

2008

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 32, Issue 9
February 29, 2008
Pages 2857-3129

Index Department
Administrative Code Division
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
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45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Notice Requirements for Subcontractor's Identification for Water and Sewer Utilities
- 2) Code Citation: 83 Ill. Adm. Code 602
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
602.10	New Section
602.20	New Section
602.30	New Section
602.40	New Section
602.50	New Section
602.60	New Section
602.70	New Section
602.EXHIBIT A	New Section
- 4) Statutory Authority: Implementing Section 8-306(l) and authorized by Sections 10-101 and 5-202 of the Public Utilities Act [220 ILCS 5/8-306(l), 10-101, and 5-202]
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 94-0950 added Section 8-306 to the Public Utilities Act (Act). This new Section lists special provisions of the Act that are applicable to water and sewer utilities. Section 8-306(l) of the Act states:

Water and sewer public utilities; subcontractors. The Commission shall adopt rules for water and sewer public utilities to provide notice to the customers of the proper kind of identification that a subcontractor must present to the customer, to prohibit a subcontractor from soliciting or receiving payment of any kind for any service provided by the water or sewer public utility or the subcontractor, and to establish sanctions for violations.

These proposed rules will establish the notice requirements, prohibit the solicitation and receipt of payment, and establish sanctions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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NOTICE OF PROPOSED RULES

- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule making neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 06-0563, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance:
Recordkeeping
- C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER e: WATER UTILITIESPART 602
NOTICE REQUIREMENTS FOR SUBTRACTOR'S IDENTIFICATION
FOR WATER AND SEWER UTILITIES

Section	
602.10	Applicability
602.20	Definitions
602.30	Notice to Customers
602.40	Identification Requirements
602.50	Notice of Work Authorization Requirements
602.60	Records
602.70	Sanctions
602.EXHIBIT A	Notice of Work Authorization

AUTHORITY: Implementing Section 8-306(l) and authorized by Sections 10-101 and 5-202 of the Public Utilities Act [220 ILCS 5/8-306(l), 10-101, and 5-202].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 602.10 Applicability

This Part applies to any public utility, as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], that provides water service or disposal of sewage.

Section 602.20 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Office of the public utility" means and includes only those offices maintained by the public utility for the purpose of the public transacting business with the public utility. It does not mean or include places of business maintained primarily for another purpose, such as stores, banks, offices or organizations other than the public utility, where arrangements may have been made for the receipt of payments of bills due to the public utility or for the receipt of requests for service or for the transaction of other incidental business relating to the public utility, and

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it does not include a public utility office maintained primarily for operation purposes or rendering utility services to the public.

"Subcontractor" means any contractor, subcontractor, agent, individual or other entity that provides services under contract or other payment arrangement to a public utility for the performance of services related to the physical infrastructure of the public water or sewer utility. Employees of the public utility are not subcontractors. For purposes of this Part, "subcontractor" excludes any contractor, subcontractor, agent, individual or other entity that makes contact with the customer by telephone, in writing, or through any means other than by personal contact.

Section 602.30 Notice to Customers

This Section prescribes notice to customers of the obligations of subcontractors for presenting proper identification when contacting customers.

- a) Notice to the public. The public utility shall post in two public and conspicuous places in each office of the public utility a notice not less than 7 by 10 inches in size printed in black on a white background, reading substantially as follows:

PUBLIC NOTICE

No subcontractor of this public utility is authorized to contact any customer for the purpose of soliciting or receiving payment of any kind for any service provided by this utility. Employees of this utility shall carry proper identification and unilaterally present such identification to each customer when initiating contact with that customer. While subcontractors are not authorized to contact customers to solicit payment for services, whenever a subcontractor contacts a customer for any other purpose, the subcontractor is required to carry proper identification and unilaterally to present that identification to customers.

An employee of this public utility will assist any person that has questions about this notice.

- b) Written notice

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- 1) By March 1 of each year, each water or sewer public utility shall provide written notice of required identification of subcontractors and utility employees to each of its customers. This written notice may be included with the customer's billing for utility services. The written notice shall detail the information to be contained in the identification of each employee of the water or sewer public utility that is authorized to contact customers for the purpose of soliciting or accepting payment for services provided. The written notice shall detail the information to be contained in the identification of subcontractors and further notify customers that subcontractors are not authorized to contact customers for the purpose of soliciting or accepting payment for services that are provided by the utility. The written notice shall also inform the customers that notice is posted in the utility's office and that an employee of the public utility is available for assisting customers in understanding the contents of the notice.
- 2) At the time each new customer is accepted for service, the utility shall provide the customer written notice of required identification of employees of the public utility and subcontractors. This written notice shall contain the information that is required by subsection (b)(1).

Section 602.40 Identification Requirements

Each public utility shall include in any contract or agreement with any subcontractor the requirement that any individual working on behalf of that subcontractor present picture identification when visiting a customer's home or place of business. Upon arrival at a customer's home or place of business, any subcontractor performing work shall immediately show to the customer, if the customer is on the premises, identification that states the name of the individual performing the work and that contains the individual's picture.

Section 602.50 Notice of Work Authorization Requirements

Upon arrival at a customer's home or place of business, any subcontractor performing work shall immediately show to the customer a Notice of Work Authorization containing the following information:

- a) The Notice of Work Authorization shall contain in 12-point boldface type on the face of the document a statement that the contracting utility has authorized the subcontractor to perform work on the utility's behalf.

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- b) The Notice of Work Authorization shall be printed in 12-point black type and shall contain language that identifies:
- 1) The customer's billing name and address;
 - 2) The name of the contracting utility, including the utility's customer service contact information;
 - 3) The name of the subcontracting company that is authorized to perform the work;
 - 4) The description of the service to be provided to the customer, including the purpose of the subcontractor's visit; e.g., inspection, repair, test;
 - 5) The Illinois Commerce Commission's Consumer Services Division contact information, including telephone number and web address, business location and hours of operation;
 - 6) A statement in 12-point boldface type that no payment is to be given to the subcontractor. If any portion of the charge for the service provided by the subcontractor will ultimately be billed to the customer, the Notice of Work Authorization shall inform the customer that he/she will receive a separate bill from the utility; and
 - 7) The statutory citation and text of the law prohibiting payment to the subcontractor providing the service on behalf of the customer's utility.
- c) If any portion of the Notice of Work Authorization is written in a language other than English, then all portions of the Notice of Work Authorization shall be written in that language.
- d) The Notice of Work Authorization shall not be combined with inducements or promotional material of any kind.

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- e) A copy of the Notice of Work Authorization shall be left with the customer.
- f) The Notice of Work Authorization shall take substantially the form found in Exhibit A of this Part.

Section 602.60 Records

- a) Each public utility shall retain a paper or electronic record of the written notice that is to be provided by March 1 of each year and the date on which the written notice was made.
- b) Each public utility shall retain a paper or electronic record that identifies each new customer and the date on which each new customer was notified in writing of his or her right to see proper identification.
- c) Each public utility shall retain a paper or electronic record of each contract or other agreement with each subcontractor that provides for the requirement that any individual working on behalf of that subcontractor present picture identification when visiting a customer's home or place of business.

Section 602.70 Sanctions

Upon complaint or upon its own motion, the Commission may find that a public utility has not met the requirements or standards established in this Part. Upon such a finding, the Commission may pursue any penalties, including, but not limited to, injunctive relief, that are within the authority granted to it under the Act.

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Section 602.EXHIBIT A Notice of Work Authorization

(UTILITY LOGO)

(UTILITY ADDRESS and CONTACT INFORMATION)

NOTICE OF WORK AUTHORIZATION FOR CUSTOMERS

This is to inform you that (EMPLOYEE NAME) of (CONTRACTOR NAME) has been engaged by (UTILITY NAME) to perform (DESCRIPTION OF SERVICES) for (CUSTOMER NAME) at (CUSTOMER ADDRESS) on (DATE).

