

1 AN ACT to amend the Unemployment Insurance Act by
2 changing Section 205.

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

5 Section 5. The Unemployment Insurance Act is amended by
6 changing Section 205 as follows:

7 (820 ILCS 405/205) (from Ch. 48, par. 315)

8 Sec. 205. "Employer" means:

9 A. With respect to the years 1937, 1938, and 1939, any
10 employing unit which has or had in employment 8 ~~eight~~ or more
11 individuals on some portion of a day, but not necessarily
12 simultaneously, and irrespective of whether the same
13 individuals are or were employed on each such day within each
14 of twenty or more calendar weeks, whether or not such weeks
15 are or were consecutive, within either the current or
16 preceding calendar year;

17 B. 1. With respect to the years 1940 through 1955,
18 inclusive, any employing unit which has or had in employment
19 six or more individuals within each of twenty or more
20 calendar weeks (but not necessarily simultaneously and
21 irrespective of whether the same individuals are or were
22 employed in each such week), whether or not such weeks are or
23 were consecutive, within either the current or preceding
24 calendar year;

25 2. With respect to the years 1956 through 1971,
26 inclusive, any employing unit which has or had in employment
27 four or more individuals within each of twenty or more
28 calendar weeks (but not necessarily simultaneously and
29 irrespective of whether the same individuals are or were
30 employed in each such week), whether or not such weeks are or
31 were consecutive, within either the current or preceding

1 calendar year;

2 3. With respect to the years 1972 and thereafter, except
3 as provided in subsection K and in Section 301, any employing
4 unit which (1) pays or paid, for services in employment,
5 wages of at least \$1500 within any calendar quarter in either
6 the current or preceding calendar year; or (2) has or had in
7 employment at least one individual on some portion of a day,
8 irrespective of whether the same individual is or was
9 employed on each such day, within each of twenty or more
10 calendar weeks, whether or not such weeks are or were
11 consecutive, within either the current or preceding calendar
12 year;

13 4. With respect to the years 1972 and thereafter, any
14 nonprofit organization as defined in Section 211.2, except as
15 provided in subsection K and in Section 301;

16 5. With respect to the years 1972 and thereafter, the
17 State of Illinois and each of its instrumentalities; and with
18 respect to the years 1978 and thereafter, each governmental
19 entity referred to in clause (B) of Section 211.1, except as
20 provided in Section 301;

21 6. With respect to the years 1978 and thereafter, any
22 employing unit for which service in agricultural labor is
23 performed in employment as defined in Section 211.4, except
24 as provided in subsection K and in Section 301;

25 7. With respect to the years 1978 and thereafter, any
26 employing unit for which domestic service is performed in
27 employment as defined in Section 211.5, except as provided in
28 subsection K and in Section 301;

29 C. Any individual or employing unit which succeeded to
30 the organization, trade, or business of another employing
31 unit which at the time of such succession was an employer,
32 and any individual or employing unit which succeeded to the
33 organization, trade, or business of any distinct severable
34 portion of another employing unit, which portion, if treated

1 as a separate employing unit, would have been, at the time of
2 the succession, an employer under subsections A or B of this
3 Section;

4 D. Any individual or employing unit which succeeded to
5 any of the assets of an employer or to any of the assets of a
6 distinct severable portion thereof, if such portion, when
7 treated as a separate employing unit would be an employer
8 under subsections A or B of this Section, by any means
9 whatever, otherwise than in the ordinary course of business,
10 unless and until it is proven in any proceeding where such
11 issue is involved that all of the following exist:

12 1. The successor unit has not assumed a substantial
13 amount of the predecessor unit's obligations; and

14 2. The successor unit has not acquired a
15 substantial amount of the predecessor unit's good will;
16 and

17 3. The successor unit has not continued or resumed
18 a substantial part of the business of the predecessor
19 unit in the same establishment;

20 E. Any individual or employing unit which succeeded to
21 the organization, trade, or business, or to any of the assets
22 of a predecessor unit (unless and until it is proven in any
23 proceeding where such issue is involved that all the
24 conditions enumerated in subsection D of this Section exist),
25 if the experience of the successor unit subsequent to such
26 succession plus the experience of the predecessor unit prior
27 to such succession, both within the same calendar year, would
28 equal the experience necessary to constitute an employing
29 unit an employer under subsections A or B of this Section;

30 For the purposes of this subsection, the term
31 "predecessor unit" shall include any distinct severable
32 portion of an employing unit.

33 F. With respect to the years 1937 through 1955,
34 inclusive, any employing unit which together with one or more

1 other employing units is owned or controlled, directly or
2 indirectly, by legally enforceable means or otherwise, by the
3 same interests, or which owns or controls one or more other
4 employing units directly or indirectly, by legally
5 enforceable means or otherwise, and which if treated as a
6 single unit with such other employing units or interests or
7 both would be an employer under subsections A or B of this
8 Section;

9 G. Any employing unit which, having become an employer
10 under subsections A, B, C, D, E, or F of this Section, has
11 not, under Section 301, ceased to be an employer;

12 H. For the effective period of its election pursuant to
13 Section 302, any other employing unit which has elected to
14 become fully subject to this Act;

15 I. Any employing unit which is an employer under Section
16 245; or

17 J. Any employing unit which, having become an employer
18 under Section 245, has not, with respect to the year 1960 or
19 thereafter, ceased to be an employer under Section 301.

20 K. In determining whether or not an employing unit for
21 which service other than domestic service is also performed
22 is an employer under paragraphs 3, 4, or 6 of subsection B,
23 the domestic service of an individual and the wages paid
24 therefor shall not be taken into account. In determining
25 whether or not an employing unit for which service other than
26 agricultural labor is also performed is an employer under
27 paragraphs 4 or 7 of subsection B, the service of an
28 individual in agricultural labor and the wages paid therefor
29 shall not be taken into account. An employing unit which is
30 an employer under paragraph 6 of subsection B is an employer
31 under paragraph 3 of subsection B.

32 (Source: P.A. 87-1178.)