

Illinois Shuts Down Most Gatherings, Expands Unemployment Benefits

Following on the heels of Illinois executive orders closing all public and private schools and limiting gatherings of 1,000 or more people, on March 16, 2020, the governor of the state of Illinois issued yet another executive order relating to the outbreak of Coronavirus Disease 2019 (COVID-19). The latest Illinois executive order, among other measures, will make unemployment benefits available to some individuals whose unemployment is attributable to COVID-19 and will restrict the operation of certain businesses.

Subsequent to Governor JB Pritzker's March 9, 2020, Gubernatorial Disaster Proclamation, and in light of the CDC's mitigation measure recommendations including cancelling or postponement of in-person events that consist of certain number of individuals (currently at 10 or more), social distancing, avoidance of group dining in public settings, and with the number of suspected Illinois COVID-19 cases increasing exponentially (currently 105), Governor Pritzker, exercising his powers under the Illinois Emergency Management Agency Act, ordered: 1) all businesses that offer food or beverages for on-premises consumption to suspend service for any on-premises consumption beginning March 16, 2020, at 9 p.m. through March 30, 2020; 2) all public and private gatherings of 50 or more people are prohibited for the duration of the Gubernatorial Disaster Proclamation; 3) the required one-week waiting period for unemployment insurance claims for claimants who are unemployed and who are otherwise eligible for unemployment benefits is suspended; and 4) the requirement under the Open Meetings Act that members of a public body be physically present and the limitations on remote participation at such meetings are suspended.

As to limitations relating to on-premises consumption of food and beverages, Illinois restaurants, bars, grocery stores, food halls etc. are permitted to serve food and beverages so that they may be consumed off-premises through such means as in-house delivery, third-party delivery, drive-through, and curbside pick-up. In addition, customers may enter the premises to purchase food or beverages for carry-out (including food trucks) if the business can ensure that they have an environment where patrons maintain adequate social distancing. Businesses located in airports, hospitals, and dining halls in colleges and universities are exempt from the requirements of the executive order. Hotel restaurants may continue to provide room service and carry-out. Catering services are allowed to continue.

As to the ban on gatherings of 50 or more people, it applies to community, civic, public leisure, faith-based events, sporting events with spectators, concerts, conventions, and any similar event or activity that brings together 50 or more people in a single room or a single space at the same time. The executive order specifies that this ban applies to such venues as fitness centers/health clubs, bowling alleys, private clubs, and theatres but does not include venues that provide essential goods or services such as grocery stores, hospitals, pharmacies, gas stations, banks/credit unions, and shelters. The governor's executive order was signed and filed the same day as, but prior to, the CDC's announcement of its revised recommendation to avoid gatherings of 10 or more people. The March 16 executive order amended a prior one that prohibited gatherings of 1,000 or more people.

Relating to unemployment benefits, the executive order suspended the one-week waiting period under 820 ILCS 405/500(D) of the Illinois Unemployment Insurance Act. In response, the Illinois Department of Employment Security (IDES) adopted emergency rules to make the unemployment insurance system as responsive to the current situation as possible. If an individual's place of employment is temporarily closed because of the COVID-19 virus, that individual could qualify for benefits as long as they were able and available for and actively seeking work. Under the emergency rules IDES adopted, the individual would not have to register with the employment



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service and would be considered to be actively seeking work as long as they were prepared to return to their job as soon as the employer re-opened.

If an individual is confined to their home because a medical professional has diagnosed them as having COVID-19 or because they must stay home to care for their spouse, parent, or child whom a medical professional has diagnosed as having COVID-19 or due to a government-imposed or government-recommended quarantine, an individual would be considered to be unemployed through no fault of their own. However, to qualify for unemployment benefits, they would still need to meet all other eligibility requirements, including the requirements that the individual be able and available for work, registered with the state employment service, and actively seeking work from the confines of their home. The individual would be considered able and available for work if there was some work that they could perform from home (e.g., transcribing, data entry, virtual assistant services) and there is a labor market for that work.

Individuals who quit a job because of concern over COVID-19 may be disqualified from receiving unemployment benefits since that individual generally has a duty to make a reasonable effort to work with their employer to resolve whatever issues have caused the individual to consider quitting. If an individual leaves work because their child's school has temporarily closed and has to stay home with their child, that reason would not be considered attributable to the employer and the individual would likely not qualify for unemployment benefits. IDES also states that if an individual has exhausted their unemployment benefits, no additional benefits would be available "at this point" because of the COVID-19 situation.

The state of Illinois is also asking Congress to waive interest on any federal loans that Illinois and other state Unemployment Trust Fund accounts might require due to added strain from the COVID-19 outbreak, as well as maintaining the full federal unemployment tax credit for employers in states that may require such loans.