All utility or contractor employees performing services at a customer's home or place of business must present picture identification upon arrival. Pursuant to Section 8-306(1) of the Illinois Public Utilities Act, employees of (CONTRACTOR NAME) are not authorized to solicit payment for these services, or on the behalf of (UTILITY NAME). If any portion of the charges for the services performed today is to be billed to you, you will be sent a separate bill from your utility.

If you have any questions related to this activity, please contact us at (UTILITY'S CUSTOMER SERVICE NUMBER). A copy of these notice requirements, and applicable legal provisions, is posted in our office and on our website at (UTILITY WEBSITE).

This notice is provided in compliance with rules established by the Illinois Commerce Commission in 83 Ill. Adm. Code 602. For additional information about Commission rules, you may contact Commission Staff at:

Illinois Commerce Commission
Consumer Services Division
527 East Capitol
Springfield, Illinois 62701
www.icc.illinois.gov/consumer
1-800-524-0795 (Monday through Friday, 8:30 a.m. to 5:00 p.m.)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Economic Development for a Growing Economy Program (EDGE)
- 2) Code Citation: 14 Ill. Adm. Code 527
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
527.20	Amend
527.70	Amend
- 4) Statutory Authority: Implementing and authorized by the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment expands the definition of full-time employee to include an individual for whom a W-2 is issued by a Professional Employer Organization (PEO) if employed in the service of the applicant business for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. This amendment is necessary to implement changes made to the Act by Public Act 95-0375.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jolene Clarke
Department of Commerce and Economic Opportunity
620 E. Adams Street

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62701

Phone: 217/557-1820

Fax: 217-782-0038

e-mail: jolene.clarke@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: Any type of business that meets the program requires may receive the EDGE credits.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping or other procedures will be required.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the changes.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 527

ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY PROGRAM (EDGE)

Section

527.10	Purpose
527.20	Definitions
527.30	Eligibility Determination
527.40	Form of Application
527.50	Application Review
527.60	Application Denial/Approval
527.70	Determination of Amount and Term of the Credit
527.80	Tax Credit Agreement
527.90	Certificate of Verification
527.100	Noncompliance with the Agreement

AUTHORITY: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] and the Business Location Efficiency Incentive Act [35 ILCS 11].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 10862, effective August 16, 1999, for a maximum of 150 days; emergency expired on January 22, 2000; adopted at 24 Ill. Reg. 6884, effective April 19, 2000; amended at 29 Ill. Reg. 1186, effective January 5, 2005; amended at 31 Ill. Reg. 8085, effective May 23, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 527.20 Definitions

The following definitions are applicable to this Part.

"Accessible and affordable mass transit" means access to transit stops with regular and frequent service within one mile from the project site and pedestrian access to transit stops.

"Act" means the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10].

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"Affordable workforce housing" means owner-occupied or rental housing that costs, based on current census data for the municipality where the project is located or any municipality within 3 miles of the municipality where the project is located, no more than 35% of the median salary at the project site, exclusive of the highest 10% of the site's salaries. If the project is located in an unincorporated area, "affordable workforce housing" means no more than 35% of the median salary at the project site, excluding the highest 10% of the site's salaries, based on the median cost of rental or of owner-occupied housing in the county where the unincorporated area is located.

"Agreement" means the Tax Credit Agreement created pursuant to 35 ILCS 10/5-50.

"Business Location Efficiency Incentive" means the incentive created by the Business Location Efficiency Incentive Act [35 ILCS 11].

"Capital improvements" shall include the purchase, renovation, rehabilitation, or construction of permanent tangible land, buildings, structures, equipment and furnishings in an approved project sited in Illinois and in expenditures for goods or services that are normally capitalized, including organizational costs and research and development costs incurred in Illinois. For land, buildings, structures and equipment that are leased, the lease must equal or exceed the term of the Tax Credit Agreement and the cost of the property shall be determined from the present value, using the corporate interest rate prevailing at the time of the application, of the lease payments.

"Credit" means the amount agreed to between the Department and applicant under the Act, but not to exceed the incremental payroll attributable to the applicant's project. [35 ILCS 10/5-15]

"Department" means the Illinois Department of Commerce and Economic Opportunity, formerly known as the Illinois Department of Commerce and Community Affairs.

"Director" means the Director of the Illinois Department of Commerce and Economic Opportunity, formerly known as the Illinois Department of Commerce and Community Affairs.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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"Employee housing or transportation remediation plan" means a plan to increase affordable housing or transportation options, or both, for employees earning up to the median annual salary of the workforce at the project. The plan may include, but is not limited to, an employer-financed assisted housing program that can be supplemented by State or federal grants or shuttle services between the place of employment and existing transit stops or other reasonably accessible places.

"Existence of infrastructure" means the existence, within 1,500 feet of the proposed site, of roads, sewers, sidewalks, and other utilities and a description of the investments or improvements, if any, that an applicant expects State or local government to make to that infrastructure.

"Full-time employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. [35 ILCS 10/5-5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the Applicant for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment to the Applicant.

"Incremental Income Tax" means the incremental payroll attributable to a project that is the subject of an Agreement.

"Incremental payroll" means the total amount withheld by the taxpayer during the taxable year from the compensation of new employees and retained employees under Article 7 of the Illinois Income Tax Act [35 ILCS 5/Art. 7] arising from such employees' employment at a project that is the subject of an Agreement.

"Labor Surplus Area" or "LSA" must have an average unemployment rate at least 20 percent above the average rate for all states (plus the District of Columbia and Puerto Rico) during the previous two calendar years. However, the 20 percent ratio is disregarded:

when this 2-year average for all states is 8.3 percent or above, an average unemployment rate of 10 percent or more will qualify an area, and

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

when the all-states' average is 5.0 percent or less, an area will qualify with a 6.0 percent average.

The U.S. Department of Labor issues the labor surplus area listing on a fiscal year basis. The listing becomes effective each October 1 and remains in effect through the following September 30, but may be updated at any time during the fiscal year based on exceptional circumstance petitions. LSAs are classified on the basis of civil jurisdictions (cities with a population of at least 25,000 and all counties). LSAs are authorized by Public Law 96-302 and 20 CFR 654.

"Location efficient" means a project that maximizes the use of existing investments in infrastructure, avoids or minimizes additional government expenditures for new infrastructure, and has nearby housing affordable to the permanent workforce of the project or has accessible and affordable mass transit or its equivalent or some combination of both.

"Location efficiency report" means a report that is prepared by an applicant for increased State economic development assistance, under Section 10 of the Business Location Efficiency Incentive Act [35 ILCS 11/10] and follows that Act, and that describes the existence of affordable workforce housing or accessible and affordable mass transit or its equivalent. [35 ILCS 11/5]

"New employee" means a full-time employee first employed by a taxpayer in the project that is the subject of an Agreement and who is hired after the taxpayer enters into the Tax Credit Agreement.

The term "new employee" does not include:

an employee of the taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

an employee of the taxpayer who was previously employed in Illinois by a related member of the taxpayer and whose employment was shifted to the taxpayer after the taxpayer entered into the Tax Credit Agreement;

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NOTICE OF PROPOSED AMENDMENTS

an employee of the taxpayer who was previously employed in Illinois by the taxpayer and whose employment was shifted to the taxpayer project after the taxpayer entered into the Tax Credit Agreement; or

a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the taxpayer.

An employee may be considered a new employee under the Agreement if the employee performs a job that was previously performed by an employee who was treated under the Agreement as a new employee and promoted by the taxpayer to another job. [35 ILCS 10/5-5]

An employee shall be considered a new employee under the Agreement if the employee fills a job vacancy that had been continuously vacant for the 184 day period immediately preceding the date of the Agreement. A job vacancy whose incumbent is on approved leave, is locked out or is on strike is not a vacancy.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function.

