

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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~~  
17 ~~in each city containing a population of one million or over,~~  
18 ~~one central office with as many departments as would be~~  
19 ~~practical to handle the various classes of labor, and such~~  
20 ~~branch offices not to exceed five at any one time, the location~~  
21 ~~of branch offices to be approved by the Governor. Those offices~~  
22 ~~shall be designated and known as Illinois Public Employment~~  
23 ~~Offices.~~

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

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

5 (30 ILCS 440/3)

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

7 A. "Act" shall mean the Illinois Unemployment Insurance  
8 Trust Fund Financing Act.

9 B. "Benefits" shall have the meaning provided in the  
10 Unemployment Insurance Act.

11 C. "Bond" means any type of revenue obligation, including,  
12 without limitation, fixed rate, variable rate, auction rate or  
13 similar bond, note, certificate, or other instrument,  
14 including, without limitation, an interest rate exchange  
15 agreement, an interest rate lock agreement, a currency exchange  
16 agreement, a forward payment conversion agreement, an  
17 agreement to provide payments based on levels of or changes in  
18 interest rates or currency exchange rates, an agreement to  
19 exchange cash flows or a series of payments, an option, put, or  
20 call to hedge payment, currency, interest rate, or other  
21 exposure, payable from and secured by a pledge of Fund Building  
22 Receipts collected pursuant to the Unemployment Insurance Act,  
23 and all interest and other earnings upon such amounts held in  
24 the Master Bond Fund, to the extent provided in the proceedings

1 authorizing the obligation.

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

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

13 F. "Credit Agreement" means, without limitation, a loan  
14 agreement, a revolving credit agreement, an agreement  
15 establishing a line of credit, a letter of credit, notes,  
16 municipal bond insurance, standby bond purchase agreements,  
17 surety bonds, remarketing agreements and the like, by which the  
18 Department may borrow funds to pay or redeem or purchase and  
19 hold its bonds, agreements for the purchase or remarketing of  
20 bonds or any other agreement that enhances the marketability,  
21 security, or creditworthiness of a Bond issued under this Act.

22 1. Such Credit Agreement shall provide the following:

23 a. The choice of law for the obligations of a  
24 financial provider may be made for any state of these  
25 United States, but the law which shall apply to the  
26 Bonds shall be the law of the State of Illinois, and

1 jurisdiction to enforce such Credit Agreement as  
2 against the Department shall be exclusively in the  
3 courts of the State of Illinois or in the applicable  
4 federal court having jurisdiction and located within  
5 the State of Illinois.

6 b. Any such Credit Agreement shall be fully  
7 enforceable as a valid and binding contract as and to  
8 the extent provided by applicable law.

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

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

14 (i) A variation in interest rates as may be  
15 necessary to cause the Bonds to be remarketed from  
16 time to time at a price equal to their principal  
17 amount plus any accrued interest;

18 (ii) Rates set by auctions; or

19 (iii) Rates set by formula.

20 b. A national banking association, bank, trust  
21 company, investment banker or other financial  
22 institution may be appointed to serve as a remarketing  
23 agent in that connection, and such remarketing agent  
24 may be delegated authority by the Department to  
25 determine interest rates in accordance with criteria  
26 established by the Department.

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

10          d. Fees may be paid to the financial providers or  
11          similar persons or entities providing a Credit  
12          Agreement, including all reasonably related costs,  
13          including therein costs of enforcement and litigation  
14          (all such fees and costs being financial provider  
15          payments) and financial provider payments may be paid,  
16          without limitation, from proceeds of the Bonds being  
17          the subject of such agreements, or from Bonds issued to  
18          refund such Bonds, provided that such financial  
19          provider payments shall be made subordinate to the  
20          payments on the Bonds.

21          e. The Bonds need not be held in physical form by  
22          the financial providers or similar persons or entities  
23          providing a Credit Agreement when providing funds to  
24          purchase or carry the Bonds from others but may be  
25          represented in uncertificated form in the Credit  
26          Agreement.

1           f. The debt or obligation of the Department  
2           represented by a Bond tendered for purchase to or  
3           otherwise made available to the Department thereupon  
4           acquired by either the Department or a financial  
5           provider shall not be deemed to be extinguished for  
6           purposes of State law until cancelled by the Department  
7           or its agent.

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

10          G. "Department" means the Illinois Department of  
11          Employment Security.

12          H. "Director" means the Director of the Illinois Department  
13          of Employment Security.

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

16          J. "Fund Building Receipts" shall have the meaning provided  
17          in the Unemployment Insurance Act and includes earnings on such  
18          receipts.

19          K. "Master Bond Fund" shall mean, for any particular  
20          issuance of Bonds under this Act, the fund established for the  
21          deposit of Fund Building Receipts upon or prior to the issuance  
22          of Bonds under this Act, and during the time that any Bonds are  
23          outstanding under this Act and from which the payment of Bond  
24          Obligations and the related Bond Administrative Expenses  
25          incurred in connection with such Bonds shall be made. That  
26          portion of the Master Bond Fund containing the Required Fund

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

25 The Director shall report quarterly in writing to the  
26 Employment Security Advisory Board concerning the actual and

1 anticipated deposits into and expenditures and transfers made  
2 from the Master Bond Fund. Notwithstanding any other provision  
3 to the contrary, no report is required under this subsection K  
4 if (i) the Master Bond Fund held a net balance of zero as of the  
5 close of the immediately preceding calendar quarter, (ii) there  
6 have been no deposits into the Master Bond Fund within any of  
7 the immediately preceding 4 calendar quarters, and (iii) there  
8 have been no expenditures or transfers from the Master Bond  
9 Fund within any of the immediately preceding 4 calendar  
10 quarters.

11 L. "Required Fund Building Receipts Amount" means the  
12 aggregate amount of Fund Building Receipts required to be  
13 maintained in the Master Bond Fund as set forth in Section 4I  
14 of this Act.

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

16 (30 ILCS 440/4)

17 Sec. 4. Authority to Issue Revenue Bonds.

18 A. The Department shall have the continuing power to borrow  
19 money for the purpose of carrying out the following:

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

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



1           3. To refinance, purchase, redeem, refund, advance  
2           refund or defease (including, any combination of the  
3           foregoing) any outstanding Bonds issued pursuant to this  
4           Act; or

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

7           Paragraphs 1, 2 and 4 are inoperative on and after January  
8           1, 2022 ~~2013~~.

9           B. As evidence of the obligation of the Department to repay  
10          money borrowed for the purposes set forth in Section 4A above,  
11          the Department may issue and dispose of its interest bearing  
12          revenue Bonds and may also, from time-to-time, issue and  
13          dispose of its interest bearing revenue Bonds to purchase,  
14          redeem, refund, advance refund or defease (including, any  
15          combination of the foregoing) any Bonds at maturity or pursuant  
16          to redemption provisions or at any time before maturity. The  
17          Director, in consultation with the Department's Employment  
18          Security Advisory Board, shall have the power to direct that  
19          the Bonds be issued. Bonds may be issued in one or more series  
20          and under terms and conditions as needed in furtherance of the  
21          purposes of this Act. The Illinois Finance Authority shall  
22          provide any technical, legal, or administrative services if and  
23          when requested by the Director and the Employment Security  
24          Advisory Board with regard to the issuance of Bonds. The  
25          Governor's Office of Management and Budget may, upon the  
26          written request of the Director, issue the bonds authorized

1 pursuant to this Act on behalf of the Department and, for that  
2 purpose, may retain such underwriters, financial advisors, and  
3 counsel as may be appropriate from the Office's then-existing  
4 roster of prequalified vendors. Such Bonds shall be issued in  
5 the name of the State of Illinois for the benefit of the  
6 Department and shall be executed by the Director. In case any  
7 Director whose signature appears on any Bond ceases (after  
8 attaching his or her signature) to hold that office, her or his  
9 signature shall nevertheless be valid and effective for all  
10 purposes.

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

14 (i) Result in a savings to the State as compared to the  
15 cost of borrowing or obtaining an advance under Section  
16 1201, et seq., Social Security Act (42 U.S.C. Section  
17 1321), as amended, or any similar federal law;

18 (ii) Result in terms which are advantageous to the  
19 State through refunding, advance refunding or other  
20 similar restructuring of outstanding Bonds; ~~or~~

21 (iii) Allow the State to avoid an anticipated  
22 deficiency in the State's account in the Unemployment Trust  
23 Fund of the United States Treasury by funding a surplus in  
24 the State's account in the Unemployment Trust Fund of the  
25 United States Treasury; or -

26 (iv) Prevent the reduction of the employer credit

1       provided under Section 3302 of the Federal Unemployment Tax  
2       Act with respect to employers subject to the Unemployment  
3       Insurance Act.

4       D. All such Bonds shall be payable from Fund Building  
5       Receipts. Bonds may also be paid from (i) to the extent  
6       allowable by law, from monies in the State's account in the  
7       Unemployment Trust Fund of the United States Treasury; and (ii)  
8       to the extent allowable by law, a federal advance under Section  
9       1201, et seq., of the Social Security Act (42 U.S.C. Section  
10      1321); and (iii) proceeds of Bonds and receipts from related  
11      credit and exchange agreements to the extent allowed by this  
12      Act and applicable legal requirements.

13      E. The maximum principal amount of the Bonds, when combined  
14      with the outstanding principal of all other Bonds issued  
15      pursuant to this Act, shall not at any time exceed  
16      \$2,400,000,000 ~~\$1,400,000,000~~, excluding all of the  
17      outstanding principal of any other Bonds issued pursuant to  
18      this Act for which payment has been irrevocably provided by  
19      refunding or other manner of defeasance. It is the intent of  
20      this Act that the outstanding Bond authorization limits  
21      provided for in this Section 4E shall be revolving in nature,  
22      such that the amount of Bonds outstanding that are not refunded  
23      or otherwise defeased shall be included in determining the  
24      maximum amount of Bonds authorized to be issued pursuant to the  
25      Act.

