

1 AN ACT concerning unemployment insurance.

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 401 as follows:

6 (820 ILCS 405/401) (from Ch. 48, par. 401)

7 Sec. 401. Weekly Benefit Amount - Dependents'
8 Allowances.

9 A. With respect to any week beginning prior to April 24,
10 1983, an individual's weekly benefit amount shall be an
11 amount equal to the weekly benefit amount as defined in this
12 Act as in effect on November 30, 1982.

13 B. 1. With respect to any week beginning on or after
14 April 24, 1983 and before January 3, 1988, an individual's
15 weekly benefit amount shall be 48% of his prior average
16 weekly wage, rounded (if not already a multiple of one
17 dollar) to the next higher dollar; provided, however, that
18 the weekly benefit amount cannot exceed the maximum weekly
19 benefit amount, and cannot be less than 15% of the statewide
20 average weekly wage, rounded (if not already a multiple of
21 one dollar) to the next higher dollar. However, the weekly
22 benefit amount for an individual who has established a
23 benefit year beginning before April 24, 1983, shall be
24 determined, for weeks beginning on or after April 24, 1983
25 claimed with respect to that benefit year, as provided under
26 this Act as in effect on November 30, 1982. With respect to
27 any week beginning on or after January 3, 1988 and before
28 January 1, 1993, an individual's weekly benefit amount shall
29 be 49% of his prior average weekly wage, rounded (if not
30 already a multiple of one dollar) to the next higher dollar;
31 provided, however, that the weekly benefit amount cannot

1 exceed the maximum weekly benefit amount, and cannot be less
2 than \$51. With respect to any week beginning on or after
3 January 3, 1993 and before January 6, 2002, an individual's
4 weekly benefit amount shall be 49.5% of his prior average
5 weekly wage, rounded (if not already a multiple of one
6 dollar) to the next higher dollar; provided, however, that
7 the weekly benefit amount cannot exceed the maximum weekly
8 benefit amount and cannot be less than \$51. With respect to
9 any week beginning on or after January 6, 2002, an
10 individual's weekly benefit amount shall be 50% of his or her
11 prior average weekly wage, rounded (if not already a multiple
12 of \$1) to the next higher dollar; however, the weekly benefit
13 amount may not exceed the maximum weekly benefit amount and
14 may not be less than \$51.

15 2. For the purposes of this subsection:

16 With respect to any week beginning on or after April 24,
17 1983 and before January 6, 2002, an individual's "prior
18 average weekly wage" means the total wages for insured work
19 paid to that individual during the 2 calendar quarters of his
20 base period in which such total wages were highest, divided
21 by 26. If the quotient is not already a multiple of one
22 dollar, it shall be rounded to the nearest dollar; however if
23 the quotient is equally near 2 multiples of one dollar, it
24 shall be rounded to the higher multiple of one dollar.

25 With respect to any week beginning on or after January 6,
26 2002, an individual's "prior average weekly wage" means the
27 total wages for insured work paid to that individual during
28 the calendar quarter of his or her base period in which the
29 total wages were highest, divided by 13. If the quotient is
30 not already a multiple of \$1, it shall be rounded to the
31 nearest dollar; however, if the quotient is equally near 2
32 multiples of \$1, it shall be rounded to the higher multiple
33 of \$1.

34 "Determination date" means June 1, 1982, December 1, 1982

1 and December 1 of each succeeding calendar year thereafter.
2 However, if as of June 30, 1982, or any June 30 thereafter,
3 the net amount standing to the credit of this State's account
4 in the unemployment trust fund (less all outstanding advances
5 to that account, including advances pursuant to Title XII of
6 the federal Social Security Act) is greater than
7 \$100,000,000, "determination date" shall mean December 1 of
8 that year and June 1 of the succeeding year. Notwithstanding
9 the preceding sentence, for the purposes of this Act only,
10 there shall be no June 1 determination date in any year after
11 1986.

12 "Determination period" means, with respect to each June 1
13 determination date, the 12 consecutive calendar months ending
14 on the immediately preceding December 31 and, with respect to
15 each December 1 determination date, the 12 consecutive
16 calendar months ending on the immediately preceding June 30.

