



Sen. Gary Forby

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1 AMENDMENT TO HOUSE BILL 3125

2 AMENDMENT NO. _____. Amend House Bill 3125 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Employment Security Law of
5 the Civil Administrative Code of Illinois is amended by adding
6 Section 1005-165 as follows:

7 (20 ILCS 1005/1005-165 new)

8 Sec. 1005-165. Disabled veterans outreach. The Department
9 shall employ such disabled veterans outreach program
10 specialists as appropriate and efficient according to Section
11 4103A of Title 38 of the United States Code, or any successor
12 legislation, based upon available federal funding for that
13 purpose.

14 Section 10. The Veterans' Employment Representative Act is
15 amended by changing Sections 1 and 2 as follows:

1 (330 ILCS 50/1) (from Ch. 48, par. 186a)

2 Sec. 1. Veteran services; representative. The Department
3 of Employment Security ~~Each full service office of the Job~~
4 ~~Service~~ shall assign at least one full time Veterans'
5 Employment Representative, defined by title and classification
6 under the Personnel Code of Illinois, to each full service
7 office of the employment service, to work exclusively in job
8 counseling, training, and placement of veterans. Preference
9 for these positions shall be given to qualified persons who
10 have been members of the armed forces of the United States in
11 times of hostilities with a foreign country. Any candidate for
12 these positions shall be deemed to have met and satisfied
13 examination admission requirements if the candidate served in
14 the armed forces during times of hostilities with a foreign
15 country and was honorably discharged therefrom due to a
16 combat-related disability. The holder of such a position shall
17 be administratively responsible to the local office manager,
18 and his or her first line responsibility is functional
19 supervision of all local office services to veterans. He or she
20 may also be delegated line supervision of veteran units,
21 assistant local veterans' employment representative, or
22 veteran aid. Individualized veterans' services such as
23 application taking, counseling, job referral, or training will
24 continue to be provided to veterans on a priority basis by all
25 local office staff.

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

2 (330 ILCS 50/2) (from Ch. 48, par. 186b)

3 Sec. 2. Veteran services; funding. Since funding for these
4 veteran services by the employment service ~~Job Service~~ has
5 already been provided for by the U.S. Department of Labor, no
6 additional funds will be required to carry out the provisions
7 of this Act.

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

9 Section 15. The Unemployment Insurance Act is amended by
10 changing Sections 1801.1, 2401, and 2800 and by adding Section
11 2208.1 as follows:

12 (820 ILCS 405/1801.1)

13 Sec. 1801.1. Directory of New Hires.

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

1 administer any of the provisions of this Act.

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

1 information regarding any rehired employee in the same manner
2 as information is submitted regarding a newly hired employee.
3 Each report required under this subsection shall, to the extent
4 practicable, be made on an Internal Revenue Service Form W-4
5 or, at the option of the employer, an equivalent form, and may
6 be transmitted by first class mail, by telefax, magnetically,
7 or electronically.

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

25 D. As used in this Section, "newly hired employee" means an
26 individual who (i) is an employee within the meaning of Chapter

1 24 of the Internal Revenue Code of 1986 and (ii) either has not
2 previously been employed by the employer or was previously
3 employed by the employer but has been separated from that prior
4 employment for at least 60 consecutive days; however, "newly
5 hired employee" does not include an employee of a federal or
6 State agency performing intelligence or counterintelligence
7 functions, if the head of that agency has determined that the
8 filing of the report required by this Section with respect to
9 the employee could endanger the safety of the employee or
10 compromise an ongoing investigation or intelligence mission.

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

20 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;
21 97-791, eff. 1-1-13; revised 7-23-12.)

22 (820 ILCS 405/2208.1 new)

23 Sec. 2208.1. Return receipts. Whenever any provision of
24 this Act requires service by certified or registered mail
25 either a paper return receipt issued by the United States

1 Postal Service or an electronic return receipt issued by the
2 United States Postal Service shall constitute proof of service.