26      F. Such Bonds and refunding Bonds issued pursuant to this

1 Act may bear such date or dates, may mature at such time or  
2 times not exceeding 10 years from their respective dates of  
3 issuance, and may bear interest at such rate or rates not  
4 exceeding the maximum rate authorized by the Bond Authorization  
5 Act, as amended and in effect at the time of the issuance of  
6 the Bonds.

7 G. The Department may enter into a Credit Agreement  
8 pertaining to the issuance of the Bonds, upon terms which are  
9 not inconsistent with this Act and any other laws, provided  
10 that the term of such Credit Agreement shall not exceed the  
11 term of the Bonds, plus any time period necessary to cure any  
12 defaults under such Credit Agreement.

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

15 I. While any Bond Obligations are outstanding or  
16 anticipated to come due as a result of Bonds expected to be  
17 issued in either or both of the 2 immediately succeeding  
18 calendar quarters, the Department shall collect and deposit  
19 Fund Building Receipts into the Master Bond Fund in an amount  
20 necessary to satisfy the Required Fund Building Receipts Amount  
21 prior to expending Fund Building Receipts for any other  
22 purpose. The Required Fund Building Receipts Amount shall be  
23 that amount necessary to ensure the marketability of the Bonds,  
24 which shall be specified in the Bond Sale Order executed by the  
25 Director in connection with the issuance of the Bonds.

26 J. Holders of the Bonds shall have a first and priority

1 claim on all Fund Building Receipts in the Master Bond Fund in  
2 parity with all other holders of the Bonds, provided that such  
3 claim may be subordinated to the provider of any Credit  
4 Agreement for any of the Bonds.

5 K. To the extent that Fund Building Receipts in the Master  
6 Bond Fund are not otherwise needed to satisfy the requirements  
7 of this Act and the instruments authorizing the issuance of the  
8 Bonds, such monies shall be used by the Department, in such  
9 amounts as determined by the Director to do any one or a  
10 combination of the following:

11 1. To purchase, refinance, redeem, refund, advance  
12 refund or defease (or any combination of the foregoing)  
13 outstanding Bonds, to the extent such action is legally  
14 available and does not impair the tax exempt status of any  
15 of the Bonds which are, in fact, exempt from Federal income  
16 taxation; or

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

19 3. As a deposit into the Special Programs Fund provided  
20 for under Section 2107 of the Unemployment Insurance Act.

21 L. The Director shall determine the method of sale, type of  
22 bond, bond form, redemption provisions and other terms of the  
23 Bonds that, in the Director's judgment, best achieve the  
24 purposes of this Act and effect the borrowing at the lowest  
25 practicable cost, provided that those determinations are not  
26 inconsistent with this Act or other applicable legal

1 requirements. Those determinations shall be set forth in a  
2 document entitled "Bond Sale Order" acceptable, in form and  
3 substance, to the attorney or attorneys acting as bond counsel  
4 for the Bonds in connection with the rendering of opinions  
5 necessary for the issuance of the Bonds and executed by the  
6 Director.

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

8 (30 ILCS 440/7)

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

12 A. Take action to limit or restrict the rights of the  
13 Department to fulfill its responsibilities to pay Bond  
14 Obligations, Bond Administrative Expenses or otherwise comply  
15 with instruments entered by the Department pertaining to the  
16 issuance of the Bonds;

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

19 C. Reduce:

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

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

25 3. The Solvency Adjustments imposed pursuant to

1 Section 1400.1 of the Unemployment Insurance Act below the  
2 levels in existence effective January 1, 2012 ~~2004~~.

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

4 Section 15. The Unemployment Insurance Act is amended by  
5 changing Sections 235, 401, 403, 702, 804, 900, 1505, 1506.1,  
6 1506.3, 1510, 1705, 1801.1, 1900, 2100, 2203, and 2206.1 and by  
7 adding Sections 611.1, 1506.6, and 2405 as follows:

8 (820 ILCS 405/235) (from Ch. 48, par. 345)

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

10 A. With respect to calendar years prior to calendar year  
11 2004, the maximum amount includable as "wages" shall be  
12 determined pursuant to this Section as in effect on January 1,  
13 2006.

14 With respect to the calendar year 2004, the term "wages"  
15 shall include only the remuneration paid to an individual by an  
16 employer during that period with respect to employment which  
17 does not exceed \$9,800. With respect to the calendar years 2005  
18 through 2009, the term "wages" shall include only the  
19 remuneration paid to an individual by an employer during that  
20 period with respect to employment which does not exceed the  
21 following amounts: \$10,500 with respect to the calendar year  
22 2005; \$11,000 with respect to the calendar year 2006; \$11,500  
23 with respect to the calendar year 2007; \$12,000 with respect to  
24 the calendar year 2008; and \$12,300 with respect to the

1 calendar year 2009.

2 ~~With Except as otherwise provided in subsection A-1, with~~  
3 respect to the calendar years 2010, 2011, 2020 ~~2013~~, and each  
4 calendar year thereafter, the term "wages" shall include only  
5 the remuneration paid to an individual by an employer during  
6 that period with respect to employment which does not exceed  
7 the sum of the wage base adjustment applicable to that year  
8 pursuant to Section 1400.1, plus the maximum amount includable  
9 as "wages" pursuant to this subsection with respect to the  
10 immediately preceding calendar year; ~~for purposes of this~~  
11 ~~sentence, the maximum amount includable as "wages" with respect~~  
12 ~~to calendar year 2013 shall be calculated as though the maximum~~  
13 ~~amount includable as "wages" with respect to calendar year 2012~~  
14 ~~had been calculated pursuant to this sentence.~~ With respect to  
15 calendar year 2012, to offset the loss of revenue to the  
16 State's account in the unemployment trust fund with respect to  
17 the first quarter of calendar year 2011 as a result of Section  
18 1506.5 and the changes made by this amendatory Act of the 97th  
19 General Assembly to Section 1506.3, the term "wages" shall  
20 include only the remuneration paid to an individual by an  
21 employer during that period with respect to employment which  
22 does not exceed \$13,560. Except as otherwise provided in  
23 subsection A-1, with respect to calendar year 2013, the term  
24 "wages" shall include only the remuneration paid to an  
25 individual by an employer during that period with respect to  
26 employment which does not exceed \$12,900. With respect to the



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

10 The remuneration paid to an individual by an employer with  
11 respect to employment in another State or States, upon which  
12 contributions were required of such employer under an  
13 unemployment compensation law of such other State or States,  
14 shall be included as a part of the remuneration herein referred  
15 to. For the purposes of this subsection, any employing unit  
16 which succeeds to the organization, trade, or business, or to  
17 substantially all of the assets of another employing unit, or  
18 to the organization, trade, or business, or to substantially  
19 all of the assets of a distinct severable portion of another  
20 employing unit, shall be treated as a single unit with its  
21 predecessor for the calendar year in which such succession  
22 occurs; any employing unit which is owned or controlled by the  
23 same interests which own or control another employing unit  
24 shall be treated as a single unit with the unit so owned or  
25 controlled by such interests for any calendar year throughout  
26 which such ownership or control exists; and, with respect to

1 any trade or business transfer subject to subsection A of  
2 Section 1507.1, a transferee, as defined in subsection G of  
3 Section 1507.1, shall be treated as a single unit with the  
4 transferor, as defined in subsection G of Section 1507.1, for  
5 the calendar year in which the transfer occurs. This subsection  
6 applies only to Sections 1400, 1405A, and 1500.

7 A-1. If, by March 1, 2013, the payments attributable to the  
8 changes to subsection A by this or any subsequent amendatory  
9 Act of the 97th General Assembly do not equal or exceed the  
10 loss to this State's account in the unemployment trust fund as  
11 a result of Section 1506.5 and the changes made to Section  
12 1506.3 by this or any subsequent amendatory Act of the 97th  
13 General Assembly, including unrealized interest, then, with  
14 respect to calendar year 2013, the term "wages" shall include  
15 only the remuneration paid to an individual by an employer  
16 during that period with respect to employment which does not  
17 exceed \$13,560. ~~For purposes of subsection A, if the maximum~~  
18 ~~amount includable as "wages" with respect to calendar year 2013~~  
19 ~~is \$13,560, the maximum amount includable as "wages" with~~  
20 ~~respect to calendar year 2014 shall be calculated as though the~~  
21 ~~maximum amount includable as "wages" with respect to calendar~~  
22 ~~year 2013 had been calculated pursuant to subsection A, without~~  
23 ~~regard to this Section.~~

24 B. The amount of any payment (including any amount paid by  
25 an employer for insurance or annuities, or into a fund, to  
26 provide for any such payment), made to, or on behalf of, an

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

15 C. Any payment made to, or on behalf of, an employee or his  
16 beneficiary which would be excluded from "wages" by  
17 subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section  
18 3306(b)(5) of the Federal Internal Revenue Code of 1954, in  
19 effect on January 1, 1985.

20 D. The amount of any payment on account of sickness or  
21 accident disability, or medical or hospitalization expenses in  
22 connection with sickness or accident disability, made by an  
23 employer to, or on behalf of, an individual performing services  
24 for him after the expiration of six calendar months following  
25 the last calendar month in which the individual performed  
26 services for such employer.

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

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

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

9 (820 ILCS 405/401) (from Ch. 48, par. 401)

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

11 A. With respect to any week beginning prior to April 24,  
12 1983, an individual's weekly benefit amount shall be an amount  
13 equal to the weekly benefit amount as defined in this Act as in  
14 effect on November 30, 1982.

