

● UNEMPLOYMENT INSURANCE ACT

STATUTORY CITATION: 820 Ill. Comp. Stat. §§ 405/100 – 405/3200

GENERAL SUMMARY: The Unemployment Insurance Act provides for the collection of contributions from most Illinois employers for deposit in the state unemployment trust fund, from which periodic cash benefits are paid to covered workers who are temporarily without employment. Most employers are required to pay contributions to the fund if they (1) pay at least \$1,500 in wages in any calendar quarter in the current or preceding calendar year, or (2) have at least one employee on some portion of a day in each of 20 or more calendar weeks this year or last.

PROVISIONS APPLICABLE TO AGRICULTURE

EMPLOYER CONTRIBUTIONS — Any agricultural employing unit which (1) paid cash wages of \$20,000 or more for agricultural services during any calendar quarter in the current or preceding calendar year, or (2) employed 10 or more workers in agricultural labor for any length of time in 20 or more calendar weeks in the current or preceding calendar year, is required to pay unemployment insurance contributions to the state fund. Contributions are computed on the first \$12,960 in wages paid by the employer to each employee during the calendar year, using an employer-specific tax rate determined annually by the state administering agency.

ELIGIBILITY FOR BENEFITS — An unemployed farmworker, like any other jobless worker, is generally eligible for UI benefits if the state agency finds that the worker (1) has registered for work, (2) has filed a claim for benefits (3) is able to work and available for work, (4) has been unemployed for a waiting period of one week, and (5) has, during the first four of the last five completed calendar quarters immediately preceding the claim, been paid wages for insured work equal to not less than \$1,600, at least \$440 of which must have been earned outside the peak-earnings quarter.

AMOUNT OF BENEFITS — With respect to any week of unemployment, an eligible claimant's weekly benefit amount is generally equal to 47 percent of the worker's prior average weekly wage (defined as total insured wages in the two quarters of the base period when wages were highest, divided by 26), but not to exceed 47 percent of the statewide average weekly wage. The actual sum payable to the claimant for the week is the weekly benefit amount (plus applicable dependents' allowances, explained below), minus that part of any wages earned that week in excess of 50 percent of the claimant's weekly benefit amount.

DEPENDENTS' ALLOWANCE — In the case of an eligible claimant with a non-working spouse, UI benefits will be increased by 9 percent of the worker's prior average weekly wage, provided that the total amount payable does not exceed 57 percent of the statewide average weekly wage. For a claimant with a dependent child or children, basic benefits are augmented by an amount equal to 17.2 percent of the worker's prior average weekly wage, up to a total benefit of 65.2 percent of the statewide average weekly wage.

SPECIAL NOTES OR ADVISORIES

LIABILITY OF CREW LEADERS AND LABOR CONTRACTORS — For purposes of determining liability for payment of unemployment contributions, in cases where farmworkers performing agricultural labor are furnished to a farm operator by a crew leader who (1) is registered under the Migrant and Seasonal Agricultural Worker Protection Act, (2) pays members of the crew their earnings, and (3) has not entered into a written agreement with the farm operator under which the crew leader is designated as an employee of the farm operator, the crew leader is treated as the workers' employer. Under any other circumstances, crew members are considered employees of the farm operator, and wages paid to the workers by the crew leader are deemed to be wages paid by the farm operator.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Illinois Department of Employment Security, Springfield, Illinois 62702 (773-412-8427)*. The Department both enforces the collection of unemployment insurance contributions from employers subject to the Act and administers UI claims and benefit payments. Applications for unemployment benefits may be made at any local Employment Security office, or online at www.ides.illinois.gov.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.