



Rep. Jay Hoffman

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LRB099 08774 KTG 39618 a

1 AMENDMENT TO SENATE BILL 1941

2 AMENDMENT NO. _____. Amend Senate Bill 1941, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unemployment Insurance Act is amended by
6 changing Sections 401, 403, 602, 611, 1505, and 1506.6 as
7 follows:

8 (820 ILCS 405/401) (from Ch. 48, par. 401)

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

10 A. With respect to any week beginning in a benefit year
11 beginning prior to January 4, 2004, an individual's weekly
12 benefit amount shall be an amount equal to the weekly benefit
13 amount as defined in the provisions of this Act as amended and
14 in effect on November 18, 2011.

15 B. 1. With respect to any benefit year beginning on or
16 after January 4, 2004 and before January 6, 2008, an

1 individual's weekly benefit amount shall be 48% of his or her
2 prior average weekly wage, rounded (if not already a multiple
3 of one dollar) to the next higher dollar; provided, however,
4 that the weekly benefit amount cannot exceed the maximum weekly
5 benefit amount and cannot be less than \$51. Except as otherwise
6 provided in this Section, with respect to any benefit year
7 beginning on or after January 6, 2008, an individual's weekly
8 benefit amount shall be 47% of his or her prior average weekly
9 wage, rounded (if not already a multiple of one dollar) to the
10 next higher dollar; provided, however, that the weekly benefit
11 amount cannot exceed the maximum weekly benefit amount and
12 cannot be less than \$51. ~~With respect to any benefit year~~
13 ~~beginning in calendar year 2016, an individual's weekly benefit~~
14 ~~amount shall be 42.8% of his or her prior average weekly wage,~~
15 ~~rounded (if not already a multiple of one dollar) to the next~~
16 ~~higher dollar; provided, however, that the weekly benefit~~
17 ~~amount cannot exceed the maximum weekly benefit amount and~~
18 ~~cannot be less than \$51.~~ With respect to any benefit year
19 beginning in calendar year 2018, an individual's weekly benefit
20 amount shall be 42.9% of his or her prior average weekly wage,
21 rounded (if not already a multiple of one dollar) to the next
22 higher dollar; provided, however, that the weekly benefit
23 amount cannot exceed the maximum weekly benefit amount and
24 cannot be less than \$51.

25 2. For the purposes of this subsection:

26 An individual's "prior average weekly wage" means the total

1 wages for insured work paid to that individual during the 2
2 calendar quarters of his base period in which such total wages
3 were highest, divided by 26. If the quotient is not already a
4 multiple of one dollar, it shall be rounded to the nearest
5 dollar; however if the quotient is equally near 2 multiples of
6 one dollar, it shall be rounded to the higher multiple of one
7 dollar.

8 "Determination date" means June 1 and December 1 of each
9 calendar year except that, for the purposes of this Act only,
10 there shall be no June 1 determination date in any year.

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 "Gross wages" means all the wages paid to individuals

1 during the determination period immediately preceding a
2 determination date for insured work, and reported to the
3 Director by employers prior to the first day of the third
4 calendar month preceding that date.

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

8 "Average monthly covered employment" means one-twelfth of
9 the sum of the covered employment for the 12 months of a
10 determination period.

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

15 "Statewide average weekly wage" means the quotient,
16 obtained by dividing the statewide average annual wage by 52,
17 rounded (if not already a multiple of one cent) to the nearest
18 cent. Notwithstanding any provision of this Section to the
19 contrary, the statewide average weekly wage for any benefit
20 period prior to calendar year 2012 shall be as determined by
21 the provisions of this Act as amended and in effect on November
22 18, 2011. Notwithstanding any provisions of this Section to the
23 contrary, the statewide average weekly wage for the benefit
24 period of calendar year 2012 shall be \$856.55 and for each
25 calendar year thereafter, the statewide average weekly wage
26 shall be the statewide average weekly wage, as determined in

1 accordance with this sentence, for the immediately preceding
2 benefit period plus (or minus) an amount equal to the
3 percentage change in the statewide average weekly wage, as
4 computed in accordance with the first sentence of this
5 paragraph, between the 2 immediately preceding benefit
6 periods, multiplied by the statewide average weekly wage, as
7 determined in accordance with this sentence, for the
8 immediately preceding benefit period. However, for purposes of
9 the Workers' Compensation Act, the statewide average weekly
10 wage will be computed using June 1 and December 1 determination
11 dates of each calendar year and such determination shall not be
12 subject to the limitation of the statewide average weekly wage
13 as computed in accordance with the preceding sentence of this
14 paragraph.