"Professional Employer Organization" or "PEO" means an employee leasing company, as defined in Section 206.1(A)(2) of the Illinois Unemployment Insurance Act [820 ILCS 405].

"Professional services" means a taxpayer engaged in the practice of law or medicine.

"Project" means a for-profit economic development activity or activities at a single site, or of one or more taxpayers at multiple sites if the economic activities are vertically integrated.

"Project costs" includes cost of the project incurred or to be incurred by the taxpayer including: *capital investment, including, but not limited to, equipment, buildings, or land; infrastructure development; debt service, except refinancing of current debt; research and development; job training and education; lease costs*

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NOTICE OF PROPOSED AMENDMENTS

or relocation costs, but excludes the value of State incentives, including discretionary tax credits, discretionary job training grants, or the interest savings of below market rate loans. [35 ILCS 10/5-30]

"Retained employee" means a full-time employee employed by a taxpayer during the term of the agreement whose job duties are directly and substantially-related to the project. For purposes of this definition, "directly and substantially-related to the project" means at least two-thirds of the employee's job duties must be directly related to the project and the employee must devote at least two-thirds of his or her time to the project. The term "retained employee" does not include a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has direct or indirect ownership interest of at least 5% in the profits, capital, or value of the taxpayer.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability. [35 ILCS 10/5-5]

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 527.70 Determination of Amount and Term of the Credit

- a) *The Department shall determine the amount and duration of the Credit awarded under the Act. The duration of the Credit may not exceed 10 taxable years.* [35 ILCS 10/5-45] In determining the appropriate amount and duration of a Credit to be awarded to a Taxpayer, *the Department shall take into consideration the following additional factors:*
- 1) *The number and location of jobs created and retained in relation to the economy of the county where the projected investment is to occur.*
 - 2) *The potential impact of the Project on the economy of Illinois.*
 - 3) *The magnitude of the cost differential between Illinois and the competing states.*
 - 4) *The incremental payroll attributable to the Project.*
 - 5) *The capital investment attributable to the Project.*

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 6) *The amount of the average wage and benefits paid by the Applicant in relation to the wage and benefits of the area of the Project.*
- 7) *The costs to Illinois and the affected political subdivisions with respect to the Project.*
- 8) *The financial assistance that is otherwise provided by Illinois and the affected political subdivisions. [35 ILCS 10/5-40]*
- b) *The Credit may be stated as a percentage of the Incremental Income Tax attributable to the Applicant's Project and may include a fixed limitation. [35 ILCS 10/5-45]*
- c) *The Credit shall not exceed the Incremental Payroll attributable to the Project that is the subject of an Agreement. [35 ILCS 10/5-15(d)]*
- d) *The total amount of the Credit allowed during all tax years may not exceed the aggregate amount of costs incurred by the Taxpayer during all prior tax years to the extent provided in the Agreement of Project Costs. [35 ILCS 10/5-30]*
- e) Applicants that qualify for increased EDGE benefits under the Business Location Efficiency Incentive Act may receive:
 - 1) up to 10 percent more than the maximum allowable tax credits for which they are eligible under the Act, but not to exceed 100 percent of the applicant's tax liability; or
 - 2) such other adjustments of those tax credits, including but not limited to authorizing the term of the credit to exceed 10 taxable years, as the Department deems appropriate to foster job creation and retention in Illinois.
- f) Nothing in this Section shall prohibit a Tax Credit Award to an Applicant that uses a Professional Employer Organization if all other award criteria are satisfied.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Small Business Development Program
- 2) Code Citation: 14 Ill. Adm. Code 570
- 3) Section Number: 570.50 Proposed Action:
Amend
- 4) Statutory Authority: Implementing and authorized by the Small Business Development Act [30 ILCS 750/Art. 9]
- 5) A Complete Description of the Subjects and Issues Involved: The funding limit for loans to businesses owned by minorities, women and persons with disabilities is raised from \$50,000 to \$100,000. This change to the rules will make them consistent with the changes to the funding threshold contained in PA 95-0097.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENT

Fax: 217-782-0038

e-mail: jolene.clarke@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: Businesses owned by minorities, women and persons with disabilities
 - B) Reporting, bookkeeping or other procedures required for compliance: To be determined by the financial intermediary (lender) in whose loan a financial participation will be purchased
 - C) Types of professional skills necessary for compliance: General business management
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department did not anticipate the changes.

The full text of the Proposed Amendment is identical to the Emergency Amendment found in this issue of the *Illinois Register* on page 2979.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Agency Sustainability Planning Tool
- 2) Code Citation: 71 Ill. Adm. Code 2500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2500.10	New Section
2500.20	New Section
2500.30	New Section
2500.40	New Section
2500.50	New Section
2500.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Green Governments Illinois Act [20 ILCS 3954]
- 5) Complete Description of the Subjects and Issues Involved: The Green Governments Illinois Act was adopted to demonstrate the State's commitment to reducing negative environmental impacts, reducing greenhouse gases, and preserving resources for current and future generations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking implements the Green Governments Illinois Act, which improves the efficiency and environmental sustainability efforts of State agencies.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF PROPOSED RULES

Kate Tomford
Office of Lt. Governor Pat Quinn
100 W. Randolph, Suite 15-200
Chicago IL 60601

312/814-5220
Fax: 312/814-4862

The Office will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small municipalities may utilize the Agency Sustainability Planning Tool, but are not required to do so.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The statute creating the Council was not effective until late 2007, so the Council did not file a January 2008 regulatory agenda.

The full text of the Proposed Rules begins on the next page:

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF PROPOSED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IX: ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCILPART 2500
AGENCY SUSTAINABILITY PLANNING TOOL

Section

2500.10	Applicability of Requirements
2500.20	Definitions
2500.30	Sustainability Committee
2500.40	Agency Sustainability Plans and Sustainability Progress Reports
2500.50	Enforcement
2500.APPENDIX A	Agency Sustainability Plan Template

AUTHORITY: Implementing and authorized by Green Governments Illinois Act [20 ILCS 3954].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 2500.10 Applicability of Requirements

The requirements in this Part must be met by all State agencies as defined in Section 2500.20. The agency sustainability planning tool will also be made available for voluntary use by units of local government and educational institutions.

Section 2500.20 Definitions

Agency Sustainability Plan - The sustainability assessment and plan completed using the Agency Sustainability Planning Tool.

Agency Sustainability Planning Tool - The internet-based sustainability assessment and planning and reporting application, available on the Council's website.

Act - The Green Governments Illinois Act [20 ILCS 3954].

Council - The Illinois Green Governments Coordinating Council created by the Green Governments Illinois Act and authorized by the Act to create the agency sustainability planning tool.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF PROPOSED RULES

Sustainability Goal - A general statement of intended outcome.

Measure for Assessment - A unit for determining success of a sustainability objective.

Sustainability Objective - A specific result expressed as a quantity achieved in a certain time frame.

State Agency - An Agency described in the Illinois State Auditing Act [30 ILCS 5/1-7], excluding any agencies with 10 or fewer full-time equivalent employees.

Sustainability Progress Report - An annual statement of performance toward sustainability objectives.

Sustainability Strategy - An action-step needed to achieve a desired sustainability objective.

