system  
8 established by an employer which makes provision generally for  
9 individuals performing services for him (or for such  
10 individuals generally and their dependents) or for a class or  
11 classes of such individuals (or for a class or classes of such  
12 individuals and their dependents), on account of (1) sickness  
13 or accident disability (except those sickness or accident  
14 disability payments which would be includable as "wages" in  
15 Section 3306(b)(2)(A) of the Federal Internal Revenue Code of  
16 1954, in effect on January 1, 1985, such includable payments to  
17 be attributable in such manner as provided by Section 3306(b)  
18 of the Federal Internal Revenue Code of 1954, in effect on  
19 January 1, 1985), or (2) medical or hospitalization expenses in  
20 connection with sickness or accident disability, or (3) death.

21 C. Any payment made to, or on behalf of, an employee or his  
22 beneficiary which would be excluded from "wages" by  
23 subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section  
24 3306(b)(5) of the Federal Internal Revenue Code of 1954, in  
25 effect on January 1, 1985.

26 D. The amount of any payment on account of sickness or

1 accident disability, or medical or hospitalization expenses in  
2 connection with sickness or accident disability, made by an  
3 employer to, or on behalf of, an individual performing services  
4 for him after the expiration of six calendar months following  
5 the last calendar month in which the individual performed  
6 services for such employer.

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

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

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

15 (820 ILCS 405/401) (from Ch. 48, par. 401)

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

17 A. With respect to any week beginning prior to April 24,  
18 1983, an individual's weekly benefit amount shall be an amount  
19 equal to the weekly benefit amount as defined in this Act as in  
20 effect on November 30, 1982.

21 B. 1. With respect to any week beginning on or after April  
22 24, 1983 and before January 3, 1988, an individual's weekly  
23 benefit amount shall be 48% of his prior average weekly wage,  
24 rounded (if not already a multiple of one dollar) to the next  
25 higher dollar; provided, however, that the weekly benefit

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

1 amount cannot exceed the maximum weekly benefit amount and  
2 cannot be less than \$51. Except as otherwise provided in this  
3 Section, with ~~With~~ respect to any benefit year beginning on or  
4 after January 6, 2008, an individual's weekly benefit amount  
5 shall be 47% of his or her prior average weekly wage, rounded  
6 (if not already a multiple of one dollar) to the next higher  
7 dollar; provided, however, that the weekly benefit amount  
8 cannot exceed the maximum weekly benefit amount and cannot be  
9 less than \$51. With respect to any benefit year beginning in  
10 calendar year 2016, an individual's weekly benefit amount shall  
11 be 42.8% of his or her prior average weekly wage, rounded (if  
12 not already a multiple of one dollar) to the next higher  
13 dollar; provided, however, that the weekly benefit amount  
14 cannot exceed the maximum weekly benefit amount and cannot be  
15 less than \$51. With respect to any benefit year beginning in  
16 calendar year 2018, an individual's weekly benefit amount shall  
17 be 42.9% of his or her prior average weekly wage, rounded (if  
18 not already a multiple of one dollar) to the next higher  
19 dollar; provided, however, that the weekly benefit amount  
20 cannot exceed the maximum weekly benefit amount and cannot be  
21 less than \$51.

22 2. For the purposes of this subsection:

23 With respect to any week beginning on or after April 24,  
24 1983, an individual's "prior average weekly wage" means the  
25 total wages for insured work paid to that individual during the  
26 2 calendar quarters of his base period in which such total

1 wages were highest, divided by 26. If the quotient is not  
2 already a multiple of one dollar, it shall be rounded to the  
3 nearest dollar; however if the quotient is equally near 2  
4 multiples of one dollar, it shall be rounded to the higher  
5 multiple of one dollar.

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

17 "Determination period" means, with respect to each June 1  
18 determination date, the 12 consecutive calendar months ending  
19 on the immediately preceding December 31 and, with respect to  
20 each December 1 determination date, the 12 consecutive calendar  
21 months ending on the immediately preceding June 30.

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

1 consecutive calendar month period beginning on the first day of  
2 the first calendar month immediately following the preceding  
3 December 1 determination date and the 6 consecutive calendar  
4 month period beginning on the first day of the first calendar  
5 month immediately following the June 1 determination date.  
6 Notwithstanding the foregoing sentence, the 6 calendar months  
7 beginning January 1, 1982 and ending June 30, 1982 shall be  
8 deemed a benefit period with respect to which the determination  
9 date shall be June 1, 1981.

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

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

18 "Average monthly covered employment" means one-twelfth of  
19 the sum of the covered employment for the 12 months of a  
20 determination period.

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

25 "Statewide average weekly wage" means the quotient,  
26 obtained by dividing the statewide average annual wage by 52,



1 rounded (if not already a multiple of one cent) to the nearest  
2 cent. Notwithstanding any provisions of this Section to the  
3 contrary, the statewide average weekly wage for the benefit  
4 period 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 2005 and each  
13 calendar year thereafter, the statewide average weekly wage,  
14 shall be the statewide average weekly wage, as determined in  
15 accordance with this sentence, for the immediately preceding  
16 benefit period plus (or minus) an amount equal to the  
17 percentage change in the statewide average weekly wage, as  
18 computed in accordance with the preceding sentences of this  
19 paragraph, between the 2 immediately preceding benefit  
20 periods, multiplied by the statewide average weekly wage, as  
21 determined in accordance with this sentence, for the  
22 immediately preceding benefit period. However, for purposes of  
23 the Workers' Compensation Act, the statewide average weekly  
24 wage will be computed using June 1 and December 1 determination  
25 dates of each calendar year and such determination shall not be  
26 subject to the limitation of \$321, \$335, \$350, \$359, \$381, \$406

1 or the statewide average weekly wage as computed in accordance  
2 with the preceding sentence of this paragraph.

3 With respect to any week beginning on or after April 24,  
4 1983 and before January 3, 1988, "maximum weekly benefit  
5 amount" means 48% of the statewide average weekly wage, rounded  
6 (if not already a multiple of one dollar) to the nearest  
7 dollar, provided however, that the maximum weekly benefit  
8 amount for an individual who has established a benefit year  
9 beginning before April 24, 1983, shall be determined, for weeks  
10 beginning on or after April 24, 1983 claimed with respect to  
11 that benefit year, as provided under this Act as amended and in  
12 effect on November 30, 1982, except that the statewide average  
13 weekly wage used in such determination shall be \$334.80.

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

19 With respect to any week beginning on or after January 3,  
20 1993 and during a benefit year beginning before January 4,  
21 2004, "maximum weekly benefit amount" with respect to each week  
22 beginning within a benefit period means 49.5% of the statewide  
23 average weekly wage, rounded (if not already a multiple of one  
24 dollar) to the next higher dollar.

25 With respect to any benefit year beginning on or after  
26 January 4, 2004 and before January 6, 2008, "maximum weekly

1 benefit amount" with respect to each week beginning within a  
2 benefit period means 48% of the statewide average weekly wage,  
3 rounded (if not already a multiple of one dollar) to the next  
4 higher dollar.

5 Except as otherwise provided in this Section, with ~~With~~  
6 respect to any benefit year beginning on or after January 6,  
7 2008, "maximum weekly benefit amount" with respect to each week  
8 beginning within a benefit period means 47% of the statewide  
9 average weekly wage, rounded (if not already a multiple of one  
10 dollar) to the next higher dollar.

11 With respect to any benefit year beginning in calendar year  
12 2016, "maximum weekly benefit amount" with respect to each week  
13 beginning within a benefit period means 42.8% of the statewide  
14 average weekly wage, rounded (if not already a multiple of one  
15 dollar) to the next higher dollar.

16 With respect to any benefit year beginning in calendar year  
17 2018, "maximum weekly benefit amount" with respect to each week  
18 beginning within a benefit period means 42.9% of the statewide  
19 average weekly wage, rounded (if not already a multiple of one  
20 dollar) to the next higher dollar.

21 C. With respect to any week beginning on or after April 24,  
22 1983 and before January 3, 1988, an individual to whom benefits  
23 are payable with respect to any week shall, in addition to such  
24 benefits, be paid, with respect to such week, as follows: in  
25 the case of an individual with a nonworking spouse, 7% of his  
26 prior average weekly wage, rounded (if not already a multiple

1 of one dollar) to the higher dollar; provided, that the total  
2 amount payable to the individual with respect to a week shall  
3 not exceed 55% of the statewide average weekly wage, rounded  
4 (if not already a multiple of one dollar) to the nearest  
5 dollar; and in the case of an individual with a dependent child  
6 or dependent children, 14.4% of his prior average weekly wage,  
7 rounded (if not already a multiple of one dollar) to the higher  
8 dollar; provided, that the total amount payable to the  
9 individual with respect to a week shall not exceed 62.4% of the  
10 statewide average weekly wage, rounded (if not already a  
11 multiple of one dollar) to the next higher dollar with respect  
12 to the benefit period beginning January 1, 1987 and ending  
13 December 31, 1987, and otherwise to the nearest dollar.  
14 However, for an individual with a nonworking spouse or with a  
15 dependent child or children who has established a benefit year  
16 beginning before April 24, 1983, the amount of additional  
17 benefits payable on account of the nonworking spouse or  
18 dependent child or children shall be determined, for weeks  
19 beginning on or after April 24, 1983 claimed with respect to  
20 that benefit year, as provided under this Act as in effect on  
21 November 30, 1982, except that the statewide average weekly  
22 wage used in such determination shall be \$334.80.

23 With respect to any week beginning on or after January 2,  
24 1988 and before January 1, 1991 and any week beginning on or  
25 after January 1, 1992, and before January 1, 1993, an  
26 individual to whom benefits are payable with respect to any

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

16 With respect to any week beginning on or after January 1,  
17 1991 and before January 1, 1992, an individual to whom benefits  
18 are payable with respect to any week shall, in addition to the  
19 benefits, be paid, with respect to such week, as follows: in  
20 the case of an individual with a nonworking spouse, 8.3% of his  
21 prior average weekly wage, rounded (if not already a multiple  
22 of one dollar) to the next higher dollar, provided, that the  
23 total amount payable to the individual with respect to a week  
24 shall not exceed 57.3% of the statewide average weekly wage,  
25 rounded (if not already a multiple of one dollar) to the next  
26 higher dollar; and in the case of an individual with a

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

8 With respect to any week beginning on or after January 3,  
9 1993, during a benefit year beginning before January 4, 2004,  
10 an 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, 9% 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 58.5% 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, 16% 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 65.5% of the statewide  
24 average weekly wage, rounded (if not already a multiple of one  
25 dollar) to the next higher dollar.