15 With respect to any week beginning in a benefit year
16 beginning prior to January 4, 2004, "maximum weekly benefit
17 amount" with respect to each week beginning within a benefit
18 period shall be as defined in the provisions of this Act as
19 amended and in effect on November 18, 2011.

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

26 Except as otherwise provided in this Section, with respect

1 to any benefit year beginning on or after January 6, 2008,
2 "maximum weekly benefit amount" with respect to each week
3 beginning within a benefit period means 47% of the statewide
4 average weekly wage, rounded (if not already a multiple of one
5 dollar) to the next higher dollar.

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

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

16 C. With respect to any week beginning in a benefit year
17 beginning prior to January 4, 2004, an individual's eligibility
18 for a dependent allowance with respect to a nonworking spouse
19 or one or more dependent children shall be as defined by the
20 provisions of this Act as amended and in effect on November 18,
21 2011.

22 With respect to any benefit year beginning on or after
23 January 4, 2004 and before January 6, 2008, an individual to
24 whom benefits are payable with respect to any week shall, in
25 addition to those benefits, be paid, with respect to such week,
26 as follows: in the case of an individual with a nonworking

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

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

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

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

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

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

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

1 ~~higher dollar, provided that the total amount payable to the~~
2 ~~individual with respect to a week shall not exceed the product~~
3 ~~of the statewide average weekly wage multiplied by the sum of~~
4 ~~42.8% plus the dependent child allowance rate, rounded (if not~~
5 ~~already a multiple of one dollar) to the next higher dollar.~~

6 With respect to any benefit year beginning in calendar year
7 2018, an individual to whom benefits are payable with respect
8 to any week shall, in addition to those benefits, be paid, with
9 respect to such week, as follows: in the case of an individual
10 with a nonworking spouse, the greater of (i) 9% of his or her
11 prior average weekly wage, rounded (if not already a multiple
12 of one dollar) to the next higher dollar, or (ii) \$15, provided
13 that the total amount payable to the individual with respect to
14 a week shall not exceed 51.9% of the statewide average weekly
15 wage, rounded (if not already a multiple of one dollar) to the
16 next higher dollar; and in the case of an individual with a
17 dependent child or dependent children, the greater of (i) the
18 product of the dependent child allowance rate multiplied by his
19 or her prior average weekly wage, rounded (if not already a
20 multiple of one dollar) to the next higher dollar, or (ii) the
21 lesser of \$50 or 50% of his or her weekly benefit amount,
22 rounded (if not already a multiple of one dollar) to the next
23 higher dollar, provided that the total amount payable to the
24 individual with respect to a week shall not exceed the product
25 of the statewide average weekly wage multiplied by the sum of
26 42.9% plus the dependent child allowance rate, rounded (if not

1 already a multiple of one dollar) to the next higher dollar.

2 With respect to each benefit year beginning after calendar
3 year 2012, the dependent child allowance rate shall be the sum
4 of the allowance adjustment applicable pursuant to Section
5 1400.1 to the calendar year in which the benefit year begins,
6 plus the dependent child allowance rate with respect to each
7 benefit year beginning in the immediately preceding calendar
8 year, except as otherwise provided in this subsection. The
9 dependent child allowance rate with respect to each benefit
10 year beginning in calendar year 2010 shall be 17.9%. The
11 dependent child allowance rate with respect to each benefit
12 year beginning in calendar year 2011 shall be 17.4%. The
13 dependent child allowance rate with respect to each benefit
14 year beginning in calendar year 2012 shall be 17.0% and, with
15 respect to each benefit year beginning after calendar year
16 2012, shall not be less than 17.0% or greater than 17.9%.

