

# SB3520



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3520

Introduced 2/8/2012, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/220

from Ch. 48, par. 330

Amends the Unemployment Insurance Act. Provides that the term "employment" does not include service performed after December 31, 2012 in the employ of certain governmental entities if the service is performed on a temporary basis as a public safety employee and the pay received for the service during the calendar quarter is less than \$1,000. Defines terms. Effective January 1, 2013.

LRB097 19356 JLS 64605 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Unemployment Insurance Act is amended by  
5 changing Section 220 as follows:

6 (820 ILCS 405/220) (from Ch. 48, par. 330)

7 Sec. 220. A. The term "employment" shall not include  
8 service performed prior to 1972 in the employ of this State, or  
9 of any political subdivision thereof, or of any wholly owned  
10 instrumentality of this State or its political subdivisions.

11 B. The term "employment" shall not include service,  
12 performed after 1971 and before 1978, in the employ of this  
13 State or any of its instrumentalities:

14 1. In an elective position;

15 2. Of a professional or consulting nature, compensated  
16 on a per diem or retainer basis;

17 3. For a State prison or other State correctional  
18 institution, by an inmate of the prison or correctional  
19 institution;

20 4. As part of an unemployment work-relief or  
21 work-training program assisted or financed in whole or in  
22 part by any Federal agency or an agency of this State, by  
23 an individual receiving such work-relief or work-training;

1           5. In a facility conducted for the purpose of carrying  
2           out a program of rehabilitation for individuals whose  
3           earning capacity is impaired by age or physical or mental  
4           deficiency or injury or providing remunerative work for  
5           individuals who because of their impaired physical or  
6           mental capacity cannot be readily absorbed in the  
7           competitive labor market, by an individual receiving such  
8           rehabilitation or remunerative work;

9           6. Directly for the Illinois State Fair during its  
10          active duration (including the week immediately preceding  
11          and the week immediately following the Fair);

12          7. Directly and solely in connection with an emergency,  
13          in fire-fighting, snow removal, flood control, control of  
14          the effects of wind or flood, and the like, by an  
15          individual hired solely for the period of such emergency;

16          8. In the Illinois National Guard, directly and solely  
17          in connection with its summer training camps or during  
18          emergencies, by an individual called to duty solely for  
19          such purposes.

20          C. Except as provided in Section 302, the term "employment"  
21          shall not include service performed in the employ of a  
22          political subdivision or a municipal corporation, or an  
23          instrumentality of one or more of the foregoing or of this  
24          State and one or more of the foregoing. This subsection shall  
25          not apply to service performed after December 31, 1977.

26          D. The term "employment" shall not include service

1 performed after December 31, 1977:

2 1. In the employ of a governmental entity referred to  
3 in clause (B) of Section 211.1 if such service is performed  
4 in the exercise of duties

5 a. As an elected official;

6 b. As a member of a legislative body, or a member  
7 of the judiciary, of this State or a political  
8 subdivision or municipal corporation;

9 c. As a member of the Illinois National Guard or  
10 Air National Guard;

11 d. As a worker serving on a temporary basis in case  
12 of fire, storm, snow, earthquake, flood, or similar  
13 emergency;

14 e. In a position which, under or pursuant to the  
15 laws of this State, is designated as a major nontenured  
16 policymaking or advisory position, or as a  
17 policymaking position the performance of the duties of  
18 which ordinarily does not require more than 8 hours per  
19 week.

20 2. As part of an unemployment work-relief or  
21 work-training program assisted or financed in whole or in  
22 part by any Federal agency or an agency of this State, or a  
23 political subdivision or municipal corporation, by an  
24 individual receiving such work-relief or work-training.

25 3. In a facility conducted for the purpose of carrying  
26 out a program of rehabilitation for individuals whose

1           earning capacity is impaired by age or physical or mental  
2           deficiency or injury or providing remunerative work for  
3           individuals who because of their impaired physical or  
4           mental capacity cannot be readily absorbed in the  
5           competitive labor market, by an individual receiving such  
6           rehabilitation or remunerative work.

7           4. By an inmate of a custodial or penal institution.

8           E. The term "employment" shall not include service  
9           performed on or after January 1, 2002 in the employ of a  
10          governmental entity referred to in clause (B) of Section 211.1  
11          if the service is performed in the exercise of duties as an  
12          election official or election worker and the amount of  
13          remuneration received by the individual during the calendar  
14          year for service as an election official or election worker is  
15          less than \$1,000.

16          F. The term "employment" shall not include service  
17          performed in the employ of an Indian tribe if such service is  
18          performed in the exercise of duties:

19                1. as an elected official;

20                2. as a member of a legislative body, or a member of  
21          the judiciary, of that Indian tribe;

22                3. as a worker serving on a temporary basis in case of  
23          fire, storm, snow, earthquake, flood, or similar  
24          emergency;

25                4. in a position which, under or pursuant to tribal  
26          law, is designated as a major nontenured policymaking or

1 advisory position, or as a policymaking position the  
2 performance of the duties of which ordinarily does not  
3 require more than 8 hours per week;

4 5. as part of an unemployment work-relief or  
5 work-training program assisted or financed in whole or in  
6 part by any federal agency or an agency of this State, or a  
7 political subdivision or municipal corporation, or an  
8 Indian tribe, by an individual receiving such work-relief  
9 or work training;

10 6. in a facility conducted for the purpose of carrying  
11 out a program of rehabilitation for individuals whose  
12 earning capacity is impaired by age or physical or mental  
13 deficiency or injury or providing remunerative work for  
14 individuals who because of their impaired physical or  
15 mental capacity cannot be readily absorbed in the  
16 competitive labor market, by an individual receiving such  
17 rehabilitation or remunerative work;

18 7. by an inmate of a custodial or penal institution.

19 G. The term "employment" shall not include service  
20 performed after December 31, 2012 in the employ of a  
21 governmental entity referred to in clause (B) of Section 211.1  
22 if that service is performed in the exercise of duties as a  
23 worker serving on temporary basis as a public safety employee  
24 and the amount of remuneration received by the individual  
25 during the calendar quarter for that service as a public safety  
26 employee is less than \$1,000.

1           1. For purposes of this subsection, "temporary basis"  
2           means a part-time worker, as defined in Section 407 of this  
3           Act, exempt from eligibility under subparagraph d of  
4           paragraph 1 of subsection D of Section 220 of this Act who  
5           either:

6                   (a) does not earn wages, as defined in Section 234  
7                   of this Act, for 8 of the 12 weeks generally comprising  
8                   each of the 4 calendar quarters which in turn comprise  
9                   the base period, as defined in Section 237 of this Act;  
10                  or

11                   (b) has not accrued hours of service, as defined in  
12                   Section 211.1 of this Act, in excess of 24 hours per  
13                   week for 10 of the 12 weeks generally comprising each  
14                   of the 4 calendar quarters which in turn comprise the  
15                   base period, as defined in Section 237 of this Act.

16           2. For purposes of this subsection, "public safety  
17           employee" means: a police officer, detective, deputy  
18           sheriff, state trooper, investigator inspector,  
19           correctional officer, park ranger, firefighter, paramedic,  
20           emergency medical technician, or staffing ambulance  
21           attendant or operator who performs work including, but not  
22           limited to: crime prevention, detection, or enforcement;  
23           pursuit, restraint, apprehension, and detention of  
24           criminal suspects or convicts; fire prevention, control,  
25           mitigation, investigation, or suppression; rescue and  
26           medical treatment of fire, crime, or accident victims;

1       service as a volunteer emergency worker, as defined in  
2       Section 3 of the Volunteer Emergency Worker Job Protection  
3       Act; or service as a disaster service volunteer, as defined  
4       in Section 15 of the Local Government Disaster Service  
5       Volunteer Act.

6       (Source: P.A. 92-441, eff. 1-1-02; 92-555, eff. 6-24-02.)

7       Section 99. Effective date. This Act takes effect on  
8       January 1, 2013.