26 With respect to any benefit year beginning on or after

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

18 With respect to any benefit year beginning on or after  
19 January 6, 2008 and before January 1, 2010, an individual to  
20 whom benefits are payable with respect to any week shall, in  
21 addition to those benefits, be paid, with respect to such week,  
22 as follows: in the case of an individual with a nonworking  
23 spouse, 9% of his or her prior average weekly wage, rounded (if  
24 not already a multiple of one dollar) to the next higher  
25 dollar, provided, that the total amount payable to the  
26 individual with respect to a week shall not exceed 56% 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, 18.2% of his or her prior average weekly wage,  
5 rounded (if not already a multiple of one dollar) to the next  
6 higher dollar, provided that the total amount payable to the  
7 individual with respect to a week shall not exceed 65.2% of the  
8 statewide average weekly wage, rounded (if not already a  
9 multiple of one dollar) to the next higher dollar.

10 The additional amount paid pursuant to this subsection in  
11 the case of an individual with a dependent child or dependent  
12 children shall be referred to as the "dependent child  
13 allowance", and the percentage rate by which an individual's  
14 prior average weekly wage is multiplied pursuant to this  
15 subsection to calculate the dependent child allowance shall be  
16 referred to as the "dependent child allowance rate".

17 Except as otherwise provided in this Section, with ~~With~~  
18 respect to any benefit year beginning on or after January 1,  
19 2010, an individual to whom benefits are payable with respect  
20 to any week shall, in addition to those benefits, be paid, with  
21 respect to such week, as follows: in the case of an individual  
22 with a nonworking spouse, the greater of (i) 9% of his or her  
23 prior average weekly wage, rounded (if not already a multiple  
24 of one dollar) to the next higher dollar, or (ii) \$15, provided  
25 that the total amount payable to the individual with respect to  
26 a week shall not exceed 56% of the statewide average weekly

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

14 With respect to any benefit year beginning in calendar year  
15 2016, an individual to whom benefits are payable with respect  
16 to any week shall, in addition to those benefits, be paid, with  
17 respect to such week, as follows: in the case of an individual  
18 with a nonworking spouse, the greater of (i) 9% of his or her  
19 prior average weekly wage, rounded (if not already a multiple  
20 of one dollar) to the next higher dollar, or (ii) \$15, provided  
21 that the total amount payable to the individual with respect to  
22 a week shall not exceed 51.8% of the statewide average weekly  
23 wage, rounded (if not already a multiple of one dollar) to the  
24 next higher dollar; and in the case of an individual with a  
25 dependent child or dependent children, the greater of (i) the  
26 product of the dependent child allowance rate multiplied by his

1 or her prior average weekly wage, rounded (if not already a  
2 multiple of one dollar) to the next higher dollar, or (ii) the  
3 lesser of \$50 or 50% of his or her weekly benefit amount,  
4 rounded (if not already a multiple of one dollar) to the next  
5 higher dollar, provided that the total amount payable to the  
6 individual with respect to a week shall not exceed the product  
7 of the statewide average weekly wage multiplied by the sum of  
8 42.8% plus the dependent child allowance rate, rounded (if not  
9 already a multiple of one dollar) to the next higher dollar.

10 With respect to any benefit year beginning in calendar year  
11 2018, an individual to whom benefits are payable with respect  
12 to any week shall, in addition to those benefits, be paid, with  
13 respect to such week, as follows: in the case of an individual  
14 with a nonworking spouse, the greater of (i) 9% of his or her  
15 prior average weekly wage, rounded (if not already a multiple  
16 of one dollar) to the next higher dollar, or (ii) \$15, provided  
17 that the total amount payable to the individual with respect to  
18 a week shall not exceed 51.9% of the statewide average weekly  
19 wage, rounded (if not already a multiple of one dollar) to the  
20 next higher dollar; and in the case of an individual with a  
21 dependent child or dependent children, the greater of (i) the  
22 product of the dependent child allowance rate multiplied by his  
23 or her prior average weekly wage, rounded (if not already a  
24 multiple of one dollar) to the next higher dollar, or (ii) the  
25 lesser of \$50 or 50% of his or her weekly benefit amount,  
26 rounded (if not already a multiple of one dollar) to the next

1 higher dollar, provided that the total amount payable to the  
2 individual with respect to a week shall not exceed the product  
3 of the statewide average weekly wage multiplied by the sum of  
4 42.9% plus the dependent child allowance rate, rounded (if not  
5 already a multiple of one dollar) to the next higher dollar.

6 With respect to each benefit year beginning after calendar  
7 year 2009, the dependent child allowance rate shall be the sum  
8 of the allowance adjustment applicable pursuant to Section  
9 1400.1 to the calendar year in which the benefit year begins,  
10 plus the dependent child allowance rate with respect to each  
11 benefit year beginning in the immediately preceding calendar  
12 year, except as otherwise provided in this subsection. The  
13 dependent child allowance rate with respect to each benefit  
14 year beginning in calendar year 2010 shall not be greater than  
15 18.2%. The dependent child allowance rate with respect to each  
16 benefit year beginning in calendar year 2011 shall be reduced  
17 by 0.2% absolute below the rate it would otherwise have been  
18 pursuant to this subsection and, with respect to each benefit  
19 year beginning after calendar year 2010, except as otherwise  
20 provided, shall not be less than 17.1% or greater than 18.0%.  
21 Unless, as a result of this sentence, the agreement between the  
22 Federal Government and State regarding the Federal Additional  
23 Compensation program established under Section 2002 of the  
24 American Recovery and Reinvestment Act, or a successor program,  
25 would not apply or would cease to apply, the dependent child  
26 allowance rate with respect to each benefit year beginning in

1 calendar year 2012 shall be reduced by 0.1% absolute below the  
2 rate it would otherwise have been pursuant to this subsection  
3 and, with respect to each benefit year beginning after calendar  
4 year 2011, shall not be less than 17.0% or greater than 17.9%.

5 For the purposes of this subsection:

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

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

1 determined to be a child of such other parent, during the  
2 remainder of that benefit year.

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

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

18 (Source: P.A. 96-30, eff. 6-30-09.)

19 (820 ILCS 405/403) (from Ch. 48, par. 403)

20 Sec. 403. Maximum total amount of benefits.)

21 A. With respect to any benefit year beginning prior to  
22 September 30, 1979, any otherwise eligible individual shall be  
23 entitled, during such benefit year, to a maximum total amount  
24 of benefits as shall be determined in the manner set forth in  
25 this Act as amended and in effect on November 9, 1977.

1           B. With respect to any benefit year beginning on or after  
2     September 30, 1979, except as otherwise provided in this  
3     Section, any otherwise eligible individual shall be entitled,  
4     during such benefit year, to a maximum total amount of benefits  
5     equal to 26 times his or her weekly benefit amount plus  
6     dependents' allowances, or to the total wages for insured work  
7     paid to such individual during the individual's base period,  
8     whichever amount is smaller. With respect to any benefit year  
9     beginning in calendar year 2012, any otherwise eligible  
10    individual shall be entitled, during such benefit year, to a  
11    maximum total amount of benefits equal to 25 times his or her  
12    weekly benefit amount plus dependents' allowances, or to the  
13    total wages for insured work paid to such individual during the  
14    individual's base period, whichever amount is smaller. With  
15    respect to any benefit year beginning in calendar year 2016 or  
16    2018, any otherwise eligible individual shall be entitled,  
17    during such benefit year, to a maximum total amount of benefits  
18    equal to 24 times his or her weekly benefit amount plus  
19    dependents' allowances, or to the total wages for insured work  
20    paid to such individual during the individual's base period,  
21    whichever amount is smaller. If the maximum amount includable  
22    ~~as "wages" pursuant to Section 235 is \$13,560 with respect to~~  
23    ~~calendar year 2013, then, with respect to any benefit year~~  
24    ~~beginning after March 31, 2013 and before April 1, 2014, any~~  
25    ~~otherwise eligible individual shall be entitled, during such~~  
26    ~~benefit year, to a maximum total amount of benefits equal to 25~~

1 ~~times his or her weekly benefit amount plus dependents~~  
2 ~~allowances, or to the total wages for insured work paid to such~~  
3 ~~individual during the individual's base period, whichever~~  
4 ~~amount is smaller.~~

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

6 (820 ILCS 405/611.1 new)

7 Sec. 611.1. Social Security Retirement Pay Task Force.

8 (a) The Social Security Retirement Pay Task Force is hereby  
9 created within the Department. The Task Force shall consist of  
10 13 members. The following members shall be appointed within 60  
11 days after the effective date of this amendatory Act of the  
12 97th General Assembly: 2 members appointed by the President of  
13 the Senate; 2 members appointed by the Senate Minority Leader;  
14 2 members appointed by the Speaker of the House of  
15 Representatives; 2 members appointed by the House Minority  
16 Leader; 2 members appointed by the Governor; and the Director,  
17 who shall serve as ex officio chairman and who shall appoint  
18 one additional member who shall be a representative citizen  
19 chosen from the employee class and one additional member who  
20 shall be a representative citizen chosen from the employing  
21 class. All members shall be voting members. Members shall serve  
22 without compensation, but may be reimbursed for expenses  
23 associated with the Task Force. The Task Force shall begin to  
24 conduct business upon the appointment of all members. For  
25 purposes of Task Force meetings, a quorum is 7 members. If a



1 vacancy occurs on the Task Force, a successor member shall be  
2 appointed by the original appointing authority. Meetings of the  
3 Task Force are subject to the Open Meetings Act.

4 (b) The Task Force shall analyze the impact of paragraph 2  
5 of subsection A of Section 611 of this Act on individuals  
6 receiving primary social security old age and disability  
7 retirement benefits and make a recommendation to the General  
8 Assembly as to the advisability of amending that paragraph with  
9 regard to those individuals. Considerations to be taken into  
10 account in the analysis include but are not limited to the  
11 amount of benefits that would have been payable in prior years  
12 if that paragraph had not applied to those individuals, the  
13 potential impact on employer liabilities under the Act had that  
14 paragraph not applied to those individuals, the current and  
15 projected balances in this State's account in the federal  
16 Unemployment Trust Fund and the fact that the majority of state  
17 unemployment insurance laws do not include comparable language  
18 with regard to those individuals. The Task Force shall hold at  
19 least 3 public hearings as part of its analysis. The Task Force  
20 may establish any committees it deems necessary.

21 (c) All findings, recommendations, public postings, and  
22 other relevant information pertaining to the Task Force shall  
23 be posted on the Department's website. The Department shall  
24 provide staff and administrative support to the Task Force. The  
25 Department and the Task Force may accept donated services and  
26 other resources from registered not-for-profit organizations

1 that may be necessary to complete the work of the Task Force.  
2 The Task Force shall report its findings and recommendations to  
3 the Governor and the General Assembly no later than December  
4 31, 2012, and shall be dissolved upon submission of the report.