17 For the purposes of this subsection:

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

19 "Child" means a natural child, stepchild, or adopted child
20 of an individual claiming benefits under this Act or a child
21 who is in the custody of any such individual by court order,
22 for whom the individual is supplying and, for at least 90
23 consecutive days (or for the duration of the parental
24 relationship if it has existed for less than 90 days)
25 immediately preceding any week with respect to which the
26 individual has filed a claim, has supplied more than one-half

1 the cost of support, or has supplied at least 1/4 of the cost
2 of support if the individual and the other parent, together,
3 are supplying and, during the aforesaid period, have supplied
4 more than one-half the cost of support, and are, and were
5 during the aforesaid period, members of the same household; and
6 who, on the first day of such week (a) is under 18 years of age,
7 or (b) is, and has been during the immediately preceding 90
8 days, unable to work because of illness or other disability:
9 provided, that no person who has been determined to be a child
10 of an individual who has been allowed benefits with respect to
11 a week in the individual's benefit year shall be deemed to be a
12 child of the other parent, and no other person shall be
13 determined to be a child of such other parent, during the
14 remainder of that benefit year.

15 "Nonworking spouse" means the lawful husband or wife of an
16 individual claiming benefits under this Act, for whom more than
17 one-half the cost of support has been supplied by the
18 individual for at least 90 consecutive days (or for the
19 duration of the marital relationship if it has existed for less
20 than 90 days) immediately preceding any week with respect to
21 which the individual has filed a claim, but only if the
22 nonworking spouse is currently ineligible to receive benefits
23 under this Act by reason of the provisions of Section 500E.

24 An individual who was obligated by law to provide for the
25 support of a child or of a nonworking spouse for the aforesaid
26 period of 90 consecutive days, but was prevented by illness or

1 injury from doing so, shall be deemed to have provided more
2 than one-half the cost of supporting the child or nonworking
3 spouse for that period.

4 (Source: P.A. 96-30, eff. 6-30-09; 97-621, eff. 11-18-11;
5 97-791, eff. 1-1-13.)

6 (820 ILCS 405/403) (from Ch. 48, par. 403)

7 Sec. 403. Maximum total amount of benefits.†

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

13 B. With respect to any benefit year beginning on or after
14 September 30, 1979, except as otherwise provided in this
15 Section, any otherwise eligible individual shall be entitled,
16 during such benefit year, to a maximum total amount of benefits
17 equal to 26 times his or her weekly benefit amount plus
18 dependents' allowances, or to the total wages for insured work
19 paid to such individual during the individual's base period,
20 whichever amount is smaller. With respect to any benefit year
21 beginning in calendar year 2012, any otherwise eligible
22 individual shall be entitled, during such benefit year, to a
23 maximum total amount of benefits equal to 25 times his or her
24 weekly benefit amount plus dependents' allowances, or to the
25 total wages for insured work paid to such individual during the

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

18 (Source: P.A. 97-1, eff. 3-31-11; 97-621, eff. 11-18-11.)

19 (820 ILCS 405/602) (from Ch. 48, par. 432)

20 Sec. 602. Discharge for misconduct - Felony. A. An
21 individual shall be ineligible for benefits for the week in
22 which he has been discharged for misconduct connected with his
23 work and, thereafter, until he has become reemployed and has
24 had earnings equal to or in excess of his current weekly
25 benefit amount in each of four calendar weeks which are either

1 for services in employment, or have been or will be reported
2 pursuant to the provisions of the Federal Insurance
3 Contributions Act by each employing unit for which such
4 services are performed and which submits a statement certifying
5 to that fact. The requalification requirements of the preceding
6 sentence shall be deemed to have been satisfied, as of the date
7 of reinstatement, if, subsequent to his discharge by an
8 employing unit for misconduct connected with his work, such
9 individual is reinstated by such employing unit. For purposes
10 of this subsection, the term "misconduct" means the deliberate
11 and willful violation of a reasonable rule or policy of the
12 employing unit, governing the individual's behavior in
13 performance of his work, provided such violation has harmed the
14 employing unit or other employees or has been repeated by the
15 individual despite a warning or other explicit instruction from
16 the employing unit. The previous definition notwithstanding,
17 "misconduct" shall include any of the following work-related
18 circumstances:

19 1. Falsification of an employment application, or any
20 other documentation provided to the employer, to obtain
21 employment through subterfuge.

22 2. Failure to maintain licenses, registrations, and
23 certifications reasonably required by the employer, or
24 those that the individual is required to possess by law, to
25 perform his or her regular job duties, unless the failure
26 is not within the control of the individual.