Section 2500.30 Sustainability Committee

- a) The director or chief executive of each State agency, or his or her designee, shall appoint staff to an agency-specific Sustainability Committee.
- b) Each Sustainability Committee shall be responsible for completing the agency sustainability plan.
- c) The director or chief executive of each State agency, or his or her designee, shall appoint persons with knowledge, skills and abilities in each of the areas of operation contained in the agency sustainability plan.
- d) The director or chief executive of each State agency, or his or her designee, shall appoint one member of the Sustainability Committee, who is also a senior member of management, as liaison to the Council.
- e) Unless the director or chief executive of each State agency, or his or her designee, otherwise notifies the Council, the liaison will have all rights and responsibilities of the director or chief executive as pertaining to agency responsibilities under the Act.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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Section 2500.40 Agency Sustainability Plans and Sustainability Progress Reports

- a) Any State agency that does not have an agency sustainability plan on file with the Council as of the effective date of this Part shall file an agency sustainability plan no later than 90 days after the effective date of this Part.
- b) A State agency shall submit its agency sustainability plan via the agency sustainability planning tool on the Council's website. If using the agency sustainability planning tool would impose extraordinary costs, the State agency may submit its plan using the paper-based form in Appendix A.
- c) Each State agency sustainability plan shall include an assessment of environmental impacts in each of the applicable areas of operation:
 - 1) Transportation
 - 2) Purchasing of Goods and Services
 - 3) Office Operations
 - 4) Facility Management
 - 5) Construction and Renovation
- d) Each State agency sustainability plan shall include sustainability goals, objectives, strategies and measures for assessment of progress in each of the applicable areas of operation listed in subsection (c).
- e) A State agency must submit at least one sustainability goal and related sustainability objective, sustainability strategy and measure for assessment. A State agency may submit multiple sustainability goals, objectives, strategies and measures for assessment.
- f) The State agency must submit a revised sustainability plan by no later than three years after the date of the initial plan.
- g) Each State agency shall complete the sustainability progress report on or before July 1, 2008 and on or before June 1 of each subsequent year. The State agency may, but is not required to, revise the agency sustainability plan at the time of submitting the sustainability progress report.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF PROPOSED RULES

- h) Any plans, reports or other submissions to the Council shall be sent to Green Governments Coordinating Council, c/o Lt. Governor's Office, 100 W. Randolph, Suite 15-200, Chicago, Illinois 60601.
- i) Any materials submitted via the Council's website need not also be submitted by paper.

Section 2500.50 Enforcement

- a) The Council will not give any State agency any award authorized by the Act if the agency has not submitted required agency sustainability plans and complied with all reporting requirements.
- b) The Council shall publish a list of all State agencies with their plan submission and reporting status. The list shall be posted on the Council's website and otherwise made available to the public.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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Section 2500.APPENDIX A Agency Sustainability Plan Template



State of Illinois
Illinois Green Governments Coordinating Council

Agency Sustainability Plan Template

Area of Operations: Office Operations

Goal: _____

Objective: _____

Measure: _____

Strategy: _____

Strategy: _____

Strategy: _____

Goal: _____

Objective: _____

Measure: _____

Strategy: _____

Strategy: _____

Strategy: _____

Area of Operations: Purchasing of Goods and Services

Goal: _____

Objective: _____

Measure: _____

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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Strategy: _____
Strategy: _____
Strategy: _____

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

Area of Operations: Transportation

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

Areas of Operations: Facility Management

Goal: _____
Objective: _____
Measure: _____

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF PROPOSED RULES

Strategy: _____
 Strategy: _____
 Strategy: _____

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Area of Operations: Construction and Renovation

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.126 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 95-707
- 5) Complete Description of the Subjects and Issues Involved: The proposed rulemaking makes an adjustment to the Safety Net Adjustment Payments (SNAP) program to provide funding for high Medicaid utilization and teaching hospital providers to assure the continued access to quality health care for medical assistance clients. Increased spending is anticipated by approximately \$7.7 million.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u> 148.130	<u>Proposed Action:</u> Amendment	<u>Illinois Register Citation:</u> 32 Ill. Reg. 518; January 11, 2008
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- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: High Medicaid utilization hospitals and teaching hospitals.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The proposed amendment was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 2993:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Department of Personnel
- 2) Code Citation: 80 Ill. Adm. Code 420
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
420.10	Amendment
420.200	Amendment
420.210	Amendment
420.220	Amendment
420.300	Amendment
420.310	Amendment
420.320	Amendment
420.330	Amendment
420.340	Amendment
420.350	Amendment
420.360	Amendment
420.370	Amendment
420.380	Amendment
420.390	Amendment
420.400	Amendment
420.410	Amendment
420.420	Amendment
420.430	Amendment
420.435	Amendment
420.600	Amendment
420.610	Amendment
420.620	Amendment
420.630	Amendment
420.640	Amendment
420.645	Amendment
420.650	Amendment
420.660	Amendment
420.670	Repeal
420.680	Amendment
420.700	Amendment
420.715	New
420.720	Amendment
420.740	Repeal
420.760	Amendment

SECRETARY OF STATE

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420.770	Amendment
420.800	Amendment
420.810	Amendment
420.820	Amendment
420.825	Repeal
420.830	Amendment
420.835	New
420.1000	Amendment
420.1010	Amendment
420.1020	New
420.1030	Amendment

- 4) Statutory Authority: 15 ILCS 310/10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to conform with current merit practices, regulations of federal and State legislative enactments and technical changes.
- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Stephan Roth or Linda Green
Office of the Secretary of State
Department of Personnel

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Room 197 Howlett Building
Springfield, Illinois 62756

217/782-1750

All comments must be in writing.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

The full text of the Proposed Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER II: SECRETARY OF STATE

PART 420
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section
420.200 Positions
420.210 Position Classification
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
420.300 Application and Examination
420.310 Appointment and Selection
420.320 Trainees
420.330 Intermittents
420.340 Continuous Service
420.350 Performance [Evaluation Forms](#) [Review](#)
420.360 Probationary Status
420.370 Promotions
420.380 Employee Transfers
420.390 Demotion
420.400 Layoffs and Reemployment
420.410 Voluntary Reduction
420.415 Sworn Personnel – Inter-Agency Assignment
420.420 Resignation and Reinstatement
420.430 Discipline, Discharge, and Termination
420.435 Return of State Property

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: CONDITIONS OF EMPLOYMENT

Section	
420.600	Grievance Procedure
420.610	Sick Leave
420.620	Leave for Personal Leave <u>Business</u>
420.630	On-The-Job Injury – Industrial Disease
420.640	Leaves of Absence Without Pay
420.645	Family <u>Adoption/Child Care</u> Leave
420.650	Limitations on Leaves of Absence
420.660	Leaves of Absence – Special
420.665	Leaves of Absence – Sworn Personnel – Inter-Agency Assignment
420.670	Leaves of Absence – Special – Salary (Repealed)
420.680	Employee Rights After Leave
420.690	Leave of Absence – Election to Public Office
420.700	Failure to Return from <u>From</u> Leave of Absence
420.710	Military and Peace Corps Leave
<u>420.715</u>	<u>Disaster Services Leave with Pay</u>
420.720	Leave for <u>For</u> Annual Military Reserve Training or Special Duty
420.730	Leave for Military Physical Examinations
420.740	Leave to Take Exempt Position (Repealed)
420.760	<u>Non-service Connected</u> Disability Leave
420.770	Attendance in Court
420.800	Vacation
420.810	Work Schedules
420.820	Overtime
420.825	Temporary Assignment (Repealed)
420.830	Holidays
<u>420.835</u>	<u>Notification of Absence</u>

SUBPART E: GENERAL PROVISIONS

Section	
420.1000	Records
420.1010	Benefits
<u>420.1020</u>	<u>Prohibition of Discrimination</u>
420.1030	Other Provisions

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

SOURCE: Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980; amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983; codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993; emergency amendment at 21 Ill. Reg. 1710, effective January 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5937, effective April 24, 1997; emergency amendment at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days; emergency expired April 14, 2004; amended at 28 Ill. Reg. 7676, effective May 24, 2004; emergency amendment at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 420.10 Definitions

"Appropriate Supervisor": An employee who has the authority to resolve an employee's grievance.