5 (820 ILCS 405/702) (from Ch. 48, par. 452)

6 Sec. 702. Determinations. The claims adjudicator shall for  
7 each week with respect to which the claimant claims benefits or  
8 waiting period credit, make a "determination" which shall state  
9 whether or not the claimant is eligible for such benefits or  
10 waiting period credit and the sum to be paid the claimant with  
11 respect to such week. The claims adjudicator shall promptly  
12 notify the claimant and such employing unit as shall, within  
13 the time and in the manner prescribed by the Director, have  
14 filed a sufficient allegation that the claimant is ineligible  
15 to receive benefits or waiting period credit for said week, of  
16 his "determination" and the reasons therefor. The Director may,  
17 by rule adopted with the advice and aid of the Employment  
18 Security Advisory Board, require that an employing unit with 50  
19 or more individuals in its employ during the prior calendar  
20 year, or an entity representing 5 or more employing units  
21 during the prior calendar year, file an allegation of  
22 ineligibility electronically in a manner prescribed by the  
23 Director. In making his "determination," the claims  
24 adjudicator shall give consideration to the information, if  
25 any, contained in the employing unit's allegation, whether or

1 not the allegation is sufficient. The claims adjudicator shall  
2 deem an employing unit's allegation sufficient only if it  
3 contains a reason or reasons therefor (other than general  
4 conclusions of law, and statements such as "not actively  
5 seeking work" or "not available for work" shall be deemed, for  
6 this purpose, to be conclusions of law). If the claims  
7 adjudicator deems an allegation insufficient, he shall make a  
8 decision accordingly, and shall notify the employing unit of  
9 such decision and the reasons therefor. Such decision may be  
10 appealed by the employing unit to a Referee within the time  
11 limits prescribed by Section 800 for appeal from a  
12 "determination". Any such appeal, and any appeal from the  
13 Referee's decision thereon, shall be governed by the applicable  
14 provisions of Sections 801, 803, 804 and 805.

15 (Source: P.A. 81-1521.)

16 (820 ILCS 405/804) (from Ch. 48, par. 474)

17 Sec. 804. Conduct of hearings—Service of notice. The  
18 manner in which disputed claims for benefits shall be presented  
19 and the conduct of hearings and appeals shall be in accordance  
20 with regulations prescribed by the Director for determining the  
21 rights of the parties. A full and complete record shall be kept  
22 of all proceedings in connection with a disputed claim. All  
23 testimony at any hearing upon a disputed claim shall be  
24 recorded but need not be transcribed unless the disputed claim  
25 is further appealed.

1           Whenever the giving of notice is required by Sections 701,  
2           702, 703, 801, 803, 805, and 900, it may be given and be  
3           completed by mailing the same to the last known address of the  
4           person entitled thereto. If agreed to by the person or entity  
5           entitled to notice, notice may be given and completed  
6           electronically, in the manner prescribed by rule, by posting  
7           the notice on a secure web site accessible to the person or  
8           entity and sending notice of the posting to the last known  
9           e-mail address of the person or entity.

10          (Source: Laws 1955, p. 744.)

11           (820 ILCS 405/900) (from Ch. 48, par. 490)

12           Sec. 900. Recoupment.) A. Whenever an individual has  
13           received any sum as benefits for which he is found to have been  
14           ineligible, the amount thereof may be recovered by suit in the  
15           name of the People of the State of Illinois, or, from benefits  
16           payable to him, may be recouped:

17           1. At any time, if, to receive such sum, he knowingly made  
18           a false statement or knowingly failed to disclose a material  
19           fact.

20           2. Within 3 years from any date prior to January 1, 1984,  
21           on which he has been found to have been ineligible for any  
22           other reason, pursuant to a reconsidered finding or a  
23           reconsidered determination, or pursuant to the decision of a  
24           Referee (or of the Director or his representative under Section  
25           604) which modifies or sets aside a finding or a reconsidered

1 finding or a determination or a reconsidered determination; or  
2 within 5 years from any date after December 31, 1983, on which  
3 he has been found to have been ineligible for any other reason,  
4 pursuant to a reconsidered finding or a reconsidered  
5 determination, or pursuant to the decision of a Referee (or of  
6 the Director or his representative under Section 604) which  
7 modifies or sets aside a finding or a reconsidered finding or a  
8 determination or a reconsidered determination. Recoupment  
9 pursuant to the provisions of this paragraph from benefits  
10 payable to an individual for any week may be waived upon the  
11 individual's request, if the sum referred to in paragraph A was  
12 received by the individual without fault on his part and if  
13 such recoupment would be against equity and good conscience.  
14 Such waiver may be denied with respect to any subsequent week  
15 if, in that week, the facts and circumstances upon which waiver  
16 was based no longer exist.

17 B. Whenever the claims adjudicator referred to in Section  
18 702 decides that any sum received by a claimant as benefits  
19 shall be recouped, or denies recoupment waiver requested by the  
20 claimant, he shall promptly notify the claimant of his decision  
21 and the reasons therefor. The decision and the notice thereof  
22 shall state the amount to be recouped, the weeks with respect  
23 to which such sum was received by the claimant, and the time  
24 within which it may be recouped and, as the case may be, the  
25 reasons for denial of recoupment waiver. The claims adjudicator  
26 may reconsider his decision within one year after the date when

1 the decision was made. Such decision or reconsidered decision  
2 may be appealed to a Referee within the time limits prescribed  
3 by Section 800 for appeal from a determination. Any such  
4 appeal, and any appeal from the Referee's decision thereon,  
5 shall be governed by the applicable provisions of Sections 801,  
6 803, 804 and 805. No recoupment shall be begun until the  
7 expiration of the time limits prescribed by Section 800 of this  
8 Act or, if an appeal has been filed, until the decision of a  
9 Referee has been made thereon affirming the decision of the  
10 Claims Adjudicator.

11 C. Any sums recovered under the provisions of this Section  
12 shall be treated as repayments to the Director of sums  
13 improperly obtained by the claimant.

14 D. Whenever, by reason of a back pay award made by any  
15 governmental agency or pursuant to arbitration proceedings, or  
16 by reason of a payment of wages wrongfully withheld by an  
17 employing unit, an individual has received wages for weeks with  
18 respect to which he has received benefits, the amount of such  
19 benefits may be recouped or otherwise recovered as herein  
20 provided. An employing unit making a back pay award to an  
21 individual for weeks with respect to which the individual has  
22 received benefits shall make the back pay award by check  
23 payable jointly to the individual and to the Director.

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

1 amount.

2 In addition to the remedies provided by this Section, when  
3 an individual has received any sum as benefits for which he is  
4 found to be ineligible, the Director may request the  
5 Comptroller to withhold such sum in accordance with Section  
6 10.05 of the State Comptroller Act and the Director may request  
7 the Secretary of the Treasury to withhold such sum to the  
8 extent allowed by and in accordance with Section 6402(f) of the  
9 federal Internal Revenue Code of 1986, as amended. Benefits  
10 paid pursuant to this Act shall not be subject to such  
11 withholding. Where the Director requests withholding by the  
12 Secretary of the Treasury pursuant to this Section, in addition  
13 to the amount of benefits for which the individual has been  
14 found ineligible, the individual shall be liable for any  
15 legally authorized administrative fee assessed by the  
16 Secretary, with such fee to be added to the amount to be  
17 withheld by the Secretary.

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

19 (820 ILCS 405/1505) (from Ch. 48, par. 575)

20 Sec. 1505. Adjustment of state experience factor. The state  
21 experience factor shall be adjusted in accordance with the  
22 following provisions:

23 A. This subsection shall apply to each calendar year prior  
24 to 1980 for which a state experience factor is being  
25 determined.

1           For every \$7,000,000 (or fraction thereof) by which the  
2 amount standing to the credit of this State's account in the  
3 unemployment trust fund as of June 30 of the calendar year  
4 immediately preceding the calendar year for which the state  
5 experience factor is being determined falls below  
6 \$450,000,000, the state experience factor for the succeeding  
7 calendar year shall be increased 1 percent absolute.

8           For every \$7,000,000 (or fraction thereof) by which the  
9 amount standing to the credit of this State's account in the  
10 unemployment trust fund as of June 30 of the calendar year  
11 immediately preceding the calendar year for which the state  
12 experience factor is being determined exceeds \$450,000,000,  
13 the state experience factor for the succeeding year shall be  
14 reduced 1 percent absolute.

15           B. This subsection shall apply to the calendar years 1980  
16 through 1987, for which the state experience factor is being  
17 determined.

18           For every \$12,000,000 (or fraction thereof) by which the  
19 amount standing to the credit of this State's account in the  
20 unemployment trust fund as of June 30 of the calendar year  
21 immediately preceding the calendar year for which the state  
22 experience factor is being determined falls below  
23 \$750,000,000, the state experience factor for the succeeding  
24 calendar year shall be increased 1 percent absolute.

25           For every \$12,000,000 (or fraction thereof) by which the  
26 amount standing to the credit of this State's account in the



1 unemployment trust fund as of June 30 of the calendar year  
2 immediately preceding the calendar year for which the state  
3 experience factor is being determined exceeds \$750,000,000,  
4 the state experience factor for the succeeding year shall be  
5 reduced 1 percent absolute.

6 C. This subsection shall apply to the calendar year 1988  
7 and each calendar year thereafter, for which the state  
8 experience factor is being determined.

9 1. For every \$50,000,000 (or fraction thereof) by which  
10 the adjusted trust fund balance falls below the target  
11 balance set forth in this subsection, the state experience  
12 factor for the succeeding year shall be increased one  
13 percent absolute.

14 For every \$50,000,000 (or fraction thereof) by which  
15 the adjusted trust fund balance exceeds the target balance  
16 set forth in this subsection, the state experience factor  
17 for the succeeding year shall be decreased by one percent  
18 absolute.

19 The target balance in each calendar year prior to 2003  
20 is \$750,000,000. The target balance in calendar year 2003  
21 is \$920,000,000. The target balance in calendar year 2004  
22 is \$960,000,000. The target balance in calendar year 2005  
23 and each calendar year thereafter is \$1,000,000,000.

24 2. For the purposes of this subsection:

25 "Net trust fund balance" is the amount standing to the  
26 credit of this State's account in the unemployment trust

1 fund as of June 30 of the calendar year immediately  
2 preceding the year for which a state experience factor is  
3 being determined.