17 "Benefit period" means the 12 consecutive calendar month
18 period beginning on the first day of the first calendar month
19 immediately following a determination date, except that, with
20 respect to any calendar year in which there is a June 1
21 determination date, "benefit period" shall mean the 6
22 consecutive calendar month period beginning on the first day
23 of the first calendar month immediately following the
24 preceding December 1 determination date and the 6 consecutive
25 calendar month period beginning on the first day of the first
26 calendar month immediately following the June 1 determination
27 date. Notwithstanding the foregoing sentence, the 6 calendar
28 months beginning January 1, 1982 and ending June 30, 1982
29 shall be deemed a benefit period with respect to which the
30 determination date shall be June 1, 1981.

31 "Gross wages" means all the wages paid to individuals
32 during the determination period immediately preceding a
33 determination date for insured work, and reported to the
34 Director by employers prior to the first day of the third

1 calendar month preceding that date.

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

5 "Average monthly covered employment" means one-twelfth of
6 the sum of the covered employment for the 12 months of a
7 determination period.

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

12 "Statewide average weekly wage" means the quotient,
13 obtained by dividing the statewide average annual wage by 52,
14 rounded (if not already a multiple of one cent) to the
15 nearest cent. Notwithstanding any provisions of this Section
16 to the contrary, the statewide average weekly wage for the
17 benefit period beginning July 1, 1982 and ending December 31,
18 1982 shall be the statewide average weekly wage in effect for
19 the immediately preceding benefit period plus one-half of the
20 result obtained by subtracting the statewide average weekly
21 wage for the immediately preceding benefit period from the
22 statewide average weekly wage for the benefit period
23 beginning July 1, 1982 and ending December 31, 1982 as such
24 statewide average weekly wage would have been determined but
25 for the provisions of this paragraph. Notwithstanding any
26 provisions of this Section to the contrary, the statewide
27 average weekly wage for the benefit period beginning April
28 24, 1983 and ending January 31, 1984 shall be \$321 and for
29 the benefit period beginning February 1, 1984 and ending
30 December 31, 1986 shall be \$335, and for the benefit period
31 beginning January 1, 1987, and ending December 31, 1987,
32 shall be \$350, except that for an individual who has
33 established a benefit year beginning before April 24, 1983,
34 the statewide average weekly wage used in determining

1 benefits, for any week beginning on or after April 24, 1983,
2 claimed with respect to that benefit year, shall be \$334.80,
3 except that, for the purpose of determining the minimum
4 weekly benefit amount under subsection B(1) for the benefit
5 period beginning January 1, 1987, and ending December 31,
6 1987, the statewide average weekly wage shall be \$335; for
7 the benefit periods January 1, 1988 through December 31,
8 1988, January 1, 1989 through December 31, 1989, and January
9 1, 1990 through December 31, 1990, the statewide average
10 weekly wage shall be \$359, \$381, and \$406, respectively.
11 Notwithstanding the preceding sentences of this paragraph,
12 for the benefit period of calendar year 1991, the statewide
13 average weekly wage shall be \$406 plus (or minus) an amount
14 equal to the percentage change in the statewide average
15 weekly wage, as computed in accordance with the preceding
16 sentences of this paragraph, between the benefit periods of
17 calendar years 1989 and 1990, multiplied by \$406; and, for
18 the benefit periods of calendar years 1992 through 2003 and
19 calendar year 2005 and each calendar year thereafter, the
20 statewide average weekly wage, shall be the statewide average
21 weekly wage, as determined in accordance with this sentence,
22 for the immediately preceding benefit period plus (or minus)
23 an amount equal to the percentage change in the statewide
24 average weekly wage, as computed in accordance with the
25 preceding sentences of this paragraph, between the 2
26 immediately preceding benefit periods, multiplied by the
27 statewide average weekly wage, as determined in accordance
28 with this sentence, for the immediately preceding benefit
29 period. For the benefit period of 2004, the statewide average
30 weekly wage shall be \$600. Provided however, that for any
31 benefit period after December 31, 1990, if 2 of the following
32 3 factors occur, then the statewide average weekly wage shall
33 be the statewide average weekly wage in effect for the
34 immediately preceding benefit period: (a) the average