1 3. Knowing, repeated violation of the attendance
2 policies of the employer that are in compliance with State
3 and federal law following a written warning for an
4 attendance violation, unless the individual can
5 demonstrate that he or she has made a reasonable effort to
6 remedy the reason or reasons for the violations or that the
7 reason or reasons for the violations were out of the
8 individual's control. Attendance policies of the employer
9 shall be reasonable and provided to the individual in
10 writing, electronically, or via posting in the workplace.

11 4. Damaging the employer's property through conduct
12 that is grossly negligent.

13 5. Refusal to obey an employer's reasonable and lawful
14 instruction, unless the refusal is due to the lack of
15 ability, skills, or training for the individual required to
16 obey the instruction or the instruction would result in an
17 unsafe act.

18 6. Consuming alcohol or illegal or non-prescribed
19 prescription drugs, or using an impairing substance in an
20 off-label manner, on the employer's premises during
21 working hours in violation of the employer's policies.

22 7. Reporting to work under the influence of alcohol,
23 illegal or non-prescribed prescription drugs, or an
24 impairing substance used in an off-label manner in
25 violation of the employer's policies, unless the
26 individual is compelled to report to work by the employer

1 outside of scheduled and on-call working hours and informs
2 the employer that he or she is under the influence of
3 alcohol, illegal or non-prescribed prescription drugs, or
4 an impairing substance used in an off-label manner in
5 violation of the employer's policies.

6 8. Grossly negligent conduct endangering the safety of
7 the individual or co-workers.

8 For purposes of paragraphs 4 and 8, conduct is "grossly
9 negligent" when the individual is, or reasonably should be,
10 aware of a substantial risk that the conduct will result in the
11 harm sought to be prevented and the conduct constitutes a
12 substantial deviation from the standard of care a reasonable
13 person would exercise in the situation.

14 Nothing in paragraph 6 or 7 prohibits the lawful use of
15 over-the-counter drug products as defined in Section 206 of the
16 Illinois Controlled Substances Act, provided that the
17 medication does not affect the safe performance of the
18 employee's work duties.

19 B. Notwithstanding any other provision of this Act, no
20 benefit rights shall accrue to any individual based upon wages
21 from any employer for service rendered prior to the day upon
22 which such individual was discharged because of the commission
23 of a felony in connection with his work, or because of theft in
24 connection with his work, for which the employer was in no way
25 responsible; provided, that the employer notified the Director
26 of such possible ineligibility within the time limits specified

1 by regulations of the Director, and that the individual has
2 admitted his commission of the felony or theft to a
3 representative of the Director, or has signed a written
4 admission of such act and such written admission has been
5 presented to a representative of the Director, or such act has
6 resulted in a conviction or order of supervision by a court of
7 competent jurisdiction; and provided further, that if by reason
8 of such act, he is in legal custody, held on bail or is a
9 fugitive from justice, the determination of his benefit rights
10 shall be held in abeyance pending the result of any legal
11 proceedings arising therefrom.

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

13 (820 ILCS 405/611) (from Ch. 48, par. 441)

14 Sec. 611. Retirement pay. A. For the purposes of this
15 Section "disqualifying income" means:

16 1. The entire amount which an individual has received or
17 will receive with respect to a week in the form of a retirement
18 payment (a) from an individual or organization (i) for which he
19 performed services during his base period or which is liable
20 for benefit charges or payments in lieu of contributions as a
21 result of the payment of benefits to such individual and (ii)
22 which pays all of the cost of such retirement payment, or (b)
23 from a trust, annuity or insurance fund or under an annuity or
24 insurance contract, to or under which an individual or
25 organization for which he performed services during his base

1 period or which is liable for benefit charges or payments in
2 lieu of contributions as a result of the payment of benefits to
3 such individual pays or has paid all of the premiums or
4 contributions; and

5 2. One-half the amount which an individual has received or
6 will receive with respect to a week in the form of a retirement
7 payment (a) from an individual or organization (i) for which he
8 performed services during his base period or which is liable
9 for benefit charges or payments in lieu of contributions as a
10 result of the payment of benefits to such individual and (ii)
11 which pays some, but not all, of the cost of such retirement
12 payment, or (b) from a trust, annuity or insurance fund
13 ~~(including primary social security old age and disability~~
14 ~~retirement benefits, including those based on self employment)~~
15 or under an annuity or insurance contract, to or under which an
16 individual or organization for which he performed services
17 during his base period or which is liable for benefit charges
18 or payments in lieu of contributions as a result of the payment
19 of benefits to such individual pays or has paid some, but not
20 all, of the premiums or contributions.

21 3. Notwithstanding ~~paragraphs~~ paragraph 1 and 2 above, the
22 entire amount which an individual has received or will receive,
23 with respect to any week which begins after March 31, 1980, of
24 any governmental or other pension, retirement, or retired pay,
25 annuity or any other similar periodic payment which is based on
26 any previous work of such individual during his base period or

1 which is liable for benefit charges or payments in lieu of
2 contributions as a result of the payment of benefits to such
3 individual. This paragraph shall be in effect only if it is
4 required as a condition for full tax credit against the tax
5 imposed by the Federal Unemployment Tax Act.

6 4. Notwithstanding paragraphs 1, 2, and 3 above, none of
7 the amount that an individual has received or will receive with
8 respect to a week in the form of social security old age,
9 survivors, and disability benefits under 42 U.S.C. Section 401
10 et seq., including those based on self-employment, shall
11 constitute disqualifying income.

12 B. Whenever an individual has received or will receive a
13 retirement payment for a month, an amount shall be deemed to
14 have been paid him for each day equal to one-thirtieth of such
15 retirement payment. If the retirement payment is for a
16 half-month, an amount shall be deemed to have been paid the
17 individual for each day equal to one-fifteenth of such
18 retirement payment. If the retirement payment is for any other
19 period, an amount shall be deemed to have been paid the
20 individual for each day in such period equal to the retirement
21 payment divided by the number of days in the period.

22 C. An individual shall be ineligible for benefits for any
23 week with respect to which his disqualifying income equals or
24 exceeds his weekly benefit amount. If such disqualifying income
25 with respect to a week totals less than the benefits for which
26 he would otherwise be eligible under this Act, he shall be

1 paid, with respect to such week, benefits reduced by the amount
2 of such disqualifying income.

3 D. To assure full tax credit to the employers of this State
4 against the tax imposed by the Federal Unemployment Tax Act,
5 the Director shall take any action as may be necessary in the
6 administration of paragraph 3 of subsection A of this Section
7 to insure that the application of its provisions conform to the
8 requirements of such Federal Act as interpreted by the United
9 States Secretary of Labor or other appropriate Federal agency.

10 (Source: P.A. 86-3.)

11 (820 ILCS 405/1505) (from Ch. 48, par. 575)

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

15 A. For calendar years prior to 1988, the state experience
16 factor shall be adjusted in accordance with the provisions of
17 this Act as amended and in effect on November 18, 2011.

18 B. (Blank).

19 C. For calendar year 1988 and each calendar year
20 thereafter, for which the state experience factor is being
21 determined.

22 1. For every \$50,000,000 (or fraction thereof) by which
23 the adjusted trust fund balance falls below the target
24 balance set forth in this subsection, the state experience
25 factor for the succeeding year shall be increased one

1 percent absolute.

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

7 The target balance in each calendar year prior to 2003
8 is \$750,000,000. The target balance in calendar year 2003
9 is \$920,000,000. The target balance in calendar year 2004
10 is \$960,000,000. The target balance in calendar year 2005
11 and each calendar year thereafter is \$1,000,000,000.

12 2. For the purposes of this subsection:

13 "Net trust fund balance" is the amount standing to the
14 credit of this State's account in the unemployment trust
15 fund as of June 30 of the calendar year immediately
16 preceding the year for which a state experience factor is
17 being determined.

18 "Adjusted trust fund balance" is the net trust fund
19 balance minus the sum of the benefit reserves for fund
20 building for July 1, 1987 through June 30 of the year prior
21 to the year for which the state experience factor is being
22 determined. The adjusted trust fund balance shall not be
23 less than zero. If the preceding calculation results in a
24 number which is less than zero, the amount by which it is
25 less than zero shall reduce the sum of the benefit reserves
26 for fund building for subsequent years.

1 For the purpose of determining the state experience
2 factor for 1989 and for each calendar year thereafter, the
3 following "benefit reserves for fund building" shall apply
4 for each state experience factor calculation in which that
5 12 month period is applicable:

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

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

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

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

17 c. For the 12 month period ending on June 30, 1990,
18 the "benefit reserve for fund building" shall be
19 4/108ths of the total benefits paid from July 1, 1989
20 through December 31, 1989.

21 d. For 1992 and for each calendar year thereafter,
22 the "benefit reserve for fund building" for the 12
23 month period ending on June 30, 1991 and for each
24 subsequent 12 month period shall be zero.

25 3. Notwithstanding the preceding provisions of this
26 subsection, for calendar years 1988 through 2003, the state

1 experience factor shall not be increased or decreased by
2 more than 15 percent absolute.

3 D. Notwithstanding the provisions of subsection C, the
4 adjusted state experience factor:

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

6 2. Shall not be less than 75 percent nor greater than
7 135 percent for calendar years 1989 through 2003; and shall
8 not be less than 75% nor greater than 150% for calendar
9 year 2004 and each calendar year thereafter, not counting
10 any increase pursuant to subsection D-1, D-2, or D-3;

11 3. Shall not be decreased by more than 5 percent
12 absolute for any calendar year, beginning in calendar year
13 1989 and through calendar year 1992, by more than 6%
14 absolute for calendar years 1993 through 1995, by more than
15 10% absolute for calendar years 1999 through 2003 and by
16 more than 12% absolute for calendar year 2004 and each
17 calendar year thereafter, from the adjusted state
18 experience factor of the calendar year preceding the
19 calendar year for which the adjusted state experience
20 factor is being determined;

21 4. Shall not be increased by more than 15% absolute for
22 calendar year 1993, by more than 14% absolute for calendar
23 years 1994 and 1995, by more than 10% absolute for calendar
24 years 1999 through 2003 and by more than 16% absolute for
25 calendar year 2004 and each calendar year thereafter, from
26 the adjusted state experience factor for the calendar year

1 preceding the calendar year for which the adjusted state
2 experience factor is being determined;

3 5. Shall be 100% for calendar years 1996, 1997, and
4 1998.

5 D-1. The adjusted state experience factor for each of
6 calendar years 2013 through 2015 shall be increased by 5%
7 absolute above the adjusted state experience factor as
8 calculated without regard to this subsection. The adjusted
9 state experience factor for each of calendar years 2016 through
10 2018 shall be increased by 6% absolute above the adjusted state
11 experience factor as calculated without regard to this
12 subsection. The increase in the adjusted state experience
13 factor for calendar year 2018 pursuant to this subsection shall
14 not be counted for purposes of applying paragraph 3 or 4 of
15 subsection D to the calculation of the adjusted state
16 experience factor for calendar year 2019.

17 D-2. (Blank). ~~The adjusted state experience factor for~~
18 ~~calendar year 2016 shall be increased by 19% absolute above the~~
19 ~~adjusted state experience factor as calculated without regard~~
20 ~~to this subsection. The increase in the adjusted state~~
21 ~~experience factor for calendar year 2016 pursuant to this~~
22 ~~subsection shall not be counted for purposes of applying~~
23 ~~paragraph 3 or 4 of subsection D to the calculation of the~~
24 ~~adjusted state experience factor for calendar year 2017.~~

25 D-3. The adjusted state experience factor for calendar year
26 2018 shall be increased by 19% absolute above the adjusted

1 state experience factor as calculated without regard to this
2 subsection. The increase in the adjusted state experience
3 factor for calendar year 2018 pursuant to this subsection shall
4 not be counted for purposes of applying paragraph 3 or 4 of
5 subsection D to the calculation of the adjusted state
6 experience factor for calendar year 2019.

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

22 (Source: P.A. 97-621, eff. 11-18-11; 97-791, eff. 1-1-13.)

23 (820 ILCS 405/1506.6)

24 Sec. 1506.6. Surcharge; specified period. For each
25 employer whose contribution rate for calendar year ~~2016 or~~ 2018

1 is determined pursuant to Section 1500 or 1506.1, including but
2 not limited to an employer whose contribution rate pursuant to
3 Section 1506.1 is 0.0%, in addition to the contribution rate
4 established pursuant to Section 1506.3, an additional
5 surcharge of 0.3% shall be added to the contribution rate. The
6 surcharge established by this Section shall be due at the same
7 time as other contributions with respect to the quarter are
8 due, as provided in Section 1400. Payments attributable to the
9 surcharge established pursuant to this Section shall be
10 contributions and deposited into the clearing account.

11 (Source: P.A. 97-621, eff. 11-18-11.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law, except that the changes to Sections 602 and 611
14 of the Unemployment Insurance Act take effect January 3,
15 2016.".