4 "Adjusted trust fund balance" is the net trust fund  
5 balance minus the sum of the benefit reserves for fund  
6 building for July 1, 1987 through June 30 of the year prior  
7 to the year for which the state experience factor is being  
8 determined. The adjusted trust fund balance shall not be  
9 less than zero. If the preceding calculation results in a  
10 number which is less than zero, the amount by which it is  
11 less than zero shall reduce the sum of the benefit reserves  
12 for fund building for subsequent years.

13 For the purpose of determining the state experience  
14 factor for 1989 and for each calendar year thereafter, the  
15 following "benefit reserves for fund building" shall apply  
16 for each state experience factor calculation in which that  
17 12 month period is applicable:

18 a. For the 12 month period ending on June 30, 1988,  
19 the "benefit reserve for fund building" shall be  
20 8/104th of the total benefits paid from January 1, 1988  
21 through June 30, 1988.

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

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

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

3           c. For the 12 month period ending on June 30, 1990,  
4           the "benefit reserve for fund building" shall be  
5           4/108ths of the total benefits paid from July 1, 1989  
6           through December 31, 1989.

7           d. For 1992 and for each calendar year thereafter,  
8           the "benefit reserve for fund building" for the 12  
9           month period ending on June 30, 1991 and for each  
10          subsequent 12 month period shall be zero.

11          3. Notwithstanding the preceding provisions of this  
12          subsection, for calendar years 1988 through 2003, the state  
13          experience factor shall not be increased or decreased by  
14          more than 15 percent absolute.

15          D. Notwithstanding the provisions of subsection C, the  
16          adjusted state experience factor:

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

18           2. Shall not be less than 75 percent nor greater than  
19           135 percent for calendar years 1989 through 2003; and shall  
20           not be less than 75% nor greater than 150% for calendar  
21           year 2004 and each calendar year thereafter, not counting  
22           any increase pursuant to subsection D-1, D-2, or D-3;

23           3. Shall not be decreased by more than 5 percent  
24           absolute for any calendar year, beginning in calendar year  
25           1989 and through calendar year 1992, by more than 6%  
26           absolute for calendar years 1993 through 1995, by more than

1 10% absolute for calendar years 1999 through 2003 and by  
2 more than 12% absolute for calendar year 2004 and each  
3 calendar year thereafter, from the adjusted state  
4 experience factor of the calendar year preceding the  
5 calendar year for which the adjusted state experience  
6 factor is being determined;

7 4. Shall not be increased by more than 15% absolute for  
8 calendar year 1993, by more than 14% absolute for calendar  
9 years 1994 and 1995, by more than 10% absolute for calendar  
10 years 1999 through 2003 and by more than 16% absolute for  
11 calendar year 2004 and each calendar year thereafter, from  
12 the adjusted state experience factor for the calendar year  
13 preceding the calendar year for which the adjusted state  
14 experience factor is being determined;

15 5. Shall be 100% for calendar years 1996, 1997, and  
16 1998.

17 D-1. The adjusted state experience factor for each of  
18 calendar years 2013 through 2015 shall be increased by 5%  
19 absolute above the adjusted state experience factor as  
20 calculated without regard to this subsection. The adjusted  
21 state experience factor for each of calendar years 2016 through  
22 2019 shall be increased by 6% absolute above the adjusted state  
23 experience factor as calculated without regard to this  
24 subsection. The increase in the adjusted state experience for  
25 calendar year 2019 pursuant to this subsection shall not be  
26 counted for purposes of applying paragraph 3 or 4 of subsection

1 D to the calculation of the adjusted state experience factor  
2 for calendar year 2020.

3 D-2. The adjusted state experience factor for calendar year  
4 2016 shall be increased by 19% absolute above the adjusted  
5 state experience factor as calculated without regard to this  
6 subsection. The increase in the adjusted state experience  
7 factor for calendar year 2016 pursuant to this subsection shall  
8 not be counted for purposes of applying paragraph 3 or 4 of  
9 subsection D to the calculation of the adjusted state  
10 experience factor for calendar year 2017.

11 D-3. The adjusted state experience factor for calendar year  
12 2018 shall be increased by 19% absolute above the adjusted  
13 state experience factor as calculated without regard to this  
14 subsection. The increase in the adjusted state experience  
15 factor for calendar year 2018 pursuant to this subsection shall  
16 not be counted for purposes of applying paragraph 3 or 4 of  
17 subsection D to the calculation of the adjusted state  
18 experience factor for calendar year 2019.

19 E. The amount standing to the credit of this State's  
20 account in the unemployment trust fund as of June 30 shall be  
21 deemed to include as part thereof (a) any amount receivable on  
22 that date from any Federal governmental agency, or as a payment  
23 in lieu of contributions under the provisions of Sections 1403  
24 and 1405 B and paragraph 2 of Section 302C, in reimbursement of  
25 benefits paid to individuals, and (b) amounts credited by the  
26 Secretary of the Treasury of the United States to this State's

1 account in the unemployment trust fund pursuant to Section 903  
2 of the Federal Social Security Act, as amended, including any  
3 such amounts which have been appropriated by the General  
4 Assembly in accordance with the provisions of Section 2100 B  
5 for expenses of administration, except any amounts which have  
6 been obligated on or before that date pursuant to such  
7 appropriation.

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

9 (820 ILCS 405/1506.1) (from Ch. 48, par. 576.1)

10 Sec. 1506.1. Determination of Employer's Contribution  
11 Rate.

12 A. The contribution rate for any calendar year prior to  
13 1982 of each employer who has incurred liability for the  
14 payment of contributions within each of the three calendar  
15 years immediately preceding the calendar year for which a rate  
16 is being determined shall be determined in accordance with the  
17 provisions of this Act as amended and in effect on October 5,  
18 1980.

19 B. The contribution rate for calendar years 1982 and 1983  
20 of each employer who has incurred liability for the payment of  
21 contributions within each of the three calendar years  
22 immediately preceding the calendar year for which a rate is  
23 being determined shall be the product obtained by multiplying  
24 the employer's benefit wage ratio for that calendar year by the  
25 adjusted state experience factor for the same year, provided

1 that:

2 1. No employer's contribution rate shall be lower than  
3 two-tenths of 1 percent or higher than 5.3%; and

4 2. Intermediate contribution rates between such  
5 minimum and maximum rates shall be at one-tenth of 1  
6 percent intervals.

7 3. If the product obtained as provided in this  
8 subsection is not an exact multiple of one-tenth of 1  
9 percent, it shall be increased or reduced, as the case may  
10 be, to the nearer multiple of one-tenth of 1 percent. If  
11 such product is equally near to two multiples of one-tenth  
12 of 1 percent, it shall be increased to the higher multiple  
13 of one-tenth of 1 percent. If such product is less than  
14 two-tenths of one percent, it shall be increased to  
15 two-tenths of 1 percent, and if greater than 5.3%, it shall  
16 be reduced to 5.3%.

17 The contribution rate of each employer for whom wages  
18 became benefit wages during the applicable period specified in  
19 Section 1503, but who paid no contributions upon wages for  
20 insured work during such period on or before the date  
21 designated in Section 1503, shall be 5.3%.

22 The contribution rate of each employer for whom no wages  
23 became benefit wages during the applicable period specified in  
24 Section 1503, and who paid no contributions upon wages for  
25 insured work during such period on or before the date specified  
26 in Section 1503, shall be 2.7 percent.

1           Notwithstanding the other provisions of this Section, no  
2 employer's contribution rate with respect to calendar years  
3 1982 and 1983 shall exceed 2.7 percent of the wages for insured  
4 work paid by him during any calendar quarter, if such wages  
5 paid during such calendar quarter total less than \$50,000.

6           C. The contribution rate for calendar years 1984, 1985 and  
7 1986 of each employer who has incurred liability for the  
8 payment of contributions within each of the two calendar years  
9 immediately preceding the calendar year for which a rate is  
10 being determined shall be the product obtained by multiplying  
11 the employer's benefit wage ratio for that calendar year by the  
12 adjusted state experience factor for the same year, provided  
13 that:

14           1. An employer's minimum contribution rate shall be the  
15 greater of: .2%; or, the product obtained by multiplying  
16 .2% by the adjusted state experience factor for the  
17 applicable calendar year.

18           2. An employer's maximum contribution rate shall be the  
19 greater of 5.5% or the product of 5.5% and the adjusted  
20 State experience factor for the applicable calendar year  
21 except that such maximum contribution rate shall not be  
22 higher than 6.3% for calendar year 1984, nor be higher than  
23 6.6% or lower than 6.4% for calendar year 1985, nor be  
24 higher than 6.7% or lower than 6.5% for calendar year 1986.

25           3. If any product obtained in this subsection is not an  
26 exact multiple of one-tenth of one percent, it shall be



1 increased or reduced, as the case may be to the nearer  
2 multiple of one-tenth of one percent. If such product is  
3 equally near to two multiples of one-tenth of one percent,  
4 it shall be increased to the higher multiple of one-tenth  
5 of one percent.

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

8 The contribution rate of each employer for whom wages  
9 became benefit wages during the applicable period specified in  
10 Section 1503, but who paid no contributions upon wages for  
11 insured work during such period on or before the date  
12 designated in Section 1503, shall be the maximum contribution  
13 rate as determined by paragraph 2 of this subsection. The  
14 contribution rate for each employer for whom no wages became  
15 benefit wages during the applicable period on or before the  
16 date specified in Section 1503, and who paid no contributions  
17 upon wages for insured work during such period on or before the  
18 date specified in Section 1503, shall be the greater of 2.7% or  
19 2.7% times the then current adjusted state experience factor as  
20 determined by the Director in accordance with the provisions of  
21 Sections 1504 and 1505.

22 Notwithstanding, the other provisions of this Section, no  
23 employer's contribution rate with respect to the calendar year  
24 1984 shall exceed 2.7 percent times the then current adjusted  
25 state experience factor as determined by the Director in  
26 accordance with the provisions of Sections 1504 and 1505 of the

1 wages for insured work paid by him during any calendar quarter,  
2 if such wages paid during such calendar quarter total less than  
3 \$50,000.

4 D. The contribution rate for calendar years 1987, 1988,  
5 1989 and 1990 of each employer who has incurred liability for  
6 the payment of contributions within each of the three calendar  
7 years immediately preceding the calendar year for which a rate  
8 is being determined shall be the product obtained by  
9 multiplying the employer's benefit wage ratio for that calendar  
10 year by the adjusted state experience factor for the same year,  
11 provided, that:

12 1. An employer's minimum contribution rate shall be the  
13 greater of .2% or the product obtained by multiplying .2%  
14 by the adjusted State experience factor for the applicable  
15 calendar year.

16 2. An employer's maximum contribution rate shall be the  
17 greater of 5.5% or the product of 5.5% and the adjusted  
18 State experience factor for the calendar year 1987 except  
19 that such maximum contribution rate shall not be higher  
20 than 6.7% or lower than 6.5% and an employer's maximum  
21 contribution rate for 1988, 1989 and 1990 shall be the  
22 greater of 6.4% or the product of 6.4% and the adjusted  
23 State experience factor for the applicable calendar year.

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

1 multiple of one-tenth of 1 percent. If such product is  
2 equally near to two multiples of one-tenth of 1 percent, it  
3 shall be increased to the higher multiple of one-tenth of 1  
4 percent.

5 4. Intermediate rates between such minimum and maximum  
6 rates shall be at one-tenth of 1 percent intervals.

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

18 E. The contribution rate for calendar year 1991 and each  
19 calendar year thereafter of each employer who has incurred  
20 liability for the payment of contributions within each of the  
21 three calendar years immediately preceding the calendar year  
22 for which a rate is being determined shall be the product  
23 obtained by multiplying the employer's benefit ratio defined by  
24 Section 1503.1 for that calendar year by the adjusted state  
25 experience factor for the same year, provided that:

26 1. Except as otherwise provided in this paragraph, an

1 employer's minimum contribution rate shall be the greater  
2 of 0.2% or the product obtained by multiplying 0.2% by the  
3 adjusted state experience factor for the applicable  
4 calendar year. An employer's minimum contribution rate  
5 shall be 0.1% for calendar year 1996. An employer's minimum  
6 contribution rate shall be 0.0% for calendar years 2012  
7 through 2019.

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

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

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

20 The contribution rate of each employer for whom wages  
21 became benefit wages during the applicable period specified in  
22 Section 1503 or for whom benefit payments became benefit  
23 charges during the applicable period specified in Section  
24 1503.1, but who did not report wages for insured work during  
25 such period, shall be the maximum contribution rate as  
26 determined by paragraph 2 of this subsection. The contribution

1 rate for each employer for whom no wages became benefit wages  
2 during the applicable period specified in Section 1503 or for  
3 whom no benefit payments became benefit charges during the  
4 applicable period specified in Section 1503.1, and who did not  
5 report wages for insured work during such period, shall be the  
6 greater of 2.7% or 2.7% times the then current adjusted state  
7 experience factor as determined by the Director in accordance  
8 with the provisions of Sections 1504 and 1505.

9 F. Notwithstanding the other provisions of this Section,  
10 and pursuant to Section 271 of the Tax Equity and Fiscal  
11 Responsibility Act of 1982, as amended, no employer's  
12 contribution rate with respect to calendar years 1985, 1986,  
13 1987 and 1988 shall, for any calendar quarter during which the  
14 wages paid by that employer are less than \$50,000, exceed the  
15 following: with respect to calendar year 1985, 3.7%; with  
16 respect to calendar year 1986, 4.1%; with respect to calendar  
17 year 1987, 4.5%; and with respect to calendar year 1988, 5.0%.

18 G. Notwithstanding the other provisions of this Section, no  
19 employer's contribution rate with respect to calendar year 1989  
20 and each calendar year thereafter shall exceed 5.4% of the  
21 wages for insured work paid by him during any calendar quarter,  
22 if such wages paid during such calendar quarter total less than  
23 \$50,000, plus any applicable penalty contribution rate  
24 calculated pursuant to subsection C of Section 1507.1.

25 (Source: P.A. 94-301, eff. 1-1-06.)

1 (820 ILCS 405/1506.3) (from Ch. 48, par. 576.3)

2 Sec. 1506.3. Fund building rates - Temporary  
3 Administrative Funding.

4 A. Notwithstanding any other provision of this Act, the  
5 following fund building rates shall be in effect for the  
6 following calendar years:

7 For each employer whose contribution rate for 1988, 1989,  
8 1990, the first, third, and fourth quarters of 1991, 1992,  
9 1993, 1994, 1995, and 1997 through 2003 would, in the absence  
10 of this Section, be 0.2% or higher, a contribution rate which  
11 is the sum of such rate and a fund building rate of 0.4%;

12 For each employer whose contribution rate for the second  
13 quarter of 1991 would, in the absence of this Section, be 0.2%  
14 or higher, a contribution rate which is the sum of such rate  
15 and 0.3%;

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

19 For each employer whose contribution rate for 2004 through  
20 2009 would, in the absence of this Section, be 0.2% or higher,  
21 a contribution rate which is the sum of such rate and the  
22 following: a fund building rate of 0.7% for 2004; a fund  
23 building rate of 0.9% for 2005; a fund building rate of 0.8%  
24 for 2006 and 2007; a fund building rate of 0.6% for 2008; a  
25 fund building rate of 0.4% for 2009.

26 Except as otherwise provided in this Section, for ~~For~~ each

1 employer whose contribution rate for 2010 and any calendar year  
2 thereafter is determined pursuant to Section 1500 or 1506.1,  
3 including but not limited to an employer whose contribution  
4 rate pursuant to Section 1506.1 is 0.0% ~~would, in the absence~~  
5 ~~of this Section, be 0.2% or higher,~~ a contribution rate which  
6 is the sum of the rate determined pursuant to Section 1500 or  
7 1506.1 ~~such rate~~ and a fund building rate equal to the sum of  
8 the rate adjustment applicable to that year pursuant to Section  
9 1400.1, plus the fund building rate in effect pursuant to this  
10 Section for the immediately preceding calendar year.

11 For calendar year 2012 and any outstanding bond year  
12 thereafter, for each employer whose contribution rate is  
13 determined pursuant to Section 1500 or 1506.1, including but  
14 not limited to an employer whose contribution rate pursuant to  
15 Section 1506.1 is 0.0%, a contribution rate which is the sum of  
16 the rate determined pursuant to Section 1500 or 1506.1 and  
17 .55%. For purposes of this subsection, a calendar year is an  
18 outstanding bond year if, as of October 31 of the immediately  
19 preceding calendar year, there are bonds outstanding pursuant  
20 to the Illinois Unemployment Insurance Trust Fund Financing  
21 Act.

22 Notwithstanding any provision to the contrary, the fund  
23 building rate in effect for any calendar year after calendar  
24 year 2009 shall not be less than 0.4% or greater than 0.55%.  
25 Notwithstanding any other provision to the contrary, the fund  
26 building rate established pursuant to this Section shall not

1 apply with respect to the first quarter of calendar year 2011.  
2 The changes made to Section 235 by this amendatory Act of the  
3 97th General Assembly are intended to offset the loss of  
4 revenue to the State's account in the unemployment trust fund  
5 with respect to the first quarter of calendar year 2011 as a  
6 result of Section 1506.5 and the changes made to this Section  
7 by this amendatory Act of the 97th General Assembly.

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

21 Notwithstanding the preceding paragraph of this Section,  
22 or any other provision of this Act, no employer's contribution  
23 rate with respect to calendar years 1993 through 1995 shall  
24 exceed 5.4% if the employer ceased operations at an Illinois  
25 manufacturing facility in 1991 and remained closed at that  
26 facility during all of 1992, and the employer in 1993 commits



1 to invest at least \$5,000,000 for the purpose of resuming  
2 operations at that facility, and the employer rehires during  
3 1993 at least 250 of the individuals employed by it at that  
4 facility during the one year period prior to the cessation of  
5 its operations, provided that, within 30 days after the  
6 effective date of this amendatory Act of 1993, the employer  
7 makes application to the Department to have the provisions of  
8 this paragraph apply to it. The immediately preceding sentence  
9 shall be null and void with respect to an employer which by  
10 December 31, 1993 has not satisfied the rehiring requirement  
11 specified by this paragraph or which by December 31, 1994 has  
12 not made the investment specified by this paragraph.

13 All payments attributable to the fund building rate  
14 established pursuant to this Section with respect to the first  
15 ~~fourth~~ quarter of calendar year 2013 ~~2003, the first quarter of~~  
16 ~~calendar year 2004~~ and any calendar quarter thereafter as of  
17 the close of which there are either bond obligations  
18 outstanding pursuant to the Illinois Unemployment Insurance  
19 Trust Fund Financing Act, or bond obligations anticipated to be  
20 outstanding as of either or both of the 2 immediately  
21 succeeding calendar quarters, shall be directed for deposit  
22 into the Master Bond Fund. Notwithstanding any other provision  
23 of this subsection, no fund building rate shall be added to any  
24 penalty contribution rate assessed pursuant to subsection C of  
25 Section 1507.1.

26 B. Notwithstanding any other provision of this Act, for the

1 second quarter of 1991, the contribution rate of each employer  
2 as determined in accordance with Sections 1500, 1506.1, and  
3 subsection A of this Section shall be equal to the sum of such  
4 rate and 0.1%; provided that this subsection shall not apply to  
5 any employer whose rate computed under Section 1506.1 for such  
6 quarter is between 5.1% and 5.3%, inclusive, and who qualifies  
7 for the 5.4% rate ceiling imposed by the last paragraph of  
8 subsection A for such quarter. All payments made pursuant to  
9 this subsection shall be deposited in the Employment Security  
10 Administrative Fund established under Section 2103.1 and used  
11 for the administration of this Act.

12 C. Payments received by the Director which are insufficient  
13 to pay the total contributions due under the Act shall be first  
14 applied to satisfy the amount due pursuant to subsection B.

15 C-1. Payments received by the Director with respect to the  
16 first ~~fourth~~ quarter of calendar year 2013 ~~2003~~, ~~the first~~  
17 ~~quarter of calendar year 2004~~ and any calendar quarter  
18 thereafter as of the close of which there are either bond  
19 obligations outstanding pursuant to the Illinois Unemployment  
20 Insurance Trust Fund Financing Act, or bond obligations  
21 anticipated to be outstanding as of either or both of the 2  
22 immediately succeeding calendar quarters, shall, to the extent  
23 they are insufficient to pay the total amount due under the Act  
24 with respect to the quarter, be first applied to satisfy the  
25 amount due with respect to that quarter and attributable to the  
26 fund building rate established pursuant to this Section.

1 Notwithstanding any other provision to the contrary, with  
2 respect to an employer whose contribution rate with respect to  
3 a quarter subject to this subsection would have exceeded 5.4%  
4 but for the 5.4% rate ceiling imposed pursuant to subsection A,  
5 the amount due from the employer with respect to that quarter  
6 and attributable to the fund building rate established pursuant  
7 to subsection A shall equal the amount, if any, by which the  
8 amount due and attributable to the 5.4% rate exceeds the amount  
9 that would have been due and attributable to the employer's  
10 rate determined pursuant to Sections 1500 and 1506.1, without  
11 regard to the fund building rate established pursuant to  
12 subsection A.

13 D. All provisions of this Act applicable to the collection  
14 or refund of any contribution due under this Act shall be  
15 applicable to the collection or refund of amounts due pursuant  
16 to subsection B and amounts directed pursuant to this Section  
17 for deposit into the Master Bond Fund to the extent they would  
18 not otherwise be considered as contributions.

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

20 (820 ILCS 405/1506.6 new)

21 Sec. 1506.6. Surcharge; specified period. For each  
22 employer whose contribution rate for calendar year 2016 or 2018  
23 is determined pursuant to Section 1500 or 1506.1, including but  
24 not limited to an employer whose contribution rate pursuant to  
25 Section 1506.1 is 0.0%, in addition to the contribution rate

1 established pursuant to Section 1506.3, an additional  
2 surcharge of 0.3% shall be added to the contribution rate. The  
3 surcharge established by this Section shall be due at the same  
4 time as other contributions with respect to the quarter are  
5 due, as provided in Section 1400. Payments attributable to the  
6 surcharge established pursuant to this Section shall be  
7 contributions and deposited into the clearing account.

8 (820 ILCS 405/1510) (from Ch. 48, par. 580)

9 Sec. 1510. Service of notice.

10 Whenever service of notice is required by Sections 1508 and  
11 1509, such notice may be given and be complete by depositing  
12 the same with the United States Mail, addressed to the employer  
13 at his last known address. If represented by counsel in the  
14 proceedings before the Director, then service of notice may be  
15 made upon such employer by mailing same to such counsel. If  
16 agreed to by the person or entity entitled to notice, notice  
17 may be given and completed electronically, in the manner  
18 prescribed by rule, by posting the notice on a secure web site  
19 accessible to the person or entity and sending notice of the  
20 posting to the last known e-mail address of the person or  
21 entity.

22 (Source: Laws 1951, p. 32.)

23 (820 ILCS 405/1705) (from Ch. 48, par. 615)

24 Sec. 1705. Employment offices; State employment service.

1 The Director shall create as many employment districts and  
2 establish and maintain as many State employment offices as he  
3 or she deems necessary to carry out the provisions of this Act.  
4 ~~In addition to such offices and branches, the Illinois Public~~  
5 ~~Employment Offices now in existence and such as may hereafter~~  
6 ~~be created pursuant to the provisions of the Public Employment~~  
7 ~~Office Act shall also serve as employment offices within the~~  
8 ~~purview of this Act.~~ All such offices and agencies so created  
9 and established, ~~together with the Illinois Public Employment~~  
10 ~~offices,~~ shall constitute the State employment service within  
11 the meaning of this Act. The Department of Employment Security  
12 and the Director thereof may continue to be the State agency  
13 for cooperation with the United States Employment Service under  
14 an Act of Congress entitled "An Act to provide for the  
15 establishment of a national employment system and for  
16 cooperation with the States in the promotion of such system,  
17 and for other purposes," approved June 6, 1933, as amended.

18 The Director may cooperate with or enter into agreements  
19 with the Railroad Retirement Board with respect to the  
20 establishment, maintenance, and use of free employment service  
21 facilities. For the purpose of establishing and maintaining  
22 free public employment offices, the Director is authorized to  
23 enter into agreements with the Railroad Retirement Board, or  
24 any other agency of the United States charged with the  
25 administration of an unemployment compensation law, or with any  
26 political subdivision of this State, and as a part of any such

1 agreement the Director may accept moneys, services, or quarters  
2 as a contribution, to be treated in the same manner as funds  
3 received pursuant to Section 2103.

4 Pursuant to Sections 4-6.2, 5-16.2, and 6-50.2 of the  
5 general election law of the State, the Director shall make  
6 unemployment offices available for use as temporary places of  
7 registration. Registration within the offices shall be in the  
8 most public, orderly, and convenient portions thereof, and  
9 Sections 4-3, 5-3, and 11-4 of the general election law  
10 relative to the attendance of police officers during the  
11 conduct of registration shall apply. Registration under this  
12 Section shall be made in the manner provided by Sections 4-8,  
13 4-10, 5-7, 5-9, 6-34, 6-35, and 6-37 of the general election  
14 law. Employees of the Department in those offices are eligible  
15 to serve as deputy registrars.

16 (Source: P.A. 90-372, eff. 7-1-98.)

17 (820 ILCS 405/1801.1)

18 Sec. 1801.1. Directory of New Hires.

19 A. The Director shall establish and operate an automated  
20 directory of newly hired employees which shall be known as the  
21 "Illinois Directory of New Hires" which shall contain the  
22 information required to be reported by employers to the  
23 Department under subsection B. In the administration of the  
24 Directory, the Director shall comply with any requirements  
25 concerning the Employer New Hire Reporting Program established

1 by the federal Personal Responsibility and Work Opportunity  
2 Reconciliation Act of 1996. The Director is authorized to use  
3 the information contained in the Directory of New Hires to  
4 administer any of the provisions of this Act.

5 B. ~~Each~~ ~~On and after October 1, 1997,~~ each employer in  
6 Illinois, except a department, agency, or instrumentality of  
7 the United States, shall file with the Department a report in  
8 accordance with rules adopted by the Department (but in any  
9 event not later than 20 days after the date the employer hires  
10 the employee or, in the case of an employer transmitting  
11 reports magnetically or electronically, by 2 monthly  
12 transmissions, if necessary, not less than 12 days nor more  
13 than 16 days apart) providing the following information  
14 concerning each newly hired employee: the employee's name,  
15 address, and social security number, the date services for  
16 remuneration were first performed by the employee, and the  
17 employer's name, address, Federal Employer Identification  
18 Number assigned under Section 6109 of the Internal Revenue Code  
19 of 1986, and such other information as may be required by  
20 federal law or regulation, provided that each employer may  
21 voluntarily file ~~the date of new hire,~~ and the address to which  
22 the employer wants income withholding orders to be mailed, if  
23 it is different from the address given on the Federal Employer  
24 Identification Number. An employer in Illinois which transmits  
25 its reports electronically or magnetically and which also has  
26 employees in another state may report all newly hired employees

1 to a single designated state in which the employer has  
2 employees if it has so notified the Secretary of the United  
3 States Department of Health and Human Services in writing. An  
4 employer may, at its option, submit information regarding any  
5 rehired employee in the same manner as information is submitted  
6 regarding a newly hired employee. Each report required under  
7 this subsection shall, to the extent practicable, be made on an  
8 Internal Revenue Service Form W-4 or, at the option of the  
9 employer, an equivalent form, and may be transmitted by first  
10 class mail, by telefax, magnetically, or electronically.

11 C. An employer which knowingly fails to comply with the  
12 reporting requirements established by this Section shall be  
13 subject to a civil penalty of \$15 for each individual whom it  
14 fails to report. An employer shall be considered to have  
15 knowingly failed to comply with the reporting requirements  
16 established by this Section with respect to an individual if  
17 the employer has been notified by the Department that it has  
18 failed to report an individual, and it fails, without  
19 reasonable cause, to supply the required information to the  
20 Department within 21 days after the date of mailing of the  
21 notice. Any individual who knowingly conspires with the newly  
22 hired employee to cause the employer to fail to report the  
23 information required by this Section or who knowingly conspires  
24 with the newly hired employee to cause the employer to file a  
25 false or incomplete report shall be guilty of a Class B  
26 misdemeanor with a fine not to exceed \$500 with respect to each



1 employee with whom the individual so conspires.

2 D. As used in this Section, "newly hired employee" means an  
3 individual who is an employee within the meaning of Chapter 24  
4 of the Internal Revenue Code of 1986, and whose reporting to  
5 work which results in earnings from the employer is the first  
6 instance within the preceding 180 days that the individual has  
7 reported for work for which earnings were received from that  
8 employer; however, "newly hired employee" does not include an  
9 employee of a federal or State agency performing intelligence  
10 or counterintelligence functions, if the head of that agency  
11 has determined that the filing of the report required by this  
12 Section with respect to the employee could endanger the safety  
13 of the employee or compromise an ongoing investigation or  
14 intelligence mission.

15 Notwithstanding Section 205, and for the purposes of this  
16 Section only, the term "employer" has the meaning given by  
17 Section 3401(d) of the Internal Revenue Code of 1986 and  
18 includes any governmental entity and labor organization as  
19 defined by Section 2(5) of the National Labor Relations Act,  
20 and includes any entity (also known as a hiring hall) which is  
21 used by the organization and an employer to carry out the  
22 requirements described in Section 8(f)(3) of that Act of an  
23 agreement between the organization and the employer.

24 (Source: P.A. 90-425, eff. 8-15-97.)

25 (820 ILCS 405/1900) (from Ch. 48, par. 640)

1           Sec. 1900. Disclosure of information.

2           A. Except as provided in this Section, information obtained  
3 from any individual or employing unit during the administration  
4 of this Act shall:

5                 1. be confidential,

6                 2. not be published or open to public inspection,

7                 3. not be used in any court in any pending action or  
8 proceeding,

9                 4. not be admissible in evidence in any action or  
10 proceeding other than one arising out of this Act.

11           B. No finding, determination, decision, ruling or order  
12 (including any finding of fact, statement or conclusion made  
13 therein) issued pursuant to this Act shall be admissible or  
14 used in evidence in any action other than one arising out of  
15 this Act, nor shall it be binding or conclusive except as  
16 provided in this Act, nor shall it constitute res judicata,  
17 regardless of whether the actions were between the same or  
18 related parties or involved the same facts.

19           C. Any officer or employee of this State, any officer or  
20 employee of any entity authorized to obtain information  
21 pursuant to this Section, and any agent of this State or of  
22 such entity who, except with authority of the Director under  
23 this Section, shall disclose information shall be guilty of a  
24 Class B misdemeanor and shall be disqualified from holding any  
25 appointment or employment by the State.

26           D. An individual or his duly authorized agent may be

1 supplied with information from records only to the extent  
2 necessary for the proper presentation of his claim for benefits  
3 or with his existing or prospective rights to benefits.  
4 Discretion to disclose this information belongs solely to the  
5 Director and is not subject to a release or waiver by the  
6 individual. Notwithstanding any other provision to the  
7 contrary, an individual or his or her duly authorized agent may  
8 be supplied with a statement of the amount of benefits paid to  
9 the individual during the 18 months preceding the date of his  
10 or her request.

11 E. An employing unit may be furnished with information,  
12 only if deemed by the Director as necessary to enable it to  
13 fully discharge its obligations or safeguard its rights under  
14 the Act. Discretion to disclose this information belongs solely  
15 to the Director and is not subject to a release or waiver by  
16 the employing unit.

17 F. The Director may furnish any information that he may  
18 deem proper to any public officer or public agency of this or  
19 any other State or of the federal government dealing with:

- 20 1. the administration of relief,
- 21 2. public assistance,
- 22 3. unemployment compensation,
- 23 4. a system of public employment offices,
- 24 5. wages and hours of employment, or
- 25 6. a public works program.

26 The Director may make available to the Illinois Workers'

1 Compensation Commission information regarding employers for  
2 the purpose of verifying the insurance coverage required under  
3 the Workers' Compensation Act and Workers' Occupational  
4 Diseases Act.

5 G. The Director may disclose information submitted by the  
6 State or any of its political subdivisions, municipal  
7 corporations, instrumentalities, or school or community  
8 college districts, except for information which specifically  
9 identifies an individual claimant.

10 H. The Director shall disclose only that information  
11 required to be disclosed under Section 303 of the Social  
12 Security Act, as amended, including:

13 1. any information required to be given the United  
14 States Department of Labor under Section 303(a)(6); and

15 2. the making available upon request to any agency of  
16 the United States charged with the administration of public  
17 works or assistance through public employment, the name,  
18 address, ordinary occupation and employment status of each  
19 recipient of unemployment compensation, and a statement of  
20 such recipient's right to further compensation under such  
21 law as required by Section 303(a)(7); and

22 3. records to make available to the Railroad Retirement  
23 Board as required by Section 303(c)(1); and

24 4. information that will assure reasonable cooperation  
25 with every agency of the United States charged with the  
26 administration of any unemployment compensation law as

1 required by Section 303(c)(2); and

2 5. information upon request and on a reimbursable basis  
3 to the United States Department of Agriculture and to any  
4 State food stamp agency concerning any information  
5 required to be furnished by Section 303(d); and

6 6. any wage information upon request and on a  
7 reimbursable basis to any State or local child support  
8 enforcement agency required by Section 303(e); and

9 7. any information required under the income  
10 eligibility and verification system as required by Section  
11 303(f); and

12 8. information that might be useful in locating an  
13 absent parent or that parent's employer, establishing  
14 paternity or establishing, modifying, or enforcing child  
15 support orders for the purpose of a child support  
16 enforcement program under Title IV of the Social Security  
17 Act upon the request of and on a reimbursable basis to the  
18 public agency administering the Federal Parent Locator  
19 Service as required by Section 303(h); and

20 9. information, upon request, to representatives of  
21 any federal, State or local governmental public housing  
22 agency with respect to individuals who have signed the  
23 appropriate consent form approved by the Secretary of  
24 Housing and Urban Development and who are applying for or  
25 participating in any housing assistance program  
26 administered by the United States Department of Housing and

1 Urban Development as required by Section 303(i).

2 I. The Director, upon the request of a public agency of  
3 Illinois, of the federal government or of any other state  
4 charged with the investigation or enforcement of Section 10-5  
5 of the Criminal Code of 1961 (or a similar federal law or  
6 similar law of another State), may furnish the public agency  
7 information regarding the individual specified in the request  
8 as to:

9 1. the current or most recent home address of the  
10 individual, and

11 2. the names and addresses of the individual's  
12 employers.

13 J. Nothing in this Section shall be deemed to interfere  
14 with the disclosure of certain records as provided for in  
15 Section 1706 or with the right to make available to the  
16 Internal Revenue Service of the United States Department of the  
17 Treasury, or the Department of Revenue of the State of  
18 Illinois, information obtained under this Act.

19 K. The Department shall make available to the Illinois  
20 Student Assistance Commission, upon request, information in  
21 the possession of the Department that may be necessary or  
22 useful to the Commission in the collection of defaulted or  
23 delinquent student loans which the Commission administers.

24 L. The Department shall make available to the State  
25 Employees' Retirement System, the State Universities  
26 Retirement System, ~~and~~ the Teachers' Retirement System of the

1 State of Illinois, and the Department of Central Management  
2 Services, Risk Management Division, upon request, information  
3 in the possession of the Department that may be necessary or  
4 useful to the System or the Risk Management Division for the  
5 purpose of determining whether any recipient of a disability  
6 benefit from the System or a workers' compensation benefit from  
7 the Risk Management Division is gainfully employed.

8 M. This Section shall be applicable to the information  
9 obtained in the administration of the State employment service,  
10 except that the Director may publish or release general labor  
11 market information and may furnish information that he may deem  
12 proper to an individual, public officer or public agency of  
13 this or any other State or the federal government (in addition  
14 to those public officers or public agencies specified in this  
15 Section) as he prescribes by Rule.

16 N. The Director may require such safeguards as he deems  
17 proper to insure that information disclosed pursuant to this  
18 Section is used only for the purposes set forth in this  
19 Section.

20 O. Nothing in this Section prohibits communication with an  
21 individual or entity through unencrypted e-mail or other  
22 unencrypted electronic means as long as the communication does  
23 not contain the individual's or entity's name in combination  
24 with any one or more of the individual's or entity's social  
25 security number; driver's license or State identification  
26 number; account number or credit or debit card number; or any

1 required security code, access code, or password that would  
2 permit access to further information pertaining to the  
3 individual or entity ~~(Blank)~~.

4 P. Within 30 days after the effective date of this  
5 amendatory Act of 1993 and annually thereafter, the Department  
6 shall provide to the Department of Financial Institutions a  
7 list of individuals or entities that, for the most recently  
8 completed calendar year, report to the Department as paying  
9 wages to workers. The lists shall be deemed confidential and  
10 may not be disclosed to any other person.

11 Q. The Director shall make available to an elected federal  
12 official the name and address of an individual or entity that  
13 is located within the jurisdiction from which the official was  
14 elected and that, for the most recently completed calendar  
15 year, has reported to the Department as paying wages to  
16 workers, where the information will be used in connection with  
17 the official duties of the official and the official requests  
18 the information in writing, specifying the purposes for which  
19 it will be used. For purposes of this subsection, the use of  
20 information in connection with the official duties of an  
21 official does not include use of the information in connection  
22 with the solicitation of contributions or expenditures, in  
23 money or in kind, to or on behalf of a candidate for public or  
24 political office or a political party or with respect to a  
25 public question, as defined in Section 1-3 of the Election  
26 Code, or in connection with any commercial solicitation. Any



1 elected federal official who, in submitting a request for  
2 information covered by this subsection, knowingly makes a false  
3 statement or fails to disclose a material fact, with the intent  
4 to obtain the information for a purpose not authorized by this  
5 subsection, shall be guilty of a Class B misdemeanor.

6 R. The Director may provide to any State or local child  
7 support agency, upon request and on a reimbursable basis,  
8 information that might be useful in locating an absent parent  
9 or that parent's employer, establishing paternity, or  
10 establishing, modifying, or enforcing child support orders.

11 S. The Department shall make available to a State's  
12 Attorney of this State or a State's Attorney's investigator,  
13 upon request, the current address or, if the current address is  
14 unavailable, current employer information, if available, of a  
15 victim of a felony or a witness to a felony or a person against  
16 whom an arrest warrant is outstanding.

17 T. The Director shall make available to the Department of  
18 State Police, a county sheriff's office, or a municipal police  
19 department, upon request, any information concerning the  
20 current address and place of employment or former places of  
21 employment of a person who is required to register as a sex  
22 offender under the Sex Offender Registration Act that may be  
23 useful in enforcing the registration provisions of that Act.

24 (Source: P.A. 96-420, eff. 8-13-09.)

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

2           A. All contributions and payments in lieu of contributions  
3 collected under this Act, including but not limited to fund  
4 building receipts and receipts attributable to the surcharge  
5 established pursuant to Section 1506.5, together with any  
6 interest thereon; all penalties collected pursuant to this Act;  
7 any property or securities acquired through the use thereof;  
8 all moneys advanced to this State's account in the unemployment  
9 trust fund pursuant to the provisions of Title XII of the  
10 Social Security Act, as amended; all moneys directed for  
11 transfer from the Master Bond Fund or the Title XII Interest  
12 Fund to this State's account in the unemployment trust fund;  
13 all moneys received from the Federal government as  
14 reimbursements pursuant to Section 204 of the Federal-State  
15 Extended Unemployment Compensation Act of 1970, as amended; all  
16 moneys credited to this State's account in the unemployment  
17 trust fund pursuant to Section 903 of the Federal Social  
18 Security Act, as amended; all administrative fees collected  
19 from individuals pursuant to Section 900 or from employing  
20 units pursuant to Section 2206.1; and all earnings of such  
21 property or securities and any interest earned upon any such  
22 moneys shall be paid or turned over to and held by the  
23 Director, as ex-officio custodian of the clearing account, the  
24 unemployment trust fund account and the benefit account, and by  
25 the State Treasurer, as ex-officio custodian of the special  
26 administrative account, separate and apart from all public

1 moneys or funds of this State, as hereinafter provided. Such  
2 moneys shall be administered by the Director exclusively for  
3 the purposes of this Act.

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

7 The State Treasurer shall be liable on his general official  
8 bond for the faithful performance of his duties in connection  
9 with the moneys in the special administrative account provided  
10 for under this Act. Such liability on his official bond shall  
11 exist in addition to the liability upon any separate bond given  
12 by him. All sums recovered for losses sustained by the account  
13 shall be deposited in that account.

14 The Director shall be liable on his general official bond  
15 for the faithful performance of his duties in connection with  
16 the moneys in the clearing account, the benefit account and  
17 unemployment trust fund account provided for under this Act.  
18 Such liability on his official bond shall exist in addition to  
19 the liability upon any separate bond given by him. All sums  
20 recovered for losses sustained by any one of the accounts shall  
21 be deposited in the account that sustained such loss.

22 The Treasurer shall maintain for such moneys a special  
23 administrative account. The Director shall maintain for such  
24 moneys 3 separate accounts: a clearing account, a benefit  
25 account and an unemployment trust fund account. All moneys  
26 payable under this Act (except moneys requisitioned from this

1 State's account in the unemployment trust fund and deposited in  
2 the benefit account and moneys directed for deposit into the  
3 Special Programs Fund provided for under Section 2107),  
4 including but not limited to moneys directed for transfer from  
5 the Master Bond Fund or the Title XII Interest Fund to this  
6 State's account in the unemployment trust fund, upon receipt  
7 thereof by the Director, shall be immediately deposited in the  
8 clearing account; provided, however, that, except as is  
9 otherwise provided in this Section, interest and penalties  
10 shall not be deemed a part of the clearing account but shall be  
11 transferred immediately upon clearance thereof to the special  
12 administrative account; further provided that an amount not to  
13 exceed \$90,000,000 in payments attributable to the surcharge  
14 established pursuant to Section 1506.5, including any interest  
15 thereon, shall not be deemed a part of the clearing account but  
16 shall be transferred immediately upon clearance thereof to the  
17 Title XII Interest Fund.

18 After clearance thereof, all other moneys in the clearing  
19 account shall be immediately deposited by the Director with the  
20 Secretary of the Treasury of the United States of America to  
21 the credit of the account of this State in the unemployment  
22 trust fund, established and maintained pursuant to the Federal  
23 Social Security Act, as amended, except fund building receipts,  
24 which shall be deposited into the Master Bond Fund. The benefit  
25 account shall consist of all moneys requisitioned from this  
26 State's account in the unemployment trust fund. The moneys in

1 the benefit account shall be expended in accordance with  
2 regulations prescribed by the Director and solely for the  
3 payment of benefits, refunds of contributions, interest and  
4 penalties under the provisions of the Act, the payment of  
5 health insurance in accordance with Section 410 of this Act,  
6 and the transfer or payment of funds to any Federal or State  
7 agency pursuant to reciprocal arrangements entered into by the  
8 Director under the provisions of Section 2700E, except that  
9 moneys credited to this State's account in the unemployment  
10 trust fund pursuant to Section 903 of the Federal Social  
11 Security Act, as amended, shall be used exclusively as provided  
12 in subsection B. For purposes of this Section only, to the  
13 extent allowed by applicable legal requirements, the payment of  
14 benefits includes but is not limited to the payment of  
15 principal on any bonds issued pursuant to the Illinois  
16 Unemployment Insurance Trust Fund Financing Act, exclusive of  
17 any interest or administrative expenses in connection with the  
18 bonds. The Director shall, from time to time, requisition from  
19 the unemployment trust fund such amounts, not exceeding the  
20 amounts standing to the State's account therein, as he deems  
21 necessary solely for the payment of such benefits, refunds, and  
22 funds, for a reasonable future period. The Director, as  
23 ex-officio custodian of the benefit account, which shall be  
24 kept separate and apart from all other public moneys, shall  
25 issue payment of such benefits, refunds, health insurance and  
26 funds solely from the moneys so received into the benefit

1 account. However, after January 1, 1987, no payment shall be  
2 drawn on such benefit account unless at the time of drawing  
3 there is sufficient money in the account to make the payment.  
4 The Director shall retain in the clearing account an amount of  
5 interest and penalties equal to the amount of interest and  
6 penalties to be refunded from the benefit account. After  
7 clearance thereof, the amount so retained shall be immediately  
8 deposited by the Director, as are all other moneys in the  
9 clearing account, with the Secretary of the Treasury of the  
10 United States. If, at any time, an insufficient amount of  
11 interest and penalties is available for retention in the  
12 clearing account, no refund of interest or penalties shall be  
13 made from the benefit account until a sufficient amount is  
14 available for retention and is so retained, or until the State  
15 Treasurer, upon the direction of the Director, transfers to the  
16 Director a sufficient amount from the special administrative  
17 account, for immediate deposit in the benefit account.

18 Any balance of moneys requisitioned from the unemployment  
19 trust fund which remains unclaimed or unpaid in the benefit  
20 account after the expiration of the period for which such sums  
21 were requisitioned shall either be deducted from estimates of  
22 and may be utilized for authorized expenditures during  
23 succeeding periods, or, in the discretion of the Director,  
24 shall be redeposited with the Secretary of the Treasury of the  
25 United States to the credit of the State's account in the  
26 unemployment trust fund.

1 Moneys in the clearing, benefit and special administrative  
2 accounts shall not be commingled with other State funds but  
3 they shall be deposited as required by law and maintained in  
4 separate accounts on the books of a savings and loan  
5 association or bank.

6 No bank or savings and loan association shall receive  
7 public funds as permitted by this Section, unless it has  
8 complied with the requirements established pursuant to Section  
9 6 of "An Act relating to certain investments of public funds by  
10 public agencies", approved July 23, 1943, as now or hereafter  
11 amended.

12 B. Moneys credited to the account of this State in the  
13 unemployment trust fund by the Secretary of the Treasury of the  
14 United States pursuant to Section 903 of the Social Security  
15 Act may be requisitioned from this State's account and used as  
16 authorized by Section 903. Any interest required to be paid on  
17 advances under Title XII of the Social Security Act shall be  
18 paid in a timely manner and shall not be paid, directly or  
19 indirectly, by an equivalent reduction in contributions or  
20 payments in lieu of contributions from amounts in this State's  
21 account in the unemployment trust fund. Such moneys may be  
22 requisitioned and used for the payment of expenses incurred for  
23 the administration of this Act, but only pursuant to a specific  
24 appropriation by the General Assembly and only if the expenses  
25 are incurred and the moneys are requisitioned after the  
26 enactment of an appropriation law which:

1           1. Specifies the purpose or purposes for which such  
2 moneys are appropriated and the amount or amounts  
3 appropriated therefor;

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

7           3. Limits the amount which may be obligated during any  
8 fiscal year to an amount which does not exceed the amount  
9 by which (a) the aggregate of the amounts transferred to  
10 the account of this State pursuant to Section 903 of the  
11 Social Security Act exceeds (b) the aggregate of the  
12 amounts used by this State pursuant to this Act and charged  
13 against the amounts transferred to the account of this  
14 State.

15           For purposes of paragraph (3) above, amounts obligated for  
16 administrative purposes pursuant to an appropriation shall be  
17 chargeable against transferred amounts at the exact time the  
18 obligation is entered into. The appropriation, obligation, and  
19 expenditure or other disposition of money appropriated under  
20 this subsection shall be accounted for in accordance with  
21 standards established by the United States Secretary of Labor.

22           Moneys appropriated as provided herein for the payment of  
23 expenses of administration shall be requisitioned by the  
24 Director as needed for the payment of obligations incurred  
25 under such appropriation. Upon requisition, such moneys shall  
26 be deposited with the State Treasurer, who shall hold such



1 moneys, as ex-officio custodian thereof, in accordance with the  
2 requirements of Section 2103 and, upon the direction of the  
3 Director, shall make payments therefrom pursuant to such  
4 appropriation. Moneys so deposited shall, until expended,  
5 remain a part of the unemployment trust fund and, if any will  
6 not be expended, shall be returned promptly to the account of  
7 this State in the unemployment trust fund.

8 C. The Governor is authorized to apply to the United States  
9 Secretary of Labor for an advance or advances to this State's  
10 account in the unemployment trust fund pursuant to the  
11 conditions set forth in Title XII of the Federal Social  
12 Security Act, as amended. The amount of any such advance may be  
13 repaid from this State's account in the unemployment trust  
14 fund.

15 D. The Director shall annually on or before the first day  
16 of March report in writing to the Employment Security Advisory  
17 Board concerning the deposits into and expenditures from this  
18 State's account in the Unemployment Trust Fund.

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

20 (820 ILCS 405/2203) (from Ch. 48, par. 683)

21 Sec. 2203. Service of notice-Place of hearing-By whom  
22 conducted.

23 Whenever service of notice is required by Sections 2200 or  
24 2201, such notice shall be deemed to have been served when  
25 deposited with the United States certified or registered mail

1 addressed to the employing unit at its principal place of  
2 business, or its last known place of business or residence, or  
3 may be served by any person of full age in the same manner as is  
4 provided by statute for service of process in civil cases. If  
5 represented by counsel in the proceedings before the Director,  
6 then service of notice may be made upon such employing unit by  
7 mailing same to such counsel. If agreed to by the person or  
8 entity entitled to notice, notice may be given and completed  
9 electronically, in the manner prescribed by rule, by posting  
10 the notice on a secure web site accessible to the person or  
11 entity and sending notice of the posting to the last known  
12 e-mail address of the person or entity. All hearings provided  
13 for in Sections 2200 and 2201 shall be held in the county  
14 wherein the employing unit has its principal place of business  
15 in this State, provided that if the employing unit has no  
16 principal place of business in this State, such hearing may be  
17 held in Cook County, provided, further, that such hearing may  
18 be held in any county designated by the Director if the  
19 petitioning employing unit shall consent thereto. The hearings  
20 shall be conducted by the Director or by any full-time employee  
21 of the Director, selected in accordance with the provisions of  
22 the "Personnel Code" enacted by the Sixty-Ninth General  
23 Assembly, by him designated. Such representative so designated  
24 by the Director shall have all powers given the Director by  
25 Sections 1000, 1002, and 1003 of this Act.

26 (Source: Laws 1957, p. 2667.)

1 (820 ILCS 405/2206.1) (from Ch. 48, par. 686.1)

2 Sec. 2206.1. In addition to the remedies provided by this  
3 Act, when an employing unit defaults in any payment or  
4 contribution required to be made to the State under the  
5 provisions of this Act, the Director may request the  
6 Comptroller to withhold the amount due in accordance with the  
7 provisions of Section 10.05 of the State Comptroller Act and  
8 the Director may request the Secretary of the Treasury to  
9 withhold the amount due to the extent allowed by and in  
10 accordance with Section 6402(f) of the federal Internal Revenue  
11 Code of 1986, as amended. Where the Director requests  
12 withholding by the Secretary of the Treasury pursuant to this  
13 Section, in addition to the amount of the payment otherwise  
14 owed by the employing unit, the employing unit shall be liable  
15 for any legally authorized administrative fee assessed by the  
16 Secretary, with such fee to be added to the amount to be  
17 withheld by the Secretary.

18 (Source: P.A. 83-1.)

19 (820 ILCS 405/2405 new)

20 Sec. 2405. Process; failure to file reports or make  
21 payments. The process available to the Department of Revenue  
22 pursuant to Section 3-7 of the Uniform Penalty and Interest Act  
23 with respect to an unpaid trust tax, interest, or penalties  
24 shall be available to the Department of Employment Security

1 with respect to unpaid contributions, payments in lieu of  
2 contributions, penalties, and interest due pursuant to this Act  
3 where any officer or employee of the employer who has the  
4 control, supervision, or responsibility of filing wage or  
5 contribution reports and making payment of contributions or  
6 payments in lieu of contributions pursuant to this Act  
7 willfully fails to file the report or make the payment or  
8 willfully attempts in any other manner to evade or defeat a  
9 liability pursuant to this Act. For purposes of this Section,  
10 references to the Department or Director of Revenue in Section  
11 3-7 of the Uniform Penalty and Interest Act shall be deemed to  
12 be references to the Department or Director of Employment  
13 Security. Procedures for protest and review of a notice of  
14 penalty liability under this Section shall be the same as those  
15 prescribed for protest and review of a determination and  
16 assessment under Section 2200.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."