1 contribution rate for all employers in this State for the
2 calendar year 2 years prior to the benefit period, as a ratio
3 of total contribution payments (including payments in lieu of
4 contributions) to total wages reported by employers in this
5 State for that same period is 0.2% greater than the national
6 average of this ratio, the foregoing to be determined in
7 accordance with rules promulgated by the Director; (b) the
8 balance in this State's account in the unemployment trust
9 fund, as of March 31 of the prior calendar year, is less than
10 \$250,000,000; or (c) the number of first payments of initial
11 claims, as determined in accordance with rules promulgated by
12 the Director, for the one year period ending on June 30 of
13 the prior year, has increased more than 25% over the average
14 number of such payments during the 5 year period ending that
15 same June 30; and provided further that if (a), (b) and (c)
16 occur, then the statewide average weekly wage, as determined
17 in accordance with the preceding sentence, shall be 10% less
18 than it would have been but for these provisions. If the
19 reduced amount, computed in accordance with the preceding
20 sentence, is not already a multiple of one dollar, it shall
21 be rounded to the nearest dollar. The 10% reduction in the
22 statewide average weekly wage in the preceding sentence shall
23 not be in effect for more than 2 benefit periods of any 5
24 consecutive benefit periods. This 10% reduction shall not be
25 cumulative from year to year. Neither the freeze nor the
26 reduction shall be considered in the determination of
27 subsequent years' calculations of statewide average weekly
28 wage. However, for purposes of the Workers' Compensation Act,
29 the statewide average weekly wage will be computed using June
30 1 and December 1 determination dates of each calendar year
31 and such determination shall not be subject to the limitation
32 of \$321, \$335, \$350, \$359, \$381, \$406 or the statewide
33 average weekly wage as computed in accordance with the
34 preceding 7 sentences of this paragraph.

1 With respect to any week beginning on or after April 24,
2 1983 and before January 3, 1988, "maximum weekly benefit
3 amount" means 48% of the statewide average weekly wage,
4 rounded (if not already a multiple of one dollar) to the
5 nearest dollar, provided however, that the maximum weekly
6 benefit amount for an individual who has established a
7 benefit year beginning before April 24, 1983, shall be
8 determined, for weeks beginning on or after April 24, 1983
9 claimed with respect to that benefit year, as provided under
10 this Act as amended and in effect on November 30, 1982,
11 except that the statewide average weekly wage used in such
12 determination shall be \$334.80.

13 With respect to any week beginning after January 2, 1988
14 and before January 1, 1993, "maximum weekly benefit amount"
15 with respect to each week beginning within a benefit period
16 means 49% of the statewide average weekly wage, rounded (if
17 not already a multiple of one dollar) to the next higher
18 dollar.

19 With respect to any week beginning on or after January 3,
20 1993 and before January 6, 2002, "maximum weekly benefit
21 amount" with respect to each week beginning within a benefit
22 period means 49.5% of the statewide average weekly wage,
23 rounded (if not already a multiple of one dollar) to the next
24 higher dollar. With respect to any week beginning on or after
25 January 6, 2002, "maximum weekly benefit amount", with
26 respect to each week beginning within a benefit period, means
27 50% of the statewide average weekly wage, rounded (if not
28 already a multiple of \$1) to the next higher dollar.

29 C. With respect to any week beginning on or after April
30 24, 1983 and before January 3, 1988, an individual to whom
31 benefits are payable with respect to any week shall, in
32 addition to such benefits, be paid, with respect to such
33 week, as follows: in the case of an individual with a
34 nonworking spouse, 7% of his prior average weekly wage,

1 rounded (if not already a multiple of one dollar) to the
2 higher dollar; provided, that the total amount payable to the
3 individual with respect to a week shall not exceed 55% of the
4 statewide average weekly wage, rounded (if not already a
5 multiple of one dollar) to the nearest dollar; and in the
6 case of an individual with a dependent child or dependent
7 children, 14.4% of his prior average weekly wage, rounded (if
8 not already a multiple of one dollar) to the higher dollar;
9 provided, that the total amount payable to the individual
10 with respect to a week shall not exceed 62.4% of the
11 statewide average weekly wage, rounded (if not already a
12 multiple of one dollar) to the next higher dollar with
13 respect to the benefit period beginning January 1, 1987 and
14 ending December 31, 1987, and otherwise to the nearest
15 dollar. However, for an individual with a nonworking spouse
16 or with a dependent child or children who has established a
17 benefit year beginning before April 24, 1983, the amount of
18 additional benefits payable on account of the nonworking
19 spouse or dependent child or children shall be determined,
20 for weeks beginning on or after April 24, 1983 claimed with
21 respect to that benefit year, as provided under this Act as
22 in effect on November 30, 1982, except that the statewide
23 average weekly wage used in such determination shall be
24 \$334.80.