"Board": Refers to the Merit Advisory Board.

"Certified Employee": An employee who has successfully completed ~~an appointment and~~ a required probationary period and attained certified status during the employee's most recent period of continuous State service.

"Certified Status": Status achieved through the completion of a probationary period.

"Class": A composite of positions which are sufficiently similar, in terms of duties and responsibilities, requiring the same or related knowledges, skills, abilities and licenses (if required) to fulfill them, and the same title, selection instrument, salary range or rate of pay that would apply equitably to each. Example: All Executive I positions in the Office of the Secretary of State are a class.

"Code": The Secretary of State Merit Employment Code [15 ILCS 310].

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NOTICE OF PROPOSED AMENDMENTS

"Commission": The Secretary of State Merit Commission.

"Continuous Service": The uninterrupted period of service from the date of original appointment to State service.

"Department of Personnel": The Secretary of State Department of Personnel.

"Director of Personnel": The Director of the Secretary of State Department of Personnel.

"Employee": Any employee on the payroll as well as any employee on a leave of absence granted pursuant to this Part.

"Executive or Administrative Employee": Those employees who have principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.

"Executive Security Officer": A law enforcement officer charged with executive protective duties.

"Highly Confidential Employee": An employee who occupies a position which, by its nature, is entrusted with private, restricted or privileged information of a type which would preclude its being subject to Jurisdiction B.

"Immediate Family": Father, mother, brother, sister, son, daughter and spouse, including adoptive, custodial and "in-laws" when residing in the employee's household. For bereavement purposes, the term includes grandparents, grandchildren, parents-in-law, brother or sister-in-law, and children-in-law.

"Jurisdiction A": The Section of the Code which deals with the classification and compensation of positions in the Office of the Secretary of State.

"Jurisdiction B": The Section of the Code which deals with merit and fitness as it applies to positions in the Office of the Secretary of State.

"Jurisdiction C": The Section of the Code which deals with the conditions of employment of positions of the Office of the Secretary of State.

SECRETARY OF STATE

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"Licensed Attorney": Attorneys who are licensed to practice law within the State of Illinois.

"Next Higher Supervisor": An employee who is authorized to adjust grievance resolutions offered by an Appropriate Supervisor; an employee who may be locally or regionally assigned to resolve Level 2 grievances.

"Organizational Entity": An organization whose chief executive officer reports directly to the Secretary of State or the Assistant Secretary of State.

"Pay Plan": The plan, authorized by the Secretary of State Merit Employment Code, that sets forth rules for salary treatment when processing personnel transactions and other compensation actions and identifies the various salary schedules.

"Pay Status": An employee who is active on the payroll of the Office of the Secretary of State and who receives wages for hours worked, paid holidays and benefit time used.

"Position": A set of duties, authorities and responsibilities.

"Position Description": The official document that identifies the duties, responsibilities, location and reporting relationships of a position.

"Probationary Period": A period of six calendar months (or 979 hours) immediately following an original appointment or reinstatement, or a period of three months (489.5 hours) following a promotion.

"Seniority": In totality, the unbroken service of an employee by the Office of the Secretary of State, or such service immediately precedent to employment by the Secretary of State which was unbroken and accrued within ~~State Service the employ of an agency covered by the Personnel Code under the Governor or within the University Civil Service System~~.

"Series": A class series is composed of two or more individual classes which are directly related in type of work performed, responsibility exercised and background experience required, while differing in levels, difficulty and/or achievement of these same terms. The classes of a series are similar in title and are usually sequential in nature from lowest to highest. Example: Executive I, II,

SECRETARY OF STATE

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III, IV and V are a class series.

"Sworn Personnel – Inter-Agency Assignment": Employees of the Office, vested with police authority, who are assigned to an affiliated outside organization for a determined time frame to perform police officer duties.

"Time of Hostilities": Time periods of hostility with a foreign country as determined by the Director of Personnel~~The following periods of time: from April 6, 1917 to November 11, 1918; from December 7, 1941 to December 31, 1946; and from June 27, 1950 to December 31, 1976.~~

"Title": A title is the name by which a class is known. Example: Executive I is a title.

"Unskilled Positions": Positions whose primary requirement is that incumbents be of good physical condition.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART B: CLASSIFICATION AND PAY

Section 420.200 Positions

A position is a set of duties and responsibilities requiring the appointment of one~~1~~ or more persons for the completion of those duties and responsibilities thereof. A written statement of the duties and responsibilities of each position shall be maintained by the Director of Personnel. The following types of positions may be established in the Office of the Secretary of State.

- a) Exempt – Positions established in accordance with sections of the Merit Employment Code describing exempt positions as set forth in Section 420.310(i)(1). If a certified employee accepts an appointment to a position exempt from Jurisdiction B of the Secretary of State Merit Employment Code [15 ILCS 310], the employee will retain his/her original certified status. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in the position.~~Exempt positions may be filled by an employee having certified status without affecting such status.~~
- b) Permanent full-time or part-time positions~~Full time—Positions~~ for which the duties and responsibilities are performed on a regular continuous basis. Any type

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of appointment described in Section 420.310(i) ~~(1), (4) or (5) or 420.330(a)~~ may be made to such a position.

- e) ~~Permanent Part-time—Positions for which the duties and responsibilities are performed on a regular but noncontinuous basis such as peak time of day, week, or month. No appointment other than probationary and/or certified may be made to such position.~~
- cd) Temporary – Positions for which the duties and responsibilities are performed for not more than 6 months out of any 12-month period as set forth in Section 420.310(i)(10) in any calendar year.
- de) ~~Permane nt~~ Intermittent – ~~positions~~ Positions for which the duties and responsibilities are performed on a regular or nonregular, continuous or noncontinuous basis for periods requiring less than full-time ~~but more than temporary~~ employment. No appointment other than probationary and/or certified may be made to such a position.
- ef) Trainee – For positions established in accordance with an approved training program as set forth in Section 420.320(a).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.210 Position Classification

- a) Classification Plan: The Director of Personnel shall maintain, and revise when necessary, a uniform position classification plan for positions under the Merit Employment Code based on the similarity of duties and responsibilities assigned so that the same schedule of pay may be equitably applied to all positions in the same class, under the same or substantially the same employment conditions. It shall be the responsibility of the department directors to report to the Director of Personnel any significant changes in the duties of every position within their department.
- b) Allocation:
- 1) At the request of a department, or at the discretion of the Director of Personnel, including when it is evident that the duties of a position deviate from the class specification for that title, or upon reorganization of a

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department, a survey or audit, or such other investigation by the Department of Personnel shall be made to determine the proper allocation of any position to a class. Upon written request of an employee, a survey or audit by the Director of Personnel shall be made to determine the proper allocation of the employee's position. If the survey or audit does not demonstrate a substantial change in the duties and responsibilities as determined in a previous audit or the existing job description, a determination shall be made as to the proper allocation of the position from a review of the record rather than an individual desk audit. After making such survey, audit, or other investigation, the Department of Personnel shall notify the department in which such position is located of its decision as to the proper allocation of the position in question. It shall be the responsibility of the Department of Personnel to give written notice to the incumbent of said position of its decision.

2) An employee who has requested and received the results of an audit on his/her current position may request another review no sooner than 12 months following receipt of the prior audit result, and only if there is a change to his/her position duties and responsibilities.

c) Reconsideration:

- 1) Within 30 calendar days after receiving notice of such decision, the incumbent in such position may make a request in writing of the Director of Personnel for a reconsideration of the decision. Thereafter, the Director of Personnel shall reinvestigate the duties and responsibilities of such position and related positions and the affected employee shall be given a reasonable opportunity to be heard.
- 2) After such investigation, the Director of Personnel shall render a decision in writing and it shall be served on the employee in person or by certified mail, return receipt requested, at the last address shown in the official personnel file. The effective date of the Director of Personnel's reconsidered decision shall be the same as the effective date of the original allocation decision by the Director of Personnel.
- 3) An employee wishing to appeal the Director of Personnel's decision shall serve upon the Merit Commission notice of appeal of said reconsidered decision in writing within 15 calendar days after receipt of notice of the

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reconsidered decision. A copy of the notice of appeal shall also be served upon the Director of Personnel.

