



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3682

by Rep. Litesa E. Wallace

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/2206.5 new

Amends the Unemployment Insurance Act. Provides that, if an employing unit or its agent has a pattern of failing to respond with information required under the Act in a timely or complete manner, benefits paid to a claimant as a result of that failure shall be charged to the employing unit's account. Sets forth criteria for determining whether a pattern of failing to respond with information exists. Provides that, in addition to the amounts charged to the employing unit's account, the Department of Employment Security shall assess a civil penalty equal to the benefits paid as a result of the failure of the employing unit to respond as required. Makes other changes. Effective immediately.

LRB099 09686 JLS 29895 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Unemployment Insurance Act is amended by  
5 adding Section 2206.5 as follows:

6 (820 ILCS 405/2206.5 new)

7 Sec. 2206.5. Failure to respond; penalty.

8 (a) If an employing unit or its agent has a pattern of  
9 failing to respond with information required under this Act in  
10 a timely or complete manner, benefits paid to a claimant as a  
11 result of that failure shall be charged to the employing unit's  
12 account. Benefits paid shall be charged against the employing  
13 unit's account as of the quarter in which the payments are  
14 made.

15 (b) In order to demonstrate a pattern sufficient to render  
16 benefits chargeable, the Department shall document repeated  
17 failure to provide required information in a timely or complete  
18 manner. The Department shall take into consideration the number  
19 of instances of failure in relation to the number of requests  
20 for required information. The number of failures must be more  
21 than 4 and constitute 2% or more of all the requests for  
22 information directed to the employing unit during the prior  
23 calendar year. A determination that an employing unit's account

1 may be charged is appealable in the same manner as other  
2 determinations under this Act.

3 (c) In addition to the amounts charged to the employing  
4 unit's account, the Department shall assess a civil penalty  
5 equal to the benefits paid as a result of the failure of the  
6 employing unit to respond as required. Moneys recovered under  
7 this Section shall be paid into the State's account in the  
8 Unemployment Trust Fund.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.