

1 AN ACT in relation to 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 Sections 500 and 703 as follows:

6 (820 ILCS 405/500) (from Ch. 48, par. 420)

7 Sec. 500. Eligibility for benefits. An unemployed
8 individual shall be eligible to receive benefits with respect
9 to any week only if the Director finds that:

10 A. He has registered for work at and thereafter has
11 continued to report at an employment office in accordance
12 with such regulations as the Director may prescribe, except
13 that the Director may, by regulation, waive or alter either
14 or both of the requirements of this subsection as to
15 individuals attached to regular jobs, and as to such other
16 types of cases or situations with respect to which he finds
17 that compliance with such requirements would be oppressive or
18 inconsistent with the purposes of this Act, provided that no
19 such regulation shall conflict with Section 400 of this Act.

20 B. He has made a claim for benefits with respect to such
21 week in accordance with such regulations as the Director may
22 prescribe.

23 C. He is able to work, and is available for work;
24 provided that during the period in question he was actively
25 seeking work and he has certified such. Whenever requested
26 to do so by the Director, the individual shall, in the manner
27 the Director prescribes by regulation, inform the Department
28 of the places at which he has sought work during the period
29 in question. Nothing in this subsection shall limit the
30 Director's approval of alternate methods of demonstrating an
31 active search for work based on regular reporting to a trade

1 union office.

2 1. If an otherwise eligible individual is unable to
3 work or is unavailable for work on any normal workday of
4 the week, he shall be eligible to receive benefits with
5 respect to such week reduced by one-fifth of his weekly
6 benefit amount for each day of such inability to work or
7 unavailability for work. For the purposes of this
8 paragraph, an individual who reports on a day subsequent
9 to his designated report day shall be deemed unavailable
10 for work on his report day if his failure to report on
11 that day is without good cause, and on each intervening
12 day, if any, on which his failure to report is without
13 good cause. As used in the preceding sentence, "report
14 day" means the day which has been designated for the
15 individual to report to file his claim for benefits with
16 respect to any week. This paragraph shall not be
17 construed so as to effect any change in the status of
18 part-time workers as defined in Section 407.

19 2. An individual shall be considered to be
20 unavailable for work on days listed as whole holidays in
21 "An Act to revise the law in relation to promissory
22 notes, bonds, due bills and other instruments in
23 writing," approved March 18, 1874, as amended; on days
24 which are holidays in his religion or faith, and on days
25 which are holidays according to the custom of his trade
26 or occupation, if his failure to work on such day is a
27 result of the holiday. In determining the claimant's
28 eligibility for benefits and the amount to be paid him,
29 with respect to the week in which such holiday occurs, he
30 shall have attributed to him as additional earnings for
31 that week an amount equal to one-fifth of his weekly
32 benefit amount for each normal work day on which he does
33 not work because of a holiday of the type above
34 enumerated.

1 3. An individual shall be deemed unavailable for
2 work if, after his separation from his most recent
3 employing unit, he has removed himself to and remains in
4 a locality where opportunities for work are substantially
5 less favorable than those in the locality he has left.

6 4. An individual shall be deemed unavailable for
7 work with respect to any week which occurs in a period
8 when his principal occupation is that of a student in
9 attendance at, or on vacation from, a public or private
10 school.

11 5. Notwithstanding any other provisions of this
12 Act, an individual shall not be deemed unavailable for
13 work or to have failed actively to seek work, nor shall
14 he be ineligible for benefits by reason of the
15 application of the provisions of Section 603, with
16 respect to any week, because he is enrolled in and is in
17 regular attendance at a training course approved for him
18 by the Director:

19 (a) but only if, with respect to that week,
20 the individual presents, upon request, to the claims
21 adjudicator referred to in Section 702 a statement
22 executed by a responsible person connected with the
23 training course, certifying that the individual was
24 in full-time attendance at such course during the
25 week. The Director may approve such course for an
26 individual only if he finds that (1) reasonable work
27 opportunities for which the individual is fitted by
28 training and experience do not exist in his
29 locality; (2) the training course relates to an
30 occupation or skill for which there are, or are
31 expected to be in the immediate future, reasonable
32 work opportunities in his locality; (3) the training
33 course is offered by a competent and reliable
34 agency, educational institution, or employing unit;

1 (4) the individual has the required qualifications
 2 and aptitudes to complete the course successfully;
 3 and (5) the individual is not receiving and is not
 4 eligible (other than because he has claimed benefits
 5 under this Act) for subsistence payments or similar
 6 assistance under any public or private retraining
 7 program: Provided, that the Director shall not
 8 disapprove such course solely by reason of clause
 9 (5) if the subsistence payment or similar assistance
 10 is subject to reduction by an amount equal to any
 11 benefits payable to the individual under this Act in
 12 the absence of the clause. In the event that an
 13 individual's weekly unemployment compensation
 14 benefit is less than his certified training
 15 allowance, that person shall be eligible to receive
 16 his entire unemployment compensation benefits, plus
 17 such supplemental training allowances that would
 18 make an applicant's total weekly benefit identical
 19 to the original certified training allowance.

20 (b) The Director shall have the authority to
 21 grant approval pursuant to subparagraph (a) above
 22 prior to an individual's formal admission into a
 23 training course. Requests for approval shall not be
 24 made more than 30 days prior to the actual starting
 25 date of such course. Requests shall be made at the
 26 appropriate unemployment office. ~~Notwithstanding any~~
 27 ~~other provision to the contrary, the Director shall~~
 28 ~~approve a course for an individual if the course is~~
 29 ~~provided to the individual under Title III of the~~
 30 ~~federal Job Training Partnership Act.~~

31 (c) The Director shall for purposes of
 32 paragraph C have the authority to issue a blanket
 33 approval of training programs implemented pursuant
 34 to the federal Workforce Investment Act of 1998

1 ~~Comprehensive--Employment--and--Training-Act-and-the~~
 2 ~~Job-Training-Partnership-Act~~ if both the training
 3 program and the criteria for an individual's
 4 participation in such training meet the requirements
 5 of this paragraph C.

6 (d) Notwithstanding the requirements of
 7 subparagraph (a), the Director shall have the
 8 authority to issue blanket approval of training
 9 programs implemented under the terms of a collective
 10 bargaining agreement.

11 6. Notwithstanding any other provisions of this
 12 Act, an individual shall not be deemed unavailable for
 13 work or to have failed actively to seek work, nor shall
 14 he be ineligible for benefits, by reason of the
 15 application of the provisions of Section 603 with respect
 16 to any week because he is in training approved under
 17 Section 236 (a)(1) of the federal Trade Act of 1974, nor
 18 shall an individual be ineligible for benefits under the
 19 provisions of Section 601 by reason of leaving work
 20 voluntarily to enter such training if the work left is
 21 not of a substantially equal or higher skill level than
 22 the individual's past adversely affected employment as
 23 defined under the federal Trade Act of 1974 and the wages
 24 for such work are less than 80% of his average weekly
 25 wage as determined under the federal Trade Act of 1974.

26 D. If his benefit year begins prior to July 6, 1975 or
 27 subsequent to January 2, 1982, he has been unemployed for a
 28 waiting period of 1 week during such benefit year. If his
 29 benefit year begins on or after July 6, 1975, but prior to
 30 January 3, 1982, and his unemployment continues for more than
 31 three weeks during such benefit year, he shall be eligible
 32 for benefits with respect to each week of such unemployment,
 33 including the first week thereof. An individual shall be
 34 deemed to be unemployed within the meaning of this subsection

1 while receiving public assistance as remuneration for
2 services performed on work projects financed from funds made
3 available to governmental agencies for such purpose. No week
4 shall be counted as a week of unemployment for the purposes
5 of this subsection:

6 1. Unless it occurs within the benefit year which
7 includes the week with respect to which he claims payment
8 of benefits, provided that, for benefit years beginning
9 prior to January 3, 1982, this requirement shall not
10 interrupt the payment of benefits for consecutive weeks
11 of unemployment; and provided further that the week
12 immediately preceding a benefit year, if part of one
13 uninterrupted period of unemployment which continues into
14 such benefit year, shall be deemed (for the purpose of
15 this subsection only and with respect to benefit years
16 beginning prior to January 3, 1982, only) to be within
17 such benefit year, as well as within the preceding
18 benefit year, if the unemployed individual would, except
19 for the provisions of the first paragraph and paragraph 1
20 of this subsection and of Section 605, be eligible for
21 and entitled to benefits for such week.

22 2. If benefits have been paid with respect thereto.

23 3. Unless the individual was eligible for benefits
24 with respect thereto except for the requirements of this
25 subsection and of Section 605.

26 E. With respect to any benefit year beginning prior to
27 January 3, 1982, he has been paid during his base period
28 wages for insured work not less than the amount specified in
29 Section 500E of this Act as amended and in effect on October
30 5, 1980. With respect to any benefit year beginning on or
31 after January 3, 1982, he has been paid during his base
32 period wages for insured work equal to not less than \$1,600,
33 provided that he has been paid wages for insured work equal
34 to at least \$440 during that part of his base period which

1 does not include the calendar quarter in which the wages paid
2 to him were highest.

3 F. During that week he has participated in reemployment
4 services to which he has been referred, including but not
5 limited to job search assistance services, pursuant to a
6 profiling system established by the Director by rule in
7 conformity with Section 303(j)(1) of the federal Social
8 Security Act, unless the Director determines that:

- 9 1. the individual has completed such services; or
- 10 2. there is justifiable cause for the claimant's
- 11 failure to participate in such services.

12 This subsection F is added by this amendatory Act of 1995
13 to clarify authority already provided under subsections A and
14 C in connection with the unemployment insurance claimant
15 profiling system required under subsections (a)(10) and
16 (j)(1) of Section 303 of the federal Social Security Act as a
17 condition of federal funding for the administration of the
18 Unemployment Insurance Act.

19 (Source: P.A. 89-21, eff. 6-6-95; 90-554, eff. 12-12-97.)

20 (820 ILCS 405/703) (from Ch. 48, par. 453)

21 Sec. 703. Reconsideration of findings or determinations.

22 The claims adjudicator may reconsider his finding at any
23 time within thirteen weeks after the close of the benefit
24 year. He may reconsider his determination at any time within
25 one year after the last day of the week for which the
26 determination was made, except that if the issue is whether
27 or not, by reason of a back pay award made by any
28 governmental agency or pursuant to arbitration proceedings,
29 or by reason of a payment of wages wrongfully withheld by an
30 employing unit, an individual has received wages for a week
31 with respect to which he or she has received benefits or if
32 the issue is whether or not the claimant misstated his
33 earnings for the week, such reconsidered determination may be

1 made at any time within 3 ~~two~~ years after the last day of the
2 week. No finding or determination shall be reconsidered at
3 any time after appeal therefrom has been taken pursuant to
4 the provisions of Section 800, except where a case has been
5 remanded to the claims adjudicator by a Referee, the Director
6 or the Board of Review, and except, further, that if an issue
7 as to whether or not the claimant misstated his earnings is
8 newly discovered, the determination may be reconsidered after
9 and notwithstanding the fact that the decision upon the
10 appeal has become final. Notice of such reconsidered
11 determination or reconsidered finding shall be promptly given
12 to the parties entitled to notice of the original
13 determination or finding, as the case may be, in the same
14 manner as is prescribed therefor, and such reconsidered
15 determination or reconsidered finding shall be subject to
16 appeal in the same manner and shall be given the same effect
17 as is provided for an original determination or finding.

18 (Source: P.A. 77-1443.)