- d) Assignment to Other Classes: An employee whose position has been allocated to a class having a higher, lower or same maximum permissible salary or rate may remain in the position, provided, however, that the Director of Personnel shall determine, in the case of allocation to a class having a higher maximum salary or rate, whether, considering the nature of such change in duties, the such employee is qualified for the position. In the case of allocation to a class having a lower maximum salary or rate, due to loss of duties or responsibilities after appointment to such position, the pay of such employee shall not be required to be lowered for a period of one year after the position allocation, in accordance with the Secretary of State Pay Plan, Section 10.00(b) (on file in the Secretary of State's Department of Personnel).
- e) Revised Class Requirements: When requirements for a class are revised and the duties and responsibilities of positions comprising the class remain essentially unchanged, incumbents in these positions who qualified under the previous requirements for the class will be considered qualified.
- f) Establishment of New Classes: When positions are reclassified resulting from the establishment of a new class, and the duties and responsibilities of such positions remain essentially unchanged, incumbents who qualified under the requirements of the previous class will be considered qualified for the new class.
- g) Temporary Assignment:
- 1) An employee may be directly assigned (relegated) to perform the duties and responsibilities of another position in a different classification than that to which the employee is incumbent.
 - 2) Temporary assignments shall not be considered the permanent duties and responsibilities of the employee and, therefore, shall not be considered in the proper allocation of the incumbent's position.
 - 3) Additional compensation for temporary assignment of an employee to duties and responsibilities of a higher class shall be in accordance with the applicable provisions of the Department of Personnel Pay Plan. To be eligible for such additional compensation, the temporary assignment must

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be for good cause and may not become effective without the written approval of the Director of Personnel and acknowledgement by the employee.

- 4) Temporary assignment of an employee shall not normally exceed 6 months.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.220 Pay Plan

- a) Establishment of Plan: The Director of Personnel shall prepare and maintain a Pay Plan for all employees subject to Jurisdiction A of the Merit Employment Code in accordance with the applicable provisions of the Code.
- b) Provisions of the Pay Plan: The Pay Plan shall provide for uniform and equitable starting rates of pay, the time and manner in which subsequent changes in salary may be made, the rate each employee is to be paid, and for rates that are fair and reasonable compensation for the type of employment and service rendered. The Pay Plan may also include other provisions not inconsistent with law to assist in the administration of good personnel practices for the Office of the Secretary of State.
- c) Approval of Pay Plan: The Pay Plan and amendments to the Plan~~thereto~~ shall be prepared by the Director of Personnel ~~after consultation with department directors~~. After preparing the Pay Plan or any amendments, the Director of Personnel shall submit it to the Secretary of State. The Pay Plan, or amendments ~~thereto~~, shall become effective only after approval by the Secretary of State.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART C: MERIT AND FITNESS

Section 420.300 Application and Examination

- a) Examinations:
- 1) The Director of Personnel shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code.

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Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

- 2) In lieu of announcing or conducting examinations, the Director of Personnel may accept the results of competitive examinations conducted by any established merit system subject to the Director of Personnel's~~Director's~~ determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.
- b) Examination - Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Secretary of State, provide economical administration, and be generally convenient for applicants. The Director of Personnel may cancel or postpone examinations at any time.
- c) Veterans' Preference: Appropriate preference in entrance examinations shall be granted to qualified persons who, while citizens of the United States, were~~Qualified persons who have passed an examination and who have been~~ members of the armed forces of allies or of the United States in times of hostilities with a foreign country (as set ~~forth~~ in the ~~Secretary of State~~ Merit Employment Code Section 10b.7) and to certain other persons as set forth in this Section. To be eligible, an applicant must have proof of his/her service or discharge under honorable conditions. Preference shall be granted as follows:~~or while citizens of the United States were members of the armed forces of allies of the United States in times of hostilities with a foreign country, shall be granted preference in entrance examinations as follows:~~
 - 1) Three points or equivalent credit shall be added to the entrance examination grade for veterans who have served, for at least six months, in the Illinois National Guard, or any reserve component of the armed forces of the United States, or, while a United States citizen, was a member of the armed forces of an ally of the United States, in time of hostilities with

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- ~~a foreign country. Five points shall be added to the entrance examination grade for such nondisabled veteran eligibles.~~
- 2) Five points or equivalent credit shall be added to the entrance examination grade for veterans who have served in the Armed Forces of the United States during time periods of hostility or who, as members of the Illinois National Guard or any reserve component of the Armed Forces of the United States, were called into active duty during time periods of hostility. Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veteran's Administration or from such allied country for war service connected disabilities.
 - 3) Ten points or equivalent credit shall be added to the entrance examination grade for veterans who are currently receiving compensation from the United States Veterans' Administration or from such allied country for war service connected disabilities.
 - 4) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category. Such preference may be disregarded if, during the interview process, an applicant fails to meet the minimum standards set prior to the interview.
 - 5) A surviving unremarried spouse of a veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois shall be entitled to the same preference to which the veteran would have been entitled under this Section.
 - 6) Ten points or equivalent credit shall be added to the examination score for one parent of an unmarried veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois. The first parent to receive an appointment in an Illinois merit system shall be the parent entitled to the preference.
- d) Public Notice of Examinations: The Director of Personnel shall publicly announce~~give public notice of~~ examinations at least two weeks in advance of the

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final date the examination will be given, such tests except as otherwise noted. Announcements may be advertised through the press, radio or other media. Announcements shall be posted in a conspicuous place in ~~each office of~~ the Department of Personnel in both Chicago and Springfield. Announcements shall specify the date and manner in which an application for examination shall be made. In place of individual announcements, the Director of Personnel may develop a brochure or pamphlet announcing the examination process and testing locations and times.

- e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director of Personnel shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.
- f) Test Ratings - Notice and Review: The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of the final earned rating or of the failure to attain a place on the list.
- g) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:
- 1) No applicant may retake a test or tests included within an examination until 14~~thirty~~ (30) calendar days have elapsed. ~~This restriction may, however, be waived by the Director of Personnel when the best interest of the Office of the Secretary of State, including but not limited to cases where such restriction would impose undue hardship on an applicant, a department, or the office.~~
 - 2) In all cases of retaking examinations, the most recent passing score obtained on the retake shall be used to determine the candidate's rank on the eligible list.
 - 3) Examination results are valid for 12 months from the original date of examination. An examination shall not be regraded more than 12 months after the original test date. Regraded examinations shall expire on the

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same date as the original examination.