3 (820 ILCS 405/2401) (from Ch. 48, par. 721)

4 Sec. 2401. Recording and release of lien. A. The lien
5 created by Section 2400 shall be invalid only as to any
6 innocent purchaser for value of stock in trade of any employer
7 in the usual course of such employer's business, and shall be
8 invalid as to any innocent purchaser for value of any of the
9 other assets to which such lien has attached, unless notice
10 thereof has been filed by the Director in the office of the
11 recorder of the county within which the property subject to the
12 lien is situated. The Director may, in his discretion, for good
13 cause shown and upon the reimbursement of any recording fees
14 paid by the Director with respect to the lien, issue a
15 certificate of withdrawal of notice of lien filed against any
16 employer, which certificate shall be recorded in the same
17 manner as herein provided for the recording of notice of liens.
18 Such withdrawal of notice of lien shall invalidate such lien as
19 against any person acquiring any of such employer's property or
20 any interest therein, subsequent to the recordation of the
21 withdrawal of notice of lien, but shall not otherwise affect
22 the validity of such lien, nor shall it prevent the Director
23 from re-recording notice of such lien. In the event notice of
24 such lien is re-recorded, such notice shall be effective as
25 against third persons only as of the date of such

1 re-recording.

2 B. The recorder of each county shall procure at the expense
3 of the county a file labeled "Unemployment Compensation
4 Contribution Lien Notice" and an index book labeled
5 "Unemployment Compensation Contribution Lien Index." When a
6 notice of any such lien is presented to him for filing, he
7 shall file it in numerical order in the file and shall enter it
8 alphabetically in the index. The entry shall show the name and
9 last known business address of the employer named in the
10 notice, the serial number of the notice, the date and hour of
11 filing, and the amount of contribution, interest and penalty
12 thereon due and unpaid. When a certificate of complete or
13 partial release of such lien issued by the Director is
14 presented for filing in the office of the recorder where a
15 notice of lien was filed, the recorder shall permanently attach
16 the certificate of release to the notice of lien and shall
17 enter the certificate of release and the date in the
18 Unemployment Compensation Contribution Lien Index on the line
19 where the notice of lien is entered. In case title to land to
20 be affected by the Notice of Lien is registered under the
21 provisions of "An Act Concerning Land Titles", approved May 1,
22 1897, as amended, such notice shall be filed in the office of
23 the Registrar of Titles of the county within which the property
24 subject to the lien is situated and shall be entered upon the
25 register of titles as a memorial or charge upon each folium of
26 the register of title affected by such notice, and the Director

1 shall not have a preference over the rights of any bona fide
2 purchaser, mortgagee, judgment creditor or other lien holder
3 arising prior to the registration of such notice.

4 C. The Director shall have the power to issue a certificate
5 of partial release of any part of the property subject to the
6 lien, upon the reimbursement of any recording fees paid by the
7 Director with respect to the lien, if he shall find that the
8 fair market value of that part of such property remaining
9 subject to the lien is at least equal to the amount of all
10 prior liens upon such property plus double the amount of the
11 liability for contributions, interest and penalties thereon
12 remaining unsatisfied.

13 D. Where the amount of or the liability for the payment of
14 any contribution, interest or penalty is contested by any
15 employing unit against whose property a lien has attached, and
16 the determination of the Director with reference to such
17 contribution has not become final, the Director may issue a
18 certificate of release of lien upon the reimbursement of any
19 recording fees paid by the Director with respect to the lien
20 and the furnishing of bond by such employing unit in 125% the
21 amount of the sum of such contribution, interest and penalty,
22 for which lien is claimed, with good and sufficient surety to
23 be approved by the Director conditioned upon the prompt payment
24 of such contribution, together with interest and penalty
25 thereon, by such employing unit to the Director immediately
26 upon the decision of the Director in respect to the liability

1 for such contribution, interest and penalty becoming final.

2 E. When a lien obtained pursuant to this Act has been
3 satisfied and upon the reimbursement of any recording fees paid
4 by the Director with respect to the lien, the Department shall
5 issue a release to the person, or his agent, against whom the
6 lien was obtained and such release shall contain in legible
7 letters a statement as follows:

8 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
9 BE FILED WITH THE RECORDER OR THE REGISTRAR
10 OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

11 (Source: P.A. 83-358.)

12 (820 ILCS 405/2800) (from Ch. 48, par. 780)
13 Sec. 2800. Violations and penalties.

14 A. It shall be unlawful for any person or employing unit
15 to--

16 1. Make a false statement or representation or fail to
17 disclose a material fact:

18 a. To obtain, or increase, or prevent, or reduce any
19 benefit or payment under the provisions of this Act, or under
20 the unemployment compensation law of any State or the Federal
21 Government, either for himself or for any other person; or

22 b. To avoid or reduce any contribution or other payment
23 required from an employing unit under this Act.

24 2. Fail to pay a contribution due under the provisions of
25 this Act.

1 3. Fail to furnish any report, audit, or information duly
2 required by the Director under this Act.

3 4. Refuse to allow the Director or his duly authorized
4 representative to inspect or copy the pay roll or other records
5 or documents relative to the enforcement of this Act or
6 required by this Act.

7 5. Make any deduction from the wages of any individual in
8 its employ because of its liability for the payment of
9 contributions required by this Act.

10 6. Knowingly fail to furnish to any individual in its
11 employ any notice, report, or information duly required under
12 the provisions of this Act or the rules or regulations of the
13 Director.

14 7. Attempt to induce any individual, directly or indirectly
15 (by promise of re-employment or by threat not to employ or not
16 to re-employ or by any other means), to refrain from claiming
17 or accepting benefits or to waive any other rights under this
18 Act; or to maintain a rehiring policy which discriminates
19 against former individuals in its employ by reason of their
20 having claimed benefits.

21 8. Pay contributions upon wages for services not rendered
22 for such employing unit if the purpose of such payment is
23 either to reduce the amount of contributions due or to become
24 due from any employing unit or to affect the benefit rights of
25 any individual.

26 9. Solicit, or aid or abet the solicitation of, information

1 from any individual concerning his place of employment,
2 residence, assets or earnings, by any means which are intended
3 to mislead such individual to believe that the person or
4 employing unit seeking such information is the Department or
5 one of its Divisions or branches, or a representative thereof.

6 B. Any employing unit or person who willfully violates any
7 provision of this Section or any other provision of this Act or
8 any rule or regulation promulgated thereunder, or does any act
9 prohibited by this Act, or who fails, neglects, or refuses to
10 perform any duty required by any provision of this Act or rule
11 or regulation of the Director, within the time prescribed by
12 the Director, for which no penalty has been specifically
13 provided, or who fails, neglects, or refuses to obey any lawful
14 order given or made by the Director, shall be guilty of a Class
15 B misdemeanor, and each such act, failure, neglect, or refusal
16 shall constitute a separate and distinct offense. An employing
17 unit's or person's willful filing of a fraudulent quarterly
18 wage report shall constitute a Class 4 felony if the amount of
19 contributions owed with respect to the quarter is less than
20 \$300 and a Class 3 felony if the amount of contributions owed
21 with respect to the quarter is \$300 or more. An employing
22 unit's or person's willful failure to honor a subpoena issued
23 by the Department shall constitute a Class 4 felony. If a ~~such~~
24 person or employing unit described in this Section is a
25 corporation, the president, the secretary, and the treasurer,
26 and any other officer exercising corresponding functions,

1 shall each be subject to the aforesaid penalties for the
2 violation of any provisions of this Section of which he or they
3 had or, in the exercise of his or their duties, ought to have
4 had knowledge, not including the provisions regarding the
5 filing of a fraudulent quarterly wage report or the willful
6 failure to honor a subpoena.

7 (Source: P.A. 77-2439.)

8 (820 ILCS 405/1704 rep.)

9 (820 ILCS 405/2105 rep.)

10 Section 20. The Unemployment Insurance Act is amended by
11 repealing Sections 1704 and 2105.

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