25 With respect to any week beginning on or after January 2,
26 1988 and before January 1, 1991 and any week beginning on or
27 after January 1, 1992, and before January 1, 1993, an
28 individual to whom benefits are payable with respect to any
29 week shall, in addition to those benefits, be paid, with
30 respect to such week, as follows: in the case of an
31 individual with a nonworking spouse, 8% of his prior average
32 weekly wage, rounded (if not already a multiple of one
33 dollar) to the next higher dollar, provided, that the total
34 amount payable to the individual with respect to a week

1 shall not exceed 57% of the statewide average weekly wage,
2 rounded (if not already a multiple of one dollar) to the next
3 higher dollar; and in the case of an individual with a
4 dependent child or dependent children, 15% of his prior
5 average weekly wage, rounded (if not already a multiple of
6 one dollar) to the next higher dollar, provided that the
7 total amount payable to the individual with respect to a week
8 shall not exceed 64% of the statewide average weekly wage,
9 rounded (if not already a multiple of one dollar) to the next
10 higher dollar.

11 With respect to any week beginning on or after January 1,
12 1991 and before January 1, 1992, an individual to whom
13 benefits are payable with respect to any week shall, in
14 addition to the benefits, be paid, with respect to such week,
15 as follows: in the case of an individual with a nonworking
16 spouse, 8.3% of his prior average weekly wage, rounded (if
17 not already a multiple of one dollar) to the next higher
18 dollar, provided, that the total amount payable to the
19 individual with respect to a week shall not exceed 57.3% of
20 the statewide average weekly wage, rounded (if not already a
21 multiple of one dollar) to the next higher dollar; and in the
22 case of an individual with a dependent child or dependent
23 children, 15.3% of his prior average weekly wage, rounded (if
24 not already a multiple of one dollar) to the next higher
25 dollar, provided that the total amount payable to the
26 individual with respect to a week shall not exceed 64.3% of
27 the statewide average weekly wage, rounded (if not already a
28 multiple of one dollar) to the next higher dollar.

29 With respect to any week beginning on or after January 3,
30 1993 and before January 6, 2002, an individual to whom
31 benefits are payable with respect to any week shall, in
32 addition to those benefits, be paid, with respect to such
33 week, as follows: in the case of an individual with a
34 nonworking spouse, 9% of his 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 58.5% of
4 the statewide average weekly wage, rounded (if not already a
5 multiple of one dollar) to the next higher dollar; and in the
6 case of an individual with a dependent child or dependent
7 children, 16% of his prior average weekly wage, rounded (if
8 not already a multiple of one dollar) to the next higher
9 dollar, provided that the total amount payable to the
10 individual with respect to a week shall not exceed 65.5% of
11 the statewide average weekly wage, rounded (if not already a
12 multiple of one dollar) to the next higher dollar.

13 With respect to any week beginning on or after January 6,
14 2002, an individual to whom benefits are payable with respect
15 to any week shall, in addition to those benefits, be paid,
16 with respect to that week, as follows: in the case of an
17 individual with a non-working spouse, 10% of his or her prior
18 average weekly wage, rounded (if not already a multiple of
19 \$1) to the next higher dollar; however, the total amount
20 payable to the individual with respect to a week may not
21 exceed 60% of the statewide average weekly wage, rounded (if
22 not already a multiple of \$1) to the next higher dollar; and
23 in the case of an individual with a dependent child or
24 dependent children, 16 2/3% of his or her prior average
25 weekly wage, rounded (if not already a multiple of \$1) to the
26 next higher dollar; however, the total amount payable to the
27 individual with respect to a week shall not exceed 66 2/3% of
28 the statewide average weekly wage, rounded (if not already a
29 multiple of \$1) to the next higher dollar.

30 For the purposes of this subsection:

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

32 "Child" means a natural child, stepchild, or adopted
33 child of an individual claiming benefits under this Act or a
34 child who is in the custody of any such individual by court

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

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

30 An individual who was obligated by law to provide for the
31 support of a child or of a nonworking spouse for the
32 aforesaid period of 90 consecutive days, but was prevented by
33 illness or injury from doing so, shall be deemed to have
34 provided more than one-half the cost of supporting the child

1 or nonworking spouse for that period.

2 (Source: P.A. 90-554, eff. 12-12-97; 91-342, eff. 7-29-99.)