- h) ~~Equal Opportunity: Applicants or employees shall not be discriminated against on the basis of race, color, age, religion, sex, marital status, national origin, political affiliation or membership in, or activity in, or on behalf of, employee labor organizations or any other nonmerit factor. Applicants capable of performing the duties in the class shall not be discriminated against because of physical or mental handicap.~~
- hi) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Secretary of State removing examination materials from the premises at which examinations are being administered or stored, in any manner whatsoever, shall be subject to prosecution and/or discipline up to and including discharge if the individual is an employee of the Office of the Secretary of State.
- ij) Admission to Examinations: ~~All Admission to competitive examinations shall be open to all~~ persons who meet ~~such~~ requirements ~~as have been~~ established by the Director of Personnel may be admitted to competitive examinations and may be lawfully appointed to the position. Following are the only criteria by which the Director of Personnel may reject the application of any person for admission to a test or decline to test or certify for employment:
- 1) ~~subsequent~~ Subsequent to participating in the examination, the applicant is found to lack the qualifications prescribed for admission to the test as announced in the public notice;
 - 2) the applicant is ~~Is~~ physically unfit to perform effectively the duties of the class;
 - 3) the applicant has ~~Has~~ used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;
 - 4) the applicant has ~~Has~~ made false statements of any material fact or has practiced deception or fraud in the application or test;
 - 5) the applicant does not meet the United States Citizenship and Immigration Services ~~Department of Justice Immigration and Naturalization Service~~ regulations for permanent employment; ~~or~~

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- 6) ~~the applicant is~~ found guilty of a violation of ~~this Part~~~~these rules~~ or any of the provisions of the Merit Employment Code relating to participation in examinations; ~~or:~~
- 7) the applicant has been convicted of a crime relevant to the duties and responsibilities of the class of the examination he/she is taking or the position to which he/she is being hired.
- ~~j~~k) Residency Requirement: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director of Personnel and only when there are fewer than three qualified residents of Illinois available, including statewide candidates or candidates on the eligibility list for the geographical area in which the position is located.
- ~~k~~l) Linguistic Requirements: The Director of Personnel may establish linguistic options when it appears that this would benefit the operation of the office by increasing communication with those served by the Office of the Secretary of State.
- ~~l~~m) Authorization of Investigation: The Director of Personnel shall, when a position is to be filled ~~involves the handling of money, is sensitive in nature and/or entails law enforcement duties~~, require that an applicant seeking employment with the Office of the Secretary of State authorize an investigation to determine if the applicant has ever been convicted of a crime and, if so, the disposition of those convictions. ~~Any information derived from this investigation shall, upon request, be provided to the applicant or his designee, prior to any final action by the Director of Personnel on the application. "Only information and standards which bear a reasonable and rational relation to the performance of an employee shall be used by the Director of Personnel."~~
- ~~m~~n) Confidentiality: Any information concerning criminal convictions obtained by the Director of Personnel shall be confidential. "No information obtained from such investigation may be placed in any automated information system." No information may be transmitted to anyone within or outside the Office of the Secretary of State, except as needed for the purposes set forth in subsection Section 420.300(lm). Any violation of this subsection~~rule~~ shall result in disciplinary action and possible civil action.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.310 Appointment and Selection

- a) Eligible Lists: The Department of Personnel shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 420.300(a). The names of ~~qualified~~successful applicants shall be arranged in the order of their relative excellence, whether by numerical grade or category grouping. The length of time an ~~eligible applicant's~~eligible's name may ~~remain appear~~ on the eligible list shall be established by the Director of Personnel specified in the examination announcement.
- b) Responsibilities of Eligibles: It shall be the responsibility of each eligible applicant to inform the Department of Personnel in writing of any changes in name, address or availability for employment.
- c) Geographical Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of examination or ~~that~~which may be made available at a later date. Unless otherwise noted in the examination announcement, applicants may select a statewide preference, but will not be considered for employment until all available candidates for the specific geographical location have been exhausted.
- d) Removal of Names From Eligible Lists:
 - 1) The Director of Personnel shall remove names from an eligible list for cause, including but not limited to any of the following reasons:
 - A) Appointment of ~~the~~an eligible applicant from the eligible list;
 - B) Death of an eligible applicant;
 - C) Notice by postal authorities that they are unable to locate the eligible applicant at his/her last known address;
 - D) Attempt by an eligible applicant to practice any deception or fraud in connection with an examination or application for employment;

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- E) Evidence that the eligible applicant lacks any of the qualifications required for the class for which he/she was erroneously declared eligible;
 - F) Request of an eligible applicant to remove his/her name from the eligible list;
 - G) The applicant's name has remained on the eligible list for 12~~twelve~~ months ; or-
 - H) The applicant has been discharged, terminated, or otherwise involuntarily separated from employment with the Office of the Secretary of State.
- 2) The Director of Personnel may remove names from an eligible list, upon notice to the applicant, for reasons including but not limited to the following: Following are the only criteria by which the Director of Personnel may remove names from an eligible list. Eligibles shall be notified of such removal.
- A) Failure of an eligible applicant, upon referral, to reply or to report for interview;
 - B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;
 - C) Failure of an eligible applicant, upon request, to furnish written evidence of availability for employment;
 - D) Specifying conditions of employment by an eligible applicant ~~that~~which are not associated with the class for which the applicant is eligible;
 - E) Refusal of an eligible applicant to accept 3~~three~~ separate offers of employment;
 - F) After an eligible applicant has been passed over 3~~three~~ times

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~~by after referral to~~ the same department, ~~for the appointment of an eligible lower on the eligible list, and~~ the department may request ~~concerned requests~~ removal of the eligible applicant from the list for good and sufficient cause;

- G) Poor work history of the eligible applicant;
- H) Former experience, ~~and~~ history or background of the eligible applicant is not compatible with duties and responsibilities of the class;
- I) Physical inability of eligible applicant to perform the duties and responsibilities of the class;
- J) After eligible applicant accepts promotion;
- K) When a change in ~~either~~ classification or testing standards, or ~~another~~ other change, requires removal ~~such action~~;
- L) Conviction of an eligible applicant of a felony or of a crime that is relevant to the position for which the person is testing or being hired; or
- M) Conviction of a crime involving alcohol or drugs ~~Addiction of an eligible to narcotics or to alcohol.~~

e) Replacement of Names on Eligible List:

- 1) The Director of Personnel may restore a name to the same eligible list when ~~that~~ such action would be in the best interest of the Office of the Secretary of State, including but not limited to:
 - A) Names of eligible applicants ~~eligibles~~ who, upon removal from list for failure to reply due to powers beyond control, did not receive referral in time to respond in the prescribed amount of time;
 - B) Names of veterans returning from active military service of not more than ~~4~~ four years shall be restored to an eligible list for a period of 12 months for the same class if the request is made by the

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- veteran within 90 days after discharge, or after release from hospitalization continuing after discharge but for not more than one year. The eligible applicant must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class;
- C) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.
- 2) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time remaining of the original eligibility, except as provided in subsection (e)(1)(B).
- f) Appointment ~~from~~ From Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination, ~~the such~~ appointment shall be made from among those available persons with ~~of the person standing among those who are available within~~ the 10 highest grades, if ~~the such~~ list is in order of numeric examination grade, or from the highest ranking group of ~~3~~ three or more available eligibles, if ~~the such~~ list is in category groupings, except as provided for under subsection ~~Section 420.310~~ (g).
- g) Extension of Jurisdiction B:
- 1) Employees in positions to which Jurisdiction B is extended pursuant to Sections 5d and 10d of the Merit Employment Code shall be continued in ~~those such~~ positions and shall attain certified status in those ~~positions therein~~ provided they pass a qualifying examination prescribed by the Director of Personnel within ~~6~~ six months after ~~the such~~ jurisdiction is extended and provided that they satisfactorily complete their respective probationary periods.
- 2) Appropriate standards for probationary appointments shall be prepared by the Director of Personnel and appointments of ~~such~~ employees in accordance with subsection (g)(1) shall be without regard to eligible lists ~~and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category~~

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~~ranking group if the list is by rankings instead of numerical ratings.~~
Further, these appointments shall be made without regard to the provisions of subsection (f). Nothing in this subsection (g) shall preclude the reclassification or reallocation, as provided by this Part, of any position held by ~~any such~~ incumbent.

