



Rep. Jay Hoffman

Filed: 11/30/2016

09900SB1941ham005

LRB099 08774 KTG 51907 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 adding Section 408.5 as follows:

7 (820 ILCS 405/408.5 new)

8 Sec. 408.5. Additional benefits.

9 A. Additional benefits shall be available:

10 1. Only with respect to benefit years beginning on or  
11 after April 1, 2015 and prior to the effective date of this  
12 amendatory Act of the 99th General Assembly; and

13 2. To an otherwise eligible individual: (a) who was  
14 certified as eligible to apply for adjustment assistance  
15 under the federal Trade Act of 1974, as amended, on or  
16 after January 1, 2015; (b) who has not received the maximum

1 amount of trade readjustment allowances payable to him or  
2 her pursuant to paragraph (1) of subsection (a) of Section  
3 233 of the federal Trade Act of 1974, as amended, as a  
4 result of the certification referenced in item (a) of this  
5 paragraph 2; and (c) whose total or partial unemployment is  
6 attributable to a layoff from a steel manufacturer.

7 B. An individual shall be eligible to receive additional  
8 benefits pursuant to this Section for a week if he or she: (1)  
9 has met the requirements of Section 500E of this Act; (2) is an  
10 exhaustee; and (3) except when the result would be inconsistent  
11 with the provisions of this Section, has satisfied the  
12 requirements of this Act for the receipt of regular benefits as  
13 that term is defined in Section 409 of this Act.

14 C. For the purposes of this Section, an individual is an  
15 exhaustee with respect to a week if:

16 1. Prior to such week: (a) he or she has received, with  
17 respect to his or her current benefit year that includes  
18 such week, the maximum total amount of benefits to which he  
19 or she was entitled under the provisions of Section 403B,  
20 and all of the regular benefits (including dependents'  
21 allowances) to which he or she had entitlement (if any) on  
22 the basis of wages or employment under any other State  
23 unemployment compensation law; or (b) he or she has  
24 received all the regular benefits available to him or her  
25 with respect to his or her current benefit year that  
26 includes such week, under this Act and under any other

1       State unemployment compensation law, after a cancellation  
2       of some or all of his or her wage credits or the partial or  
3       total reduction of his or her regular benefit rights; or  
4       (c) his or her benefit year terminated, and he or she  
5       cannot meet the qualifying wage requirements of Section  
6       500E of this Act or the qualifying wage or employment  
7       requirements of any other State unemployment compensation  
8       law to establish a new benefit year which would include  
9       such week or, having established a new benefit year that  
10       includes such week, he or she is ineligible for regular  
11       benefits by reason of Section 607 of this Act or a like  
12       provision of any other State unemployment compensation  
13       law; and

14       2. For such week: (a) he or she has no right to  
15       benefits or allowances, as the case may be, under the  
16       Railroad Unemployment Insurance Act, the federal Trade Act  
17       of 1974, as amended, or such other federal laws as are  
18       specified in regulations of the United States Secretary of  
19       Labor or other appropriate federal agency; and (b) he or  
20       she has not received and is not seeking benefits under the  
21       unemployment compensation law of Canada, except that if he  
22       or she is seeking such benefits and the appropriate agency  
23       finally determines that he or she is not entitled to  
24       benefits under such law, this clause shall not apply; and

25       3. The week for which additional benefits are being  
26       claimed is not later than seventy-eight weeks after the end

1       of the individual's benefit year for which benefits can be  
2       claimed under this Section.

3       For the purposes of clauses (a) and (b) of paragraph 1 of  
4       this subsection, an individual shall be deemed to have  
5       received, with respect to his or her current benefit year, the  
6       maximum total amount of benefits to which he or she was  
7       entitled or all of the regular benefits to which he or she had  
8       entitlement, or all of the regular benefits available to him or  
9       her, as the case may be, even though: (a) as a result of a  
10      pending reconsideration or appeal with respect to the "finding"  
11      defined in Section 701, or of a pending appeal with respect to  
12      wages or employment or both under any other State unemployment  
13      compensation law, he or she may subsequently be determined to  
14      be entitled to more regular benefits; or (b) by reason of a  
15      seasonality provision in a State unemployment compensation law  
16      which establishes the weeks of the year for which regular  
17      benefits may be paid to individuals on the basis of wages in  
18      seasonal employment he or she may be entitled to regular  
19      benefits for future weeks but such benefits are not payable  
20      with respect to the week for which he or she is claiming  
21      additional benefits, provided that he or she is otherwise an  
22      exhaustee under the provisions of this subsection with respect  
23      to his or her rights to regular benefits, under such  
24      seasonality provision, during the portion of the year in which  
25      that week occurs; or (c) having established a benefit year, no  
26      regular benefits are payable to him or her with respect to such

1 year because his or her wage credits were cancelled or his or  
2 her rights to regular benefits were totally reduced by reason  
3 of the application of a disqualification provision of a State  
4 unemployment compensation law.

5 An individual shall not cease to be an exhaustee with  
6 respect to any week solely because he or she meets the  
7 qualifying wage requirements of Section 500E for a part of such  
8 week.

9 D. The provisions of Section 607 and the waiting period  
10 requirements of Section 500D shall not be applicable to any  
11 week with respect to which benefits are otherwise payable under  
12 this Section.

13 E. With respect to any week payable under this Section, an  
14 exhaustee's "weekly additional benefit amount" shall be the  
15 same as his or her weekly benefit amount during his or her  
16 benefit year which includes such week or, if such week is not  
17 in a benefit year, during his or her applicable benefit year,  
18 as defined in regulations issued by the United States Secretary  
19 of Labor or other appropriate federal agency. If the exhaustee  
20 had more than one weekly benefit amount during his or her  
21 benefit year, his or her weekly additional benefit amount with  
22 respect to such week shall be the latest of such weekly benefit  
23 amounts.

24 F. An eligible exhaustee shall be entitled to a maximum  
25 total amount of additional benefits equal to the maximum total  
26 amount of benefits to which he or she was entitled under

1 Section 403B, plus dependents' allowances, during his or her  
2 applicable benefit year, minus the sum of any trade  
3 readjustment allowances he or she has received as a result of  
4 the certification referenced in item (a) of paragraph 2 of  
5 subsection A.

6 G. 1. A claims adjudicator shall examine the first claim  
7 filed by an individual who meets the requirements of subsection  
8 A and, on the basis of the information in his or her  
9 possession, shall make an "additional benefits finding". Such  
10 finding shall state whether or not the individual has met the  
11 requirement of subsection E of Section 500 of this Act, is an  
12 exhaustee and, if so, his or her weekly additional benefit  
13 amount and the maximum total amount of additional benefits to  
14 which he or she is entitled. The claims adjudicator shall  
15 promptly notify the individual of his or her "additional  
16 benefits finding", and shall promptly notify the individual's  
17 most recent employing unit and the individual's last employer  
18 (referred to in Section 1502.1) that the individual has filed a  
19 claim for additional benefits. The claims adjudicator may  
20 reconsider his or her "additional benefits finding" at any time  
21 within 2 years after the close of the individual's applicable  
22 benefit year, and shall promptly notify the individual of such  
23 reconsidered finding. All of the provisions of this Act  
24 applicable to reviews from findings or reconsidered findings  
25 made pursuant to Sections 701 and 703 which are not  
26 inconsistent with the provisions of this subsection shall be

1 applicable to reviews from additional benefits findings and  
2 reconsidered additional benefits findings.

3 2. If, pursuant to the reconsideration or appeal with  
4 respect to a "finding", referred to in subsection C, an  
5 exhaustee is found to be entitled to more regular benefits and,  
6 by reason thereof, is entitled to more additional benefits, the  
7 claims adjudicator shall make a reconsidered additional  
8 benefits finding and shall promptly notify the exhaustee  
9 thereof.

10 H. Benefits payable pursuant this Section shall be paid  
11 from the unemployment trust fund.

12 I. No employer shall be chargeable for the additional  
13 benefits paid under this Section.

14 J. To ensure full compliance and coordination with all  
15 applicable federal laws, including, but not limited to, the  
16 federal Trade Act of 1974, as amended, the Federal Unemployment  
17 Tax Act, and the Social Security Act, the Director shall take  
18 any action or issue any regulations necessary in the  
19 administration of this Section to ensure that its provisions  
20 are so interpreted and applied as to meet the requirements of  
21 such federal Act as interpreted by the United States Secretary  
22 of Labor or other appropriate Federal agency.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."