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

1 after April 24, 1983 claimed with respect to that benefit year,  
2 as provided under this Act as in effect on November 30, 1982.  
3 With respect to any week beginning on or after January 3, 1988  
4 and before January 1, 1993, an individual's weekly benefit  
5 amount shall be 49% of his 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 week beginning on or after  
10 January 3, 1993 and during a benefit year beginning before  
11 January 4, 2004, an individual's weekly benefit amount shall be  
12 49.5% of his prior average weekly wage, rounded (if not already  
13 a multiple of one dollar) to the next higher dollar; provided,  
14 however, that the weekly benefit amount cannot exceed the  
15 maximum weekly benefit amount and cannot be less than \$51. With  
16 respect to any benefit year beginning on or after January 4,  
17 2004 and before January 6, 2008, an individual's weekly benefit  
18 amount shall be 48% of his or her prior average weekly wage,  
19 rounded (if not already a multiple of one dollar) to the next  
20 higher dollar; provided, however, that the weekly benefit  
21 amount cannot exceed the maximum weekly benefit amount and  
22 cannot be less than \$51. Except as otherwise provided in this  
23 Section, with ~~With~~ respect to any benefit year beginning on or  
24 after January 6, 2008, an individual's weekly benefit amount  
25 shall be 47% of his or her prior average weekly wage, rounded  
26 (if not already a multiple of one dollar) to the next higher

1 dollar; provided, however, that the weekly benefit amount  
2 cannot exceed the maximum weekly benefit amount and cannot be  
3 less than \$51. With respect to any benefit year beginning in  
4 calendar year 2016, an individual's weekly benefit amount shall  
5 be 42.8% 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, 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 2018, an individual's weekly benefit amount shall  
11 be 42.9% 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.

16 2. For the purposes of this subsection:

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

26 "Determination date" means June 1, 1982, December 1, 1982

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

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

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

1 beginning January 1, 1982 and ending June 30, 1982 shall be  
2 deemed a benefit period with respect to which the determination  
3 date shall be June 1, 1981.

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

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

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

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

19 "Statewide average weekly wage" means the quotient,  
20 obtained by dividing the statewide average annual wage by 52,  
21 rounded (if not already a multiple of one cent) to the nearest  
22 cent. Notwithstanding any provisions of this Section to the  
23 contrary, the statewide average weekly wage for the benefit  
24 period beginning July 1, 1982 and ending December 31, 1982  
25 shall be the statewide average weekly wage in effect for the  
26 immediately preceding benefit period plus one-half of the



1 result obtained by subtracting the statewide average weekly  
2 wage for the immediately preceding benefit period from the  
3 statewide average weekly wage for the benefit period beginning  
4 July 1, 1982 and ending December 31, 1982 as such statewide  
5 average weekly wage would have been determined but for the  
6 provisions of this paragraph. Notwithstanding any provisions  
7 of this Section to the contrary, the statewide average weekly  
8 wage for the benefit period beginning April 24, 1983 and ending  
9 January 31, 1984 shall be \$321 and for the benefit period  
10 beginning February 1, 1984 and ending December 31, 1986 shall  
11 be \$335, and for the benefit period beginning January 1, 1987,  
12 and ending December 31, 1987, shall be \$350, except that for an  
13 individual who has established a benefit year beginning before  
14 April 24, 1983, the statewide average weekly wage used in  
15 determining benefits, for any week beginning on or after April  
16 24, 1983, claimed with respect to that benefit year, shall be  
17 \$334.80, except that, for the purpose of determining the  
18 minimum weekly benefit amount under subsection B(1) for the  
19 benefit period beginning January 1, 1987, and ending December  
20 31, 1987, the statewide average weekly wage shall be \$335; for  
21 the benefit periods January 1, 1988 through December 31, 1988,  
22 January 1, 1989 through December 31, 1989, and January 1, 1990  
23 through December 31, 1990, the statewide average weekly wage  
24 shall be \$359, \$381, and \$406, respectively. Notwithstanding  
25 the preceding sentences of this paragraph, for the benefit  
26 period of calendar year 1991, the statewide average weekly wage

1 shall be \$406 plus (or minus) an amount equal to the percentage  
2 change in the statewide average weekly wage, as computed in  
3 accordance with the preceding sentences of this paragraph,  
4 between the benefit periods of calendar years 1989 and 1990,  
5 multiplied by \$406; and, for the benefit periods of calendar  
6 years 1992 through 2003 and calendar year 2005 and each  
7 calendar year thereafter, the statewide average weekly wage,  
8 shall be the statewide average weekly wage, as determined in  
9 accordance with this sentence, for the immediately preceding  
10 benefit period plus (or minus) an amount equal to the  
11 percentage change in the statewide average weekly wage, as  
12 computed in accordance with the preceding sentences of this  
13 paragraph, between the 2 immediately preceding benefit  
14 periods, multiplied by the statewide average weekly wage, as  
15 determined in accordance with this sentence, for the  
16 immediately preceding benefit period. However, for purposes of  
17 the Workers' Compensation Act, the statewide average weekly  
18 wage will be computed using June 1 and December 1 determination  
19 dates of each calendar year and such determination shall not be  
20 subject to the limitation of \$321, \$335, \$350, \$359, \$381, \$406  
21 or the statewide average weekly wage as computed in accordance  
22 with the preceding sentence of this paragraph.

23 With respect to any week beginning on or after April 24,  
24 1983 and before January 3, 1988, "maximum weekly benefit  
25 amount" means 48% of the statewide average weekly wage, rounded  
26 (if not already a multiple of one dollar) to the nearest

1 dollar, provided however, that the maximum weekly benefit  
2 amount for an individual who has established a benefit year  
3 beginning before April 24, 1983, shall be determined, for weeks  
4 beginning on or after April 24, 1983 claimed with respect to  
5 that benefit year, as provided under this Act as amended and in  
6 effect on November 30, 1982, except that the statewide average  
7 weekly wage used in such determination shall be \$334.80.

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

13 With respect to any week beginning on or after January 3,  
14 1993 and during a benefit year beginning before January 4,  
15 2004, "maximum weekly benefit amount" with respect to each week  
16 beginning within a benefit period means 49.5% of the statewide  
17 average weekly wage, rounded (if not already a multiple of one  
18 dollar) to the next higher dollar.

19 With respect to any benefit year beginning on or after  
20 January 4, 2004 and before January 6, 2008, "maximum weekly  
21 benefit amount" with respect to each week beginning within a  
22 benefit period means 48% of the statewide average weekly wage,  
23 rounded (if not already a multiple of one dollar) to the next  
24 higher dollar.

25 Except as otherwise provided in this Section, with ~~With~~  
26 respect to any benefit year beginning on or after January 6,

1 2008, "maximum weekly benefit amount" with respect to each week  
2 beginning within a benefit period means 47% of the statewide  
3 average weekly wage, rounded (if not already a multiple of one  
4 dollar) to the next higher dollar.

5 With respect to any benefit year beginning in calendar year  
6 2016, "maximum weekly benefit amount" with respect to each week  
7 beginning within a benefit period means 42.8% of the statewide  
8 average weekly wage, rounded (if not already a multiple of one  
9 dollar) to the next higher dollar.

10 With respect to any benefit year beginning in calendar year  
11 2018, "maximum weekly benefit amount" with respect to each week  
12 beginning within a benefit period means 42.9% of the statewide  
13 average weekly wage, rounded (if not already a multiple of one  
14 dollar) to the next higher dollar.

15 C. With respect to any week beginning on or after April 24,  
16 1983 and before January 3, 1988, an individual to whom benefits  
17 are payable with respect to any week shall, in addition to such  
18 benefits, be paid, with respect to such week, as follows: in  
19 the case of an individual with a nonworking spouse, 7% of his  
20 prior average weekly wage, rounded (if not already a multiple  
21 of one dollar) to the higher dollar; provided, that the total  
22 amount payable to the individual with respect to a week shall  
23 not exceed 55% of the statewide average weekly wage, rounded  
24 (if not already a multiple of one dollar) to the nearest  
25 dollar; and in the case of an individual with a dependent child  
26 or dependent children, 14.4% of his prior average weekly wage,

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

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

10 With respect to any week beginning on or after January 1,  
11 1991 and before January 1, 1992, an individual to whom benefits  
12 are payable with respect to any week shall, in addition to the  
13 benefits, be paid, with respect to such week, as follows: in  
14 the case of an individual with a nonworking spouse, 8.3% of his  
15 prior average weekly wage, rounded (if not already a multiple  
16 of one dollar) to the next higher dollar, provided, that the  
17 total amount payable to the individual with respect to a week  
18 shall not exceed 57.3% of the statewide average weekly wage,  
19 rounded (if not already a multiple of one dollar) to the next  
20 higher dollar; and in the case of an individual with a  
21 dependent child or dependent children, 15.3% of his prior  
22 average weekly wage, rounded (if not already a multiple of one  
23 dollar) to the next higher dollar, provided that the total  
24 amount payable to the individual with respect to a week shall  
25 not exceed 64.3% of the statewide average weekly wage, rounded  
26 (if not already a multiple of one dollar) to the next higher

1 dollar.

2       With respect to any week beginning on or after January 3,  
3 1993, during a benefit year beginning before January 4, 2004,  
4 an individual to whom benefits are payable with respect to any  
5 week shall, in addition to those benefits, be paid, with  
6 respect to such week, as follows: in the case of an individual  
7 with a nonworking spouse, 9% of his prior average weekly wage,  
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 58.5% of the  
11 statewide average weekly wage, rounded (if not already a  
12 multiple of one dollar) to the next higher dollar; and in the  
13 case of an individual with a dependent child or dependent  
14 children, 16% of his prior average weekly wage, rounded (if not  
15 already a multiple of one dollar) to the next higher dollar,  
16 provided that the total amount payable to the individual with  
17 respect to a week shall not exceed 65.5% of the statewide  
18 average weekly wage, rounded (if not already a multiple of one  
19 dollar) to the next higher dollar.

20       With respect to any benefit year beginning on or after  
21 January 4, 2004 and before January 6, 2008, an individual to  
22 whom benefits are payable with respect to any week shall, in  
23 addition to those benefits, be paid, with respect to such week,  
24 as follows: in the case of an individual with a nonworking  
25 spouse, 9% of his or her prior average weekly wage, rounded (if  
26 not already a multiple of one dollar) to the next higher

1 dollar, provided, that the total amount payable to the  
2 individual with respect to a week shall not exceed 57% of the  
3 statewide average weekly wage, rounded (if not already a  
4 multiple of one dollar) to the next higher dollar; and in the  
5 case of an individual with a dependent child or dependent  
6 children, 17.2% of his or her prior average weekly wage,  
7 rounded (if not already a multiple of one dollar) to the next  
8 higher dollar, provided that the total amount payable to the  
9 individual with respect to a week shall not exceed 65.2% of the  
10 statewide average weekly wage, rounded (if not already a  
11 multiple of one dollar) to the next higher dollar.

12 With respect to any benefit year beginning on or after  
13 January 6, 2008 and before January 1, 2010, an individual to  
14 whom benefits are payable with respect to any week shall, in  
15 addition to those benefits, be paid, with respect to such week,  
16 as follows: in the case of an individual with a nonworking  
17 spouse, 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, that the total amount payable to the  
20 individual with respect to a week shall not exceed 56% of the  
21 statewide average weekly wage, rounded (if not already a  
22 multiple of one dollar) to the next higher dollar; and in the  
23 case of an individual with a dependent child or dependent  
24 children, 18.2% 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 that the total amount payable to the



1 individual with respect to a week shall not exceed 65.2% of the  
2 statewide average weekly wage, rounded (if not already a  
3 multiple of one dollar) to the next higher dollar.

4 The additional amount paid pursuant to this subsection in  
5 the case of an individual with a dependent child or dependent  
6 children shall be referred to as the "dependent child  
7 allowance", and the percentage rate by which an individual's  
8 prior average weekly wage is multiplied pursuant to this  
9 subsection to calculate the dependent child allowance shall be  
10 referred to as the "dependent child allowance rate".

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

1 lesser of \$50 or 50% of his or her weekly benefit amount,  
2 rounded (if not already a multiple of one dollar) to the next  
3 higher dollar, provided that the total amount payable to the  
4 individual with respect to a week shall not exceed the product  
5 of the statewide average weekly wage multiplied by the sum of  
6 47% plus the dependent child allowance rate, rounded (if not  
7 already a multiple of one dollar) to the next higher dollar.

8 With respect to any benefit year beginning in calendar year  
9 2016, an individual to whom benefits are payable with respect  
10 to any week shall, in addition to those benefits, be paid, with  
11 respect to such week, as follows: in the case of an individual  
12 with a nonworking spouse, the greater of (i) 9% of his or her  
13 prior average weekly wage, rounded (if not already a multiple  
14 of one dollar) to the next higher dollar, or (ii) \$15, provided  
15 that the total amount payable to the individual with respect to  
16 a week shall not exceed 51.8% of the statewide average weekly  
17 wage, rounded (if not already a multiple of one dollar) to the  
18 next higher dollar; and in the case of an individual with a  
19 dependent child or dependent children, the greater of (i) the  
20 product of the dependent child allowance rate multiplied by his  
21 or her prior average weekly wage, rounded (if not already a  
22 multiple of one dollar) to the next higher dollar, or (ii) the  
23 lesser of \$50 or 50% of his or her weekly benefit amount,  
24 rounded (if not already a multiple of one dollar) to the next  
25 higher dollar, provided that the total amount payable to the  
26 individual with respect to a week shall not exceed the product

1 of the statewide average weekly wage multiplied by the sum of  
2 42.8% plus the dependent child allowance rate, rounded (if not  
3 already a multiple of one dollar) to the next higher dollar.

4 With respect to any benefit year beginning in calendar year  
5 2018, an individual to whom benefits are payable with respect  
6 to any week shall, in addition to those benefits, be paid, with  
7 respect to such week, as follows: in the case of an individual  
8 with a nonworking spouse, the greater of (i) 9% of his or her  
9 prior average weekly wage, rounded (if not already a multiple  
10 of one dollar) to the next higher dollar, or (ii) \$15, provided  
11 that the total amount payable to the individual with respect to  
12 a week shall not exceed 51.9% of the statewide average weekly  
13 wage, rounded (if not already a multiple of one dollar) to the  
14 next higher dollar; and in the case of an individual with a  
15 dependent child or dependent children, the greater of (i) the  
16 product of the dependent child allowance rate multiplied by his  
17 or her prior average weekly wage, rounded (if not already a  
18 multiple of one dollar) to the next higher dollar, or (ii) the  
19 lesser of \$50 or 50% of his or her weekly benefit amount,  
20 rounded (if not already a multiple of one dollar) to the next  
21 higher dollar, provided that the total amount payable to the  
22 individual with respect to a week shall not exceed the product  
23 of the statewide average weekly wage multiplied by the sum of  
24 42.9% plus the dependent child allowance rate, rounded (if not  
25 already a multiple of one dollar) to the next higher dollar.

26 With respect to each benefit year beginning after calendar

1 year 2009, the dependent child allowance rate shall be the sum  
2 of the allowance adjustment applicable pursuant to Section  
3 1400.1 to the calendar year in which the benefit year begins,  
4 plus the dependent child allowance rate with respect to each  
5 benefit year beginning in the immediately preceding calendar  
6 year, except as otherwise provided in this subsection. The  
7 dependent child allowance rate with respect to each benefit  
8 year beginning in calendar year 2010 shall not be greater than  
9 18.2%. The dependent child allowance rate with respect to each  
10 benefit year beginning in calendar year 2011 shall be reduced  
11 by 0.2% absolute below the rate it would otherwise have been  
12 pursuant to this subsection and, with respect to each benefit  
13 year beginning after calendar year 2010, except as otherwise  
14 provided, shall not be less than 17.1% or greater than 18.0%.  
15 Unless, as a result of this sentence, the agreement between the  
16 Federal Government and State regarding the Federal Additional  
17 Compensation program established under Section 2002 of the  
18 American Recovery and Reinvestment Act, or a successor program,  
19 would not apply or would cease to apply, the dependent child  
20 allowance rate with respect to each benefit year beginning in  
21 calendar year 2012 shall be reduced by 0.1% absolute below the  
22 rate it would otherwise have been pursuant to this subsection  
23 and, with respect to each benefit year beginning after calendar  
24 year 2011, shall not be less than 17.0% or greater than 17.9%.

25 For the purposes of this subsection:

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

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

23 "Nonworking spouse" means the lawful husband or wife of an  
24 individual claiming benefits under this Act, for whom more than  
25 one-half the cost of support has been supplied by the  
26 individual for at least 90 consecutive days (or for the

1 duration of the marital relationship if it has existed for less  
2 than 90 days) immediately preceding any week with respect to  
3 which the individual has filed a claim, but only if the  
4 nonworking spouse is currently ineligible to receive benefits  
5 under this Act by reason of the provisions of Section 500E.

6 An individual who was obligated by law to provide for the  
7 support of a child or of a nonworking spouse for the aforesaid  
8 period of 90 consecutive days, but was prevented by illness or  
9 injury from doing so, shall be deemed to have provided more  
10 than one-half the cost of supporting the child or nonworking  
11 spouse for that period.

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

13 (820 ILCS 405/403) (from Ch. 48, par. 403)

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

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

20 B. With respect to any benefit year beginning on or after  
21 September 30, 1979, except as otherwise provided in this  
22 Section, any otherwise eligible individual shall be entitled,  
23 during such benefit year, to a maximum total amount of benefits  
24 equal to 26 times his or her weekly benefit amount plus  
25 dependents' allowances, or to the total wages for insured work

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

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

1 (820 ILCS 405/611.1 new)

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

3 (a) The Social Security Retirement Pay Task Force is hereby  
4 created within the Department. The Task Force shall consist of  
5 13 members. The following members shall be appointed within 60  
6 days after the effective date of this amendatory Act of the  
7 97th General Assembly: 2 members appointed by the President of  
8 the Senate; 2 members appointed by the Senate Minority Leader;  
9 2 members appointed by the Speaker of the House of  
10 Representatives; 2 members appointed by the House Minority  
11 Leader; 2 members appointed by the Governor; and the Director,  
12 who shall serve as ex officio chairman and who shall appoint  
13 one additional member who shall be a representative citizen  
14 chosen from the employee class and one additional member who  
15 shall be a representative citizen chosen from the employing  
16 class. All members shall be voting members. Members shall serve  
17 without compensation, but may be reimbursed for expenses  
18 associated with the Task Force. The Task Force shall begin to  
19 conduct business upon the appointment of all members. For  
20 purposes of Task Force meetings, a quorum is 7 members. If a  
21 vacancy occurs on the Task Force, a successor member shall be  
22 appointed by the original appointing authority. Meetings of the  
23 Task Force are subject to the Open Meetings Act.

24 (b) The Task Force shall analyze the impact of paragraph 2  
25 of subsection A of Section 611 of this Act on individuals  
26 receiving primary social security old age and disability



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

15 (c) All findings, recommendations, public postings, and  
16 other relevant information pertaining to the Task Force shall  
17 be posted on the Department's website. The Department shall  
18 provide staff and administrative support to the Task Force. The  
19 Department and the Task Force may accept donated services and  
20 other resources from registered not-for-profit organizations  
21 that may be necessary to complete the work of the Task Force.  
22 The Task Force shall report its findings and recommendations to  
23 the Governor and the General Assembly no later than December  
24 31, 2012, and shall be dissolved upon submission of the report.

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

1 adjudicator deems an allegation insufficient, he shall make a  
2 decision accordingly, and shall notify the employing unit of  
3 such decision and the reasons therefor. Such decision may be  
4 appealed by the employing unit to a Referee within the time  
5 limits prescribed by Section 800 for appeal from a  
6 "determination". Any such appeal, and any appeal from the  
7 Referee's decision thereon, shall be governed by the applicable  
8 provisions of Sections 801, 803, 804 and 805.

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

10 (820 ILCS 405/804) (from Ch. 48, par. 474)

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

20 Whenever the giving of notice is required by Sections 701,  
21 702, 703, 801, 803, 805, and 900, it may be given and be  
22 completed by mailing the same to the last known address of the  
23 person entitled thereto. If agreed to by the person or entity  
24 entitled to notice, notice may be given and completed  
25 electronically, in the manner prescribed by rule, by posting

1 the notice on a secure web site accessible to the person or  
2 entity and sending notice of the posting to the last known  
3 e-mail address of the person or entity.

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

5 (820 ILCS 405/900) (from Ch. 48, par. 490)

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

11 1. At any time, if, to receive such sum, he knowingly made  
12 a false statement or knowingly failed to disclose a material  
13 fact.

14 2. Within 3 years from any date prior to January 1, 1984,  
15 on which he has been found to have been ineligible for any  
16 other reason, pursuant to a reconsidered finding or a  
17 reconsidered determination, or pursuant to the decision of a  
18 Referee (or of the Director or his representative under Section  
19 604) which modifies or sets aside a finding or a reconsidered  
20 finding or a determination or a reconsidered determination; or  
21 within 5 years from any date after December 31, 1983, on which  
22 he has been found to have been ineligible for any other reason,  
23 pursuant to a reconsidered finding or a reconsidered  
24 determination, or pursuant to the decision of a Referee (or of  
25 the Director or his representative under Section 604) which

1 modifies or sets aside a finding or a reconsidered finding or a  
2 determination or a reconsidered determination. Recoupment  
3 pursuant to the provisions of this paragraph from benefits  
4 payable to an individual for any week may be waived upon the  
5 individual's request, if the sum referred to in paragraph A was  
6 received by the individual without fault on his part and if  
7 such recoupment would be against equity and good conscience.  
8 Such waiver may be denied with respect to any subsequent week  
9 if, in that week, the facts and circumstances upon which waiver  
10 was based no longer exist.

11 B. Whenever the claims adjudicator referred to in Section  
12 702 decides that any sum received by a claimant as benefits  
13 shall be recouped, or denies recoupment waiver requested by the  
14 claimant, he shall promptly notify the claimant of his decision  
15 and the reasons therefor. The decision and the notice thereof  
16 shall state the amount to be recouped, the weeks with respect  
17 to which such sum was received by the claimant, and the time  
18 within which it may be recouped and, as the case may be, the  
19 reasons for denial of recoupment waiver. The claims adjudicator  
20 may reconsider his decision within one year after the date when  
21 the decision was made. Such decision or reconsidered decision  
22 may be appealed to a Referee within the time limits prescribed  
23 by Section 800 for appeal from a determination. Any such  
24 appeal, and any appeal from the Referee's decision thereon,  
25 shall be governed by the applicable provisions of Sections 801,  
26 803, 804 and 805. No recoupment shall be begun until the

1 expiration of the time limits prescribed by Section 800 of this  
2 Act or, if an appeal has been filed, until the decision of a  
3 Referee has been made thereon affirming the decision of the  
4 Claims Adjudicator.

5 C. Any sums recovered under the provisions of this Section  
6 shall be treated as repayments to the Director of sums  
7 improperly obtained by the claimant.

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

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

22 In addition to the remedies provided by this Section, when  
23 an individual has received any sum as benefits for which he is  
24 found to be ineligible, the Director may request the  
25 Comptroller to withhold such sum in accordance with Section  
26 10.05 of the State Comptroller Act and the Director may request

1 the Secretary of the Treasury to withhold such sum to the  
2 extent allowed by and in accordance with Section 6402(f) of the  
3 federal Internal Revenue Code of 1986, as amended. Benefits  
4 paid pursuant to this Act shall not be subject to such  
5 withholding. Where the Director requests withholding by the  
6 Secretary of the Treasury pursuant to this Section, in addition  
7 to the amount of benefits for which the individual has been  
8 found ineligible, the individual shall be liable for any  
9 legally authorized administrative fee assessed by the  
10 Secretary, with such fee to be added to the amount to be  
11 withheld by the Secretary.

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

13 (820 ILCS 405/1505) (from Ch. 48, par. 575)

14 Sec. 1505. Adjustment of state experience factor. The state  
15 experience factor shall be adjusted in accordance with the  
16 following provisions:

17 A. This subsection shall apply to each calendar year prior  
18 to 1980 for which a state experience factor is being  
19 determined.

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

1 calendar year shall be increased 1 percent absolute.

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

9 B. This subsection shall apply to the calendar years 1980  
10 through 1987, for which the state experience factor is being  
11 determined.

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

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

26 C. This subsection shall apply to the calendar year 1988



1 and each calendar year thereafter, for which the state  
2 experience factor is being determined.

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

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

13 The target balance in each calendar year prior to 2003  
14 is \$750,000,000. The target balance in calendar year 2003  
15 is \$920,000,000. The target balance in calendar year 2004  
16 is \$960,000,000. The target balance in calendar year 2005  
17 and each calendar year thereafter is \$1,000,000,000.

18 2. For the purposes of this subsection:

19 "Net trust fund balance" is the amount standing to the  
20 credit of this State's account in the unemployment trust  
21 fund as of June 30 of the calendar year immediately  
22 preceding the year for which a state experience factor is  
23 being determined.

24 "Adjusted trust fund balance" is the net trust fund  
25 balance minus the sum of the benefit reserves for fund  
26 building for July 1, 1987 through June 30 of the year prior

1 to the year for which the state experience factor is being  
2 determined. The adjusted trust fund balance shall not be  
3 less than zero. If the preceding calculation results in a  
4 number which is less than zero, the amount by which it is  
5 less than zero shall reduce the sum of the benefit reserves  
6 for fund building for subsequent years.

7 For the purpose of determining the state experience  
8 factor for 1989 and for each calendar year thereafter, the  
9 following "benefit reserves for fund building" shall apply  
10 for each state experience factor calculation in which that  
11 12 month period is applicable:

12 a. For the 12 month period ending on June 30, 1988,  
13 the "benefit reserve for fund building" shall be  
14 8/104th of the total benefits paid from January 1, 1988  
15 through June 30, 1988.

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

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

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

23 c. For the 12 month period ending on June 30, 1990,  
24 the "benefit reserve for fund building" shall be  
25 4/108ths of the total benefits paid from July 1, 1989  
26 through December 31, 1989.

1           d. For 1992 and for each calendar year thereafter,  
2           the "benefit reserve for fund building" for the 12  
3           month period ending on June 30, 1991 and for each  
4           subsequent 12 month period shall be zero.

5           3. Notwithstanding the preceding provisions of this  
6           subsection, for calendar years 1988 through 2003, the state  
7           experience factor shall not be increased or decreased by  
8           more than 15 percent absolute.

9           D. Notwithstanding the provisions of subsection C, the  
10          adjusted state experience factor:

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

12           2. Shall not be less than 75 percent nor greater than  
13           135 percent for calendar years 1989 through 2003; and shall  
14           not be less than 75% nor greater than 150% for calendar  
15           year 2004 and each calendar year thereafter, not counting  
16           any increase pursuant to subsection D-1, D-2, or D-3;

17           3. Shall not be decreased by more than 5 percent  
18           absolute for any calendar year, beginning in calendar year  
19           1989 and through calendar year 1992, by more than 6%  
20           absolute for calendar years 1993 through 1995, by more than  
21           10% absolute for calendar years 1999 through 2003 and by  
22           more than 12% absolute for calendar year 2004 and each  
23           calendar year thereafter, from the adjusted state  
24           experience factor of the calendar year preceding the  
25           calendar year for which the adjusted state experience  
26           factor is being determined;

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

9           5. Shall be 100% for calendar years 1996, 1997, and  
10          1998.

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

23          D-2. The adjusted state experience factor for calendar year  
24          2016 shall be increased by 19% absolute above the adjusted  
25          state experience factor as calculated without regard to this  
26          subsection. The increase in the adjusted state experience

1 factor for calendar year 2016 pursuant to this subsection shall  
2 not be counted for purposes of applying paragraph 3 or 4 of  
3 subsection D to the calculation of the adjusted state  
4 experience factor for calendar year 2017.

5 D-3. The adjusted state experience factor for calendar year  
6 2018 shall be increased by 19% absolute above the adjusted  
7 state experience factor as calculated without regard to this  
8 subsection. The increase in the adjusted state experience  
9 factor for calendar year 2018 pursuant to this subsection shall  
10 not be counted for purposes of applying paragraph 3 or 4 of  
11 subsection D to the calculation of the adjusted state  
12 experience factor for calendar year 2019.

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

1 appropriation.

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

3 (820 ILCS 405/1506.1) (from Ch. 48, par. 576.1)

4 Sec. 1506.1. Determination of Employer's Contribution  
5 Rate.

6 A. The contribution rate for any calendar year prior to  
7 1982 of each employer who has incurred liability for the  
8 payment of contributions within each of the three calendar  
9 years immediately preceding the calendar year for which a rate  
10 is being determined shall be determined in accordance with the  
11 provisions of this Act as amended and in effect on October 5,  
12 1980.

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

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

23 2. Intermediate contribution rates between such  
24 minimum and maximum rates shall be at one-tenth of 1  
25 percent intervals.

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

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

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

21           Notwithstanding the other provisions of this Section, no  
22 employer's contribution rate with respect to calendar years  
23 1982 and 1983 shall exceed 2.7 percent of the wages for insured  
24 work paid by him during any calendar quarter, if such wages  
25 paid during such calendar quarter total less than \$50,000.

26           C. The contribution rate for calendar years 1984, 1985 and

1 1986 of each employer who has incurred liability for the  
2 payment of contributions within each of the two calendar years  
3 immediately preceding the calendar year for which a rate is  
4 being determined shall be the product obtained by multiplying  
5 the employer's benefit wage ratio for that calendar year by the  
6 adjusted state experience factor for the same year, provided  
7 that:

8 1. An employer's minimum contribution rate shall be the  
9 greater of: .2%; or, the product obtained by multiplying  
10 .2% by the adjusted state experience factor for the  
11 applicable calendar year.

12 2. An employer's maximum contribution rate shall be the  
13 greater of 5.5% or the product of 5.5% and the adjusted  
14 State experience factor for the applicable calendar year  
15 except that such maximum contribution rate shall not be  
16 higher than 6.3% for calendar year 1984, nor be higher than  
17 6.6% or lower than 6.4% for calendar year 1985, nor be  
18 higher than 6.7% or lower than 6.5% for calendar year 1986.

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

26 4. Intermediate rates between such minimum and maximum



1 rates shall be at one-tenth of one percent intervals.

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

16 Notwithstanding, the other provisions of this Section, no  
17 employer's contribution rate with respect to the calendar year  
18 1984 shall exceed 2.7 percent times the then current adjusted  
19 state experience factor as determined by the Director in  
20 accordance with the provisions of Sections 1504 and 1505 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.

24 D. The contribution rate for calendar years 1987, 1988,  
25 1989 and 1990 of each employer who has incurred liability for  
26 the payment of contributions within each of the three calendar

1 years immediately preceding the calendar year for which a rate  
2 is being determined shall be the product obtained by  
3 multiplying the employer's benefit wage ratio for that calendar  
4 year by the adjusted state experience factor for the same year,  
5 provided, that:

6 1. An employer's minimum contribution rate shall be the  
7 greater of .2% or the product obtained by multiplying .2%  
8 by the adjusted State experience factor for the applicable  
9 calendar year.

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

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

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

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

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

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

1       through 2019.

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

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

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

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

1 experience factor as determined by the Director in accordance  
2 with the provisions of Sections 1504 and 1505.

3 F. Notwithstanding the other provisions of this Section,  
4 and pursuant to Section 271 of the Tax Equity and Fiscal  
5 Responsibility Act of 1982, as amended, no employer's  
6 contribution rate with respect to calendar years 1985, 1986,  
7 1987 and 1988 shall, for any calendar quarter during which the  
8 wages paid by that employer are less than \$50,000, exceed the  
9 following: with respect to calendar year 1985, 3.7%; with  
10 respect to calendar year 1986, 4.1%; with respect to calendar  
11 year 1987, 4.5%; and with respect to calendar year 1988, 5.0%.

12 G. Notwithstanding the other provisions of this Section, no  
13 employer's contribution rate with respect to calendar year 1989  
14 and each calendar year thereafter shall exceed 5.4% of the  
15 wages for insured work paid by him during any calendar quarter,  
16 if such wages paid during such calendar quarter total less than  
17 \$50,000, plus any applicable penalty contribution rate  
18 calculated pursuant to subsection C of Section 1507.1.

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

20 (820 ILCS 405/1506.3) (from Ch. 48, par. 576.3)

21 Sec. 1506.3. Fund building rates - Temporary  
22 Administrative Funding.

23 A. Notwithstanding any other provision of this Act, the  
24 following fund building rates shall be in effect for the  
25 following calendar years:

1 For each employer whose contribution rate for 1988, 1989,  
2 1990, the first, third, and fourth quarters of 1991, 1992,  
3 1993, 1994, 1995, and 1997 through 2003 would, in the absence  
4 of this Section, be 0.2% or higher, a contribution rate which  
5 is the sum of such rate and a fund building rate of 0.4%;

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

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

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

20 Except as otherwise provided in this Section, for ~~For~~ each  
21 employer whose contribution rate for 2010 and any calendar year  
22 thereafter is determined pursuant to Section 1500 or 1506.1,  
23 including but not limited to an employer whose contribution  
24 rate pursuant to Section 1506.1 is 0.0% ~~would, in the absence~~  
25 ~~of this Section, be 0.2% or higher,~~ a contribution rate which  
26 is the sum of the rate determined pursuant to Section 1500 or

1 1506.1 ~~such rate~~ and a fund building rate equal to the sum of  
2 the rate adjustment applicable to that year pursuant to Section  
3 1400.1, plus the fund building rate in effect pursuant to this  
4 Section for the immediately preceding calendar year.

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

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

1 by this amendatory Act of the 97th General Assembly.

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

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



1 makes application to the Department to have the provisions of  
2 this paragraph apply to it. The immediately preceding sentence  
3 shall be null and void with respect to an employer which by  
4 December 31, 1993 has not satisfied the rehiring requirement  
5 specified by this paragraph or which by December 31, 1994 has  
6 not made the investment specified by this paragraph.

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

20 B. Notwithstanding any other provision of this Act, for the  
21 second quarter of 1991, the contribution rate of each employer  
22 as determined in accordance with Sections 1500, 1506.1, and  
23 subsection A of this Section shall be equal to the sum of such  
24 rate and 0.1%; provided that this subsection shall not apply to  
25 any employer whose rate computed under Section 1506.1 for such  
26 quarter is between 5.1% and 5.3%, inclusive, and who qualifies

1 for the 5.4% rate ceiling imposed by the last paragraph of  
2 subsection A for such quarter. All payments made pursuant to  
3 this subsection shall be deposited in the Employment Security  
4 Administrative Fund established under Section 2103.1 and used  
5 for the administration of this Act.

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

9 C-1. Payments received by the Director with respect to the  
10 first ~~fourth~~ quarter of calendar year 2013 ~~2003~~, ~~the first~~  
11 ~~quarter of calendar year 2004~~ and any calendar quarter  
12 thereafter as of the close of which there are either bond  
13 obligations outstanding pursuant to the Illinois Unemployment  
14 Insurance Trust Fund Financing Act, or bond obligations  
15 anticipated to be outstanding as of either or both of the 2  
16 immediately succeeding calendar quarters, shall, to the extent  
17 they are insufficient to pay the total amount due under the Act  
18 with respect to the quarter, be first applied to satisfy the  
19 amount due with respect to that quarter and attributable to the  
20 fund building rate established pursuant to this Section.  
21 Notwithstanding any other provision to the contrary, with  
22 respect to an employer whose contribution rate with respect to  
23 a quarter subject to this subsection would have exceeded 5.4%  
24 but for the 5.4% rate ceiling imposed pursuant to subsection A,  
25 the amount due from the employer with respect to that quarter  
26 and attributable to the fund building rate established pursuant

1 to subsection A shall equal the amount, if any, by which the  
2 amount due and attributable to the 5.4% rate exceeds the amount  
3 that would have been due and attributable to the employer's  
4 rate determined pursuant to Sections 1500 and 1506.1, without  
5 regard to the fund building rate established pursuant to  
6 subsection A.

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

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

14 (820 ILCS 405/1506.6 new)

15 Sec. 1506.6. Surcharge; specified period. For each  
16 employer whose contribution rate for calendar year 2016 or 2018  
17 is determined pursuant to Section 1500 or 1506.1, including but  
18 not limited to an employer whose contribution rate pursuant to  
19 Section 1506.1 is 0.0%, in addition to the contribution rate  
20 established pursuant to Section 1506.3, an additional  
21 surcharge of 0.3% shall be added to the contribution rate. The  
22 surcharge established by this Section shall be due at the same  
23 time as other contributions with respect to the quarter are  
24 due, as provided in Section 1400. Payments attributable to the  
25 surcharge established pursuant to this Section shall be

1 contributions and deposited into the clearing account.

2 (820 ILCS 405/1510) (from Ch. 48, par. 580)

3 Sec. 1510. Service of notice.

4 Whenever service of notice is required by Sections 1508 and  
5 1509, such notice may be given and be complete by depositing  
6 the same with the United States Mail, addressed to the employer  
7 at his last known address. If represented by counsel in the  
8 proceedings before the Director, then service of notice may be  
9 made upon such employer by mailing same to such counsel. If  
10 agreed to by the person or entity entitled to notice, notice  
11 may be given and completed electronically, in the manner  
12 prescribed by rule, by posting the notice on a secure web site  
13 accessible to the person or entity and sending notice of the  
14 posting to the last known e-mail address of the person or  
15 entity.

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

17 (820 ILCS 405/1705) (from Ch. 48, par. 615)

18 Sec. 1705. Employment offices; State employment service.  
19 The Director shall create as many employment districts and  
20 establish and maintain as many State employment offices as he  
21 or she deems necessary to carry out the provisions of this Act.  
22 ~~In addition to such offices and branches, the Illinois Public~~  
23 ~~Employment Offices now in existence and such as may hereafter~~  
24 ~~be created pursuant to the provisions of the Public Employment~~

1 ~~Office Act shall also serve as employment offices within the~~  
2 ~~purview of this Act.~~ All such offices and agencies so created  
3 and established, ~~together with the Illinois Public Employment~~  
4 ~~offices,~~ shall constitute the State employment service within  
5 the meaning of this Act. The Department of Employment Security  
6 and the Director thereof may continue to be the State agency  
7 for cooperation with the United States Employment Service under  
8 an Act of Congress entitled "An Act to provide for the  
9 establishment of a national employment system and for  
10 cooperation with the States in the promotion of such system,  
11 and for other purposes," approved June 6, 1933, as amended.

12 The Director may cooperate with or enter into agreements  
13 with the Railroad Retirement Board with respect to the  
14 establishment, maintenance, and use of free employment service  
15 facilities. For the purpose of establishing and maintaining  
16 free public employment offices, the Director is authorized to  
17 enter into agreements with the Railroad Retirement Board, or  
18 any other agency of the United States charged with the  
19 administration of an unemployment compensation law, or with any  
20 political subdivision of this State, and as a part of any such  
21 agreement the Director may accept moneys, services, or quarters  
22 as a contribution, to be treated in the same manner as funds  
23 received pursuant to Section 2103.

24 Pursuant to Sections 4-6.2, 5-16.2, and 6-50.2 of the  
25 general election law of the State, the Director shall make  
26 unemployment offices available for use as temporary places of

1 registration. Registration within the offices shall be in the  
2 most public, orderly, and convenient portions thereof, and  
3 Sections 4-3, 5-3, and 11-4 of the general election law  
4 relative to the attendance of police officers during the  
5 conduct of registration shall apply. Registration under this  
6 Section shall be made in the manner provided by Sections 4-8,  
7 4-10, 5-7, 5-9, 6-34, 6-35, and 6-37 of the general election  
8 law. Employees of the Department in those offices are eligible  
9 to serve as deputy registrars.

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

11 (820 ILCS 405/1801.1)

12 Sec. 1801.1. Directory of New Hires.

13 A. The Director shall establish and operate an automated  
14 directory of newly hired employees which shall be known as the  
15 "Illinois Directory of New Hires" which shall contain the  
16 information required to be reported by employers to the  
17 Department under subsection B. In the administration of the  
18 Directory, the Director shall comply with any requirements  
19 concerning the Employer New Hire Reporting Program established  
20 by the federal Personal Responsibility and Work Opportunity  
21 Reconciliation Act of 1996. The Director is authorized to use  
22 the information contained in the Directory of New Hires to  
23 administer any of the provisions of this Act.

24 B. Each ~~On and after October 1, 1997, each~~ employer in  
25 Illinois, except a department, agency, or instrumentality of

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

1 this subsection shall, to the extent practicable, be made on an  
2 Internal Revenue Service Form W-4 or, at the option of the  
3 employer, an equivalent form, and may be transmitted by first  
4 class mail, by telefax, magnetically, or electronically.

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

22 D. As used in this Section, "newly hired employee" means an  
23 individual who is an employee within the meaning of Chapter 24  
24 of the Internal Revenue Code of 1986, and whose reporting to  
25 work which results in earnings from the employer is the first  
26 instance within the preceding 180 days that the individual has



1 reported for work for which earnings were received from that  
2 employer; however, "newly hired employee" does not include an  
3 employee of a federal or State agency performing intelligence  
4 or counterintelligence functions, if the head of that agency  
5 has determined that the filing of the report required by this  
6 Section with respect to the employee could endanger the safety  
7 of the employee or compromise an ongoing investigation or  
8 intelligence mission.

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

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

19 (820 ILCS 405/1900) (from Ch. 48, par. 640)

20 Sec. 1900. Disclosure of information.

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

24 1. be confidential,

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

1           3. not be used in any court in any pending action or  
2 proceeding,

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

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

13           C. Any officer or employee of this State, any officer or  
14 employee of any entity authorized to obtain information  
15 pursuant to this Section, and any agent of this State or of  
16 such entity who, except with authority of the Director under  
17 this Section, shall disclose information shall be guilty of a  
18 Class B misdemeanor and shall be disqualified from holding any  
19 appointment or employment by the State.

20           D. An individual or his duly authorized agent may be  
21 supplied with information from records only to the extent  
22 necessary for the proper presentation of his claim for benefits  
23 or with his existing or prospective rights to benefits.  
24 Discretion to disclose this information belongs solely to the  
25 Director and is not subject to a release or waiver by the  
26 individual. Notwithstanding any other provision to the

1 contrary, an individual or his or her duly authorized agent may  
2 be supplied with a statement of the amount of benefits paid to  
3 the individual during the 18 months preceding the date of his  
4 or her request.

5 E. An employing unit may be furnished with information,  
6 only if deemed by the Director as necessary to enable it to  
7 fully discharge its obligations or safeguard its rights under  
8 the Act. Discretion to disclose this information belongs solely  
9 to the Director and is not subject to a release or waiver by  
10 the employing unit.

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

- 14 1. the administration of relief,
- 15 2. public assistance,
- 16 3. unemployment compensation,
- 17 4. a system of public employment offices,
- 18 5. wages and hours of employment, or
- 19 6. a public works program.

20 The Director may make available to the Illinois Workers'  
21 Compensation Commission information regarding employers for  
22 the purpose of verifying the insurance coverage required under  
23 the Workers' Compensation Act and Workers' Occupational  
24 Diseases Act.

25 G. The Director may disclose information submitted by the  
26 State or any of its political subdivisions, municipal

1 corporations, instrumentalities, or school or community  
2 college districts, except for information which specifically  
3 identifies an individual claimant.

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

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

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

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

18 4. information that will assure reasonable cooperation  
19 with every agency of the United States charged with the  
20 administration of any unemployment compensation law as  
21 required by Section 303(c)(2); and

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

26 6. any wage information upon request and on a

1 reimbursable basis to any State or local child support  
2 enforcement agency required by Section 303(e); and

3 7. any information required under the income  
4 eligibility and verification system as required by Section  
5 303(f); and

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

14 9. information, upon request, to representatives of  
15 any federal, State or local governmental public housing  
16 agency with respect to individuals who have signed the  
17 appropriate consent form approved by the Secretary of  
18 Housing and Urban Development and who are applying for or  
19 participating in any housing assistance program  
20 administered by the United States Department of Housing and  
21 Urban Development as required by Section 303(i).

22 I. The Director, upon the request of a public agency of  
23 Illinois, of the federal government or of any other state  
24 charged with the investigation or enforcement of Section 10-5  
25 of the Criminal Code of 1961 (or a similar federal law or  
26 similar law of another State), may furnish the public agency

1 information regarding the individual specified in the request  
2 as to:

3 1. the current or most recent home address of the  
4 individual, and

5 2. the names and addresses of the individual's  
6 employers.

7 J. Nothing in this Section shall be deemed to interfere  
8 with the disclosure of certain records as provided for in  
9 Section 1706 or with the right to make available to the  
10 Internal Revenue Service of the United States Department of the  
11 Treasury, or the Department of Revenue of the State of  
12 Illinois, information obtained under this Act.

13 K. The Department shall make available to the Illinois  
14 Student Assistance Commission, upon request, information in  
15 the possession of the Department that may be necessary or  
16 useful to the Commission in the collection of defaulted or  
17 delinquent student loans which the Commission administers.

18 L. The Department shall make available to the State  
19 Employees' Retirement System, the State Universities  
20 Retirement System, ~~and~~ the Teachers' Retirement System of the  
21 State of Illinois, and the Department of Central Management  
22 Services, Risk Management Division, upon request, information  
23 in the possession of the Department that may be necessary or  
24 useful to the System or the Risk Management Division for the  
25 purpose of determining whether any recipient of a disability  
26 benefit from the System or a workers' compensation benefit from

1 the Risk Management Division is gainfully employed.

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

10 N. The Director may require such safeguards as he deems  
11 proper to insure that information disclosed pursuant to this  
12 Section is used only for the purposes set forth in this  
13 Section.

14 O. Nothing in this Section prohibits communication with an  
15 individual or entity through unencrypted e-mail or other  
16 unencrypted electronic means as long as the communication does  
17 not contain the individual's or entity's name in combination  
18 with any one or more of the individual's or entity's social  
19 security number; driver's license or State identification  
20 number; account number or credit or debit card number; or any  
21 required security code, access code, or password that would  
22 permit access to further information pertaining to the  
23 individual or entity ~~(Blank)~~.

24 P. Within 30 days after the effective date of this  
25 amendatory Act of 1993 and annually thereafter, the Department  
26 shall provide to the Department of Financial Institutions a

1 list of individuals or entities that, for the most recently  
2 completed calendar year, report to the Department as paying  
3 wages to workers. The lists shall be deemed confidential and  
4 may not be disclosed to any other person.

5 Q. The Director shall make available to an elected federal  
6 official the name and address of an individual or entity that  
7 is located within the jurisdiction from which the official was  
8 elected and that, for the most recently completed calendar  
9 year, has reported to the Department as paying wages to  
10 workers, where the information will be used in connection with  
11 the official duties of the official and the official requests  
12 the information in writing, specifying the purposes for which  
13 it will be used. For purposes of this subsection, the use of  
14 information in connection with the official duties of an  
15 official does not include use of the information in connection  
16 with the solicitation of contributions or expenditures, in  
17 money or in kind, to or on behalf of a candidate for public or  
18 political office or a political party or with respect to a  
19 public question, as defined in Section 1-3 of the Election  
20 Code, or in connection with any commercial solicitation. Any  
21 elected federal official who, in submitting a request for  
22 information covered by this subsection, knowingly makes a false  
23 statement or fails to disclose a material fact, with the intent  
24 to obtain the information for a purpose not authorized by this  
25 subsection, shall be guilty of a Class B misdemeanor.

26 R. The Director may provide to any State or local child



1 support agency, upon request and on a reimbursable basis,  
2 information that might be useful in locating an absent parent  
3 or that parent's employer, establishing paternity, or  
4 establishing, modifying, or enforcing child support orders.

5 S. The Department shall make available to a State's  
6 Attorney of this State or a State's Attorney's investigator,  
7 upon request, the current address or, if the current address is  
8 unavailable, current employer information, if available, of a  
9 victim of a felony or a witness to a felony or a person against  
10 whom an arrest warrant is outstanding.

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

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

19 (820 ILCS 405/2100) (from Ch. 48, par. 660)

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

21 A. All contributions and payments in lieu of contributions  
22 collected under this Act, including but not limited to fund  
23 building receipts and receipts attributable to the surcharge  
24 established pursuant to Section 1506.5, together with any  
25 interest thereon; all penalties collected pursuant to this Act;

1 any property or securities acquired through the use thereof;  
2 all moneys advanced to this State's account in the unemployment  
3 trust fund pursuant to the provisions of Title XII of the  
4 Social Security Act, as amended; all moneys directed for  
5 transfer from the Master Bond Fund or the Title XII Interest  
6 Fund to this State's account in the unemployment trust fund;  
7 all moneys received from the Federal government as  
8 reimbursements pursuant to Section 204 of the Federal-State  
9 Extended Unemployment Compensation Act of 1970, as amended; all  
10 moneys credited to this State's account in the unemployment  
11 trust fund pursuant to Section 903 of the Federal Social  
12 Security Act, as amended; all administrative fees collected  
13 from individuals pursuant to Section 900 or from employing  
14 units pursuant to Section 2206.1; and all earnings of such  
15 property or securities and any interest earned upon any such  
16 moneys shall be paid or turned over to and held by the  
17 Director, as ex-officio custodian of the clearing account, the  
18 unemployment trust fund account and the benefit account, and by  
19 the State Treasurer, as ex-officio custodian of the special  
20 administrative account, separate and apart from all public  
21 moneys or funds of this State, as hereinafter provided. Such  
22 moneys shall be administered by the Director exclusively for  
23 the purposes of this Act.

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

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

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

16           The Treasurer shall maintain for such moneys a special  
17 administrative account. The Director shall maintain for such  
18 moneys 3 separate accounts: a clearing account, a benefit  
19 account and an unemployment trust fund account. All moneys  
20 payable under this Act (except moneys requisitioned from this  
21 State's account in the unemployment trust fund and deposited in  
22 the benefit account and moneys directed for deposit into the  
23 Special Programs Fund provided for under Section 2107),  
24 including but not limited to moneys directed for transfer from  
25 the Master Bond Fund or the Title XII Interest Fund to this  
26 State's account in the unemployment trust fund, upon receipt

1       thereof by the Director, shall be immediately deposited in the  
2       clearing account; provided, however, that, except as is  
3       otherwise provided in this Section, interest and penalties  
4       shall not be deemed a part of the clearing account but shall be  
5       transferred immediately upon clearance thereof to the special  
6       administrative account; further provided that an amount not to  
7       exceed \$90,000,000 in payments attributable to the surcharge  
8       established pursuant to Section 1506.5, including any interest  
9       thereon, shall not be deemed a part of the clearing account but  
10      shall be transferred immediately upon clearance thereof to the  
11      Title XII Interest Fund.

12       After clearance thereof, all other moneys in the clearing  
13      account shall be immediately deposited by the Director with the  
14      Secretary of the Treasury of the United States of America to  
15      the credit of the account of this State in the unemployment  
16      trust fund, established and maintained pursuant to the Federal  
17      Social Security Act, as amended, except fund building receipts,  
18      which shall be deposited into the Master Bond Fund. The benefit  
19      account shall consist of all moneys requisitioned from this  
20      State's account in the unemployment trust fund. The moneys in  
21      the benefit account shall be expended in accordance with  
22      regulations prescribed by the Director and solely for the  
23      payment of benefits, refunds of contributions, interest and  
24      penalties under the provisions of the Act, the payment of  
25      health insurance in accordance with Section 410 of this Act,  
26      and the transfer or payment of funds to any Federal or State

1 agency pursuant to reciprocal arrangements entered into by the  
2 Director under the provisions of Section 2700E, except that  
3 moneys credited to this State's account in the unemployment  
4 trust fund pursuant to Section 903 of the Federal Social  
5 Security Act, as amended, shall be used exclusively as provided  
6 in subsection B. For purposes of this Section only, to the  
7 extent allowed by applicable legal requirements, the payment of  
8 benefits includes but is not limited to the payment of  
9 principal on any bonds issued pursuant to the Illinois  
10 Unemployment Insurance Trust Fund Financing Act, exclusive of  
11 any interest or administrative expenses in connection with the  
12 bonds. The Director shall, from time to time, requisition from  
13 the unemployment trust fund such amounts, not exceeding the  
14 amounts standing to the State's account therein, as he deems  
15 necessary solely for the payment of such benefits, refunds, and  
16 funds, for a reasonable future period. The Director, as  
17 ex-officio custodian of the benefit account, which shall be  
18 kept separate and apart from all other public moneys, shall  
19 issue payment of such benefits, refunds, health insurance and  
20 funds solely from the moneys so received into the benefit  
21 account. However, after January 1, 1987, no payment shall be  
22 drawn on such benefit account unless at the time of drawing  
23 there is sufficient money in the account to make the payment.  
24 The Director shall retain in the clearing account an amount of  
25 interest and penalties equal to the amount of interest and  
26 penalties to be refunded from the benefit account. After

1 clearance thereof, the amount so retained shall be immediately  
2 deposited by the Director, as are all other moneys in the  
3 clearing account, with the Secretary of the Treasury of the  
4 United States. If, at any time, an insufficient amount of  
5 interest and penalties is available for retention in the  
6 clearing account, no refund of interest or penalties shall be  
7 made from the benefit account until a sufficient amount is  
8 available for retention and is so retained, or until the State  
9 Treasurer, upon the direction of the Director, transfers to the  
10 Director a sufficient amount from the special administrative  
11 account, for immediate deposit in the benefit account.

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

21 Moneys in the clearing, benefit and special administrative  
22 accounts shall not be commingled with other State funds but  
23 they shall be deposited as required by law and maintained in  
24 separate accounts on the books of a savings and loan  
25 association or bank.

26 No bank or savings and loan association shall receive

1 public funds as permitted by this Section, unless it has  
2 complied with the requirements established pursuant to Section  
3 6 of "An Act relating to certain investments of public funds by  
4 public agencies", approved July 23, 1943, as now or hereafter  
5 amended.

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

21 1. Specifies the purpose or purposes for which such  
22 moneys are appropriated and the amount or amounts  
23 appropriated therefor;

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

1           3. Limits the amount which may be obligated during any  
2           fiscal year to an amount which does not exceed the amount  
3           by which (a) the aggregate of the amounts transferred to  
4           the account of this State pursuant to Section 903 of the  
5           Social Security Act exceeds (b) the aggregate of the  
6           amounts used by this State pursuant to this Act and charged  
7           against the amounts transferred to the account of this  
8           State.

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

16          Moneys appropriated as provided herein for the payment of  
17          expenses of administration shall be requisitioned by the  
18          Director as needed for the payment of obligations incurred  
19          under such appropriation. Upon requisition, such moneys shall  
20          be deposited with the State Treasurer, who shall hold such  
21          moneys, as ex-officio custodian thereof, in accordance with the  
22          requirements of Section 2103 and, upon the direction of the  
23          Director, shall make payments therefrom pursuant to such  
24          appropriation. Moneys so deposited shall, until expended,  
25          remain a part of the unemployment trust fund and, if any will  
26          not be expended, shall be returned promptly to the account of



1 this State in the unemployment trust fund.

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

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

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

14 (820 ILCS 405/2203) (from Ch. 48, par. 683)

15 Sec. 2203. Service of notice-Place of hearing-By whom  
16 conducted.

17 Whenever service of notice is required by Sections 2200 or  
18 2201, such notice shall be deemed to have been served when  
19 deposited with the United States certified or registered mail  
20 addressed to the employing unit at its principal place of  
21 business, or its last known place of business or residence, or  
22 may be served by any person of full age in the same manner as is  
23 provided by statute for service of process in civil cases. If  
24 represented by counsel in the proceedings before the Director,  
25 then service of notice may be made upon such employing unit by

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

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

21 (820 ILCS 405/2206.1) (from Ch. 48, par. 686.1)

22 Sec. 2206.1. In addition to the remedies provided by this  
23 Act, when an employing unit defaults in any payment or  
24 contribution required to be made to the State under the  
25 provisions of this Act, the Director may request the

1 Comptroller to withhold the amount due in accordance with the  
2 provisions of Section 10.05 of the State Comptroller Act and  
3 the Director may request the Secretary of the Treasury to  
4 withhold the amount due to the extent allowed by and in  
5 accordance with Section 6402(f) of the federal Internal Revenue  
6 Code of 1986, as amended. Where the Director requests  
7 withholding by the Secretary of the Treasury pursuant to this  
8 Section, in addition to the amount of the payment otherwise  
9 owed by the employing unit, the employing unit shall be liable  
10 for any legally authorized administrative fee assessed by the  
11 Secretary, with such fee to be added to the amount to be  
12 withheld by the Secretary.

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

14 (820 ILCS 405/2405 new)

15 Sec. 2405. Process; failure to file reports or make  
16 payments. The process available to the Department of Revenue  
17 pursuant to Section 3-7 of the Uniform Penalty and Interest Act  
18 with respect to an unpaid trust tax, interest, or penalties  
19 shall be available to the Department of Employment Security  
20 with respect to unpaid contributions, payments in lieu of  
21 contributions, penalties, and interest due pursuant to this Act  
22 where any officer or employee of the employer who has the  
23 control, supervision, or responsibility of filing wage or  
24 contribution reports and making payment of contributions or  
25 payments in lieu of contributions pursuant to this Act

1 willfully fails to file the report or make the payment or  
2 willfully attempts in any other manner to evade or defeat a  
3 liability pursuant to this Act. For purposes of this Section,  
4 references to the Department or Director of Revenue in Section  
5 3-7 of the Uniform Penalty and Interest Act shall be deemed to  
6 be references to the Department or Director of Employment  
7 Security. Procedures for protest and review of a notice of  
8 penalty liability under this Section shall be the same as those  
9 prescribed for protest and review of a determination and  
10 assessment under Section 2200.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.