- h) Appointments – Positions Subject to Jurisdiction B: Positions ~~which are~~ covered by Jurisdiction B of the Code shall be filled in one of the following ways:
- 1) By appointment of an eligible applicant standing among the 10 highest scores on an eligible list ~~that~~which is numerically rated;
 - 2) By appointment of an eligible applicant from the highest ranking group of 310 or more available eligibles from an eligible list ~~that~~which is not numerically rated;
 - 3) By present employees (May 24, 1977) who have passed examinations in accordance with the Personnel Code [20 ILCS 415] under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;
 - 4) By present employees (May 24, 1977) who having been promoted in accordance with the rules under the Personnel Code under the Governor of the State of Illinois (23 Ill. Adm. Code 302) shall be continued in their positions without further examination;
 - 5) By present employees (May 24, 1977) who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;
 - 6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within 9~~nine~~ months after May 24, 1977;
 - 7) By present employees (May 24, 1977) or past employees who have rights or privileges arising under the Personnel Code under the Governor of Illinois or through judicial process and who shall be continued in the

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extent of such rights and privileges;

- 8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 420.370(b);
- 9) By emergency appointment for a period not in excess of 90 calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. ~~These~~~~Such~~ appointments may not be renewed;
- 10) By temporary appointments to positions ~~that~~~~which~~ are temporary or seasonal in nature as determined by the Director of Personnel. ~~These~~~~Such~~ appointments shall not exceed ~~6~~~~six~~ months out of any ~~12~~~~twelve~~ month period;
- 11) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed ~~6~~~~six~~ months out of any ~~12~~~~twelve~~ month period;
- 12) By the transfer of employees from one position to another if the qualifications, responsibilities, duties and salary range are similar;
- 13) By reinstatement of persons who formerly held certified status under the ~~Code, the~~ Personnel Code [20 ILCS 415], the State Universities Civil Service Act [110 ILCS 70], ~~or the~~ Comptroller Merit Employment Code [15 ILCS 410], or the State Treasurer Employment Code [15 ILCS 510]. To be eligible for reinstatement, ~~these~~~~such~~ persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems, except as provided in Section 420.430(k).
- 14) By reemployment of an employee whose name appears upon a reemployment list; ~~the~~~~such~~ reemployment may be made to positions in the same or lower salary range as ~~the~~~~to that~~ salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;
- 15) By the appointment of trainees into training programs approved by the

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Director of Personnel; ~~those~~such appointments may be made with or without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;

- 16) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director of Personnel;
 - 17) By the transfer of active, certified ~~or probationary~~ employees from the jurisdictions of the Personnel Code ~~of Illinois~~, the ~~State Universities~~University Civil Service ~~System Act~~, ~~or~~ the Comptroller Merit Employment Code ~~or the State Treasurer Employment Code, upon the approval of the Director of Personnel, to comparable positions of employment. A person~~Persons so transferred shall retain the same status under the Code as that which they held under their previous merit employment.
- i) Appointments~~Types of Status~~: The following types of appointments may be made by the Director of Personnel.
- 1) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 5d and 10d of the Code, ~~the~~such employee shall establish eligibility for ~~the~~such position by passing satisfactorily a qualifying examination prescribed by the Director of Personnel within ~~6~~six months after the extension of Jurisdiction B to ~~the~~such position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, ~~the~~such employee shall establish eligibility for ~~the~~such position within ~~6~~six months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.
 - 2) Emergency: For persons selected ~~by departments~~ to meet emergency situations. Such appointments shall not exceed 90 calendar days, shall not be renewed, and may be made without regard to an eligible list. Notices of ~~selections and~~ terminations shall be reported to the Director of Personnel.
 - 3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than

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~~6~~six months out of any 12 month period.

- 4) Provisional: For persons in positions for which there are fewer than 10 available eligibles on the open competitive eligible list, if the list is in order of numeric examination grade, or fewer than 3 available eligibles, if the list is in category groupings. No positions shall be filled by provisional appointment for more than ~~6~~six months out of any 12 month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for ~~the such~~ positions shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to subsection (i)(5).
 - 5) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.
 - ~~6) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.~~
 - ~~6~~7) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.
- j) Permanent Part-Time: Permanent part-time employees shall have all rights and benefits granted by Jurisdictions A, B and C based on the proration of the part-time scheduled hours against the normal 1957.5 hour work year.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.320 Trainees

- a) Trainee Appointments: The Director of Personnel may establish trainee or apprenticeship programs for new and/or incumbent employees in accordance with the Position Classification Plan (80 Ill. Adm. Code 410) or at the request of an operating department. No trainee position under this ~~Section~~rule shall be established in any class other than a trainee class. A trainee or apprenticeship

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program shall prescribe the purposes, objectives, curriculum, benefits and duration. Trainee or apprenticeship programs may be established for one or more of the following reasons and purposes and shall be for the duration stated in the class specifications ~~therefor~~:

- 1) To develop qualified employees, through an established program of supervised training and experience, ~~qualified employees for positions which are, in the judgment of the Director of Personnel, difficult to fill with qualified employees~~;
- 2) To cooperate with recognized educational institutions and organizations by making available opportunities for supervised training and work experience required for satisfactory completion of ~~asuch~~ cooperative or affiliate training program;
- 3) To provide specialized orientation and training necessary for satisfactory performance of jobs in technical or professional fields;
- 4) To attract and interest better qualified employees to ~~State~~ service by selecting outstanding persons and giving them supervised work experience during their period of academic training;
- 5) To provide training or developmental work experience for the socially, culturally or economically disadvantaged or persons with disabilities that would assist them in acquiring or augmenting employment skills and/or to provide employment opportunities of limited duration.

b) Limitations on Trainee Appointments:

- 1) Trainees appointed to a position in a trainee class after having qualified by open competitive examination in accordance with ~~the rules of the Department of Personnel concerning Examination and Eligible lists Section 420.300~~ may be promoted after successfully completing the prescribed trainee program and passing an appropriate examination meeting the minimum education and experience requirements for the title for which they are training. A 3 month probationary period will be served in accordance with Section 420.360(a)(2).
- 2) Trainees appointed without ~~not selected by~~ open competitive examination

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~~shall obtain probationary appointments~~ may be promoted to in the titles for which they are training ~~only~~ after successfully completing the prescribed trainee program they have passed and ranking among candidates in a reachable position for appointment on the appropriate open competitive examinations ~~and their names have been reached on the resulting~~ eligible list ~~lists~~. A 3 month probationary period will be served in accordance with Section 420.360(a)(2) ~~Trainees appointed in such status as the result of an open competitive examination and whose positions are allocated may be placed in probationary status in the class to which said position is allocated.~~

- 3) Trainees appointed to a trainee position without open competitive examination, ~~and~~ whose positions are reallocated or reclassified to a non-trainee class during the trainee period, will ~~allocated~~ may be placed in provisional status ~~probationary status~~ in the class to which the said position is allocated and shall establish eligibility for that position upon successful completion of an appropriate open competitive examination within 6 months from the effective date of the title change, ~~and their names shall have been reached on the resulting eligible lists.~~
- 4) Trainees appointed to a trainee position after having qualified by open competitive examination in accordance with Section 420.300, whose positions are reallocated or reclassified to a non-trainee class during the trainee period, will be placed in probationary status in the class to which the position was allocated and will serve a 6 month probationary period.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.330 Intermittents

- a) Intermittent Positions: The Director of Personnel shall, as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in lieu of permanent positions, but intermittent employees may substitute for absent employees. Appointments will be made to intermittents ~~such~~ positions in the same manner as appointments to other permanent positions.
- b) Limitations on Intermittent Employees: An intermittent employee will be subject

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to the following limitations and conditions of employment, but will otherwise be covered by the full benefits of Jurisdiction A, B and C:

- 1) ~~Intermittent employees shall not be utilized as replacements for permanent employees, but they may substitute for absent employees. An effort will be made to balance the hours worked among intermittents of the same title within the same organizational unit.~~

- 12) Intermittents will work 800-1500~~a maximum of 1500~~ hours per year (12 month period), ~~minimum of 800. There shall not be more than a 10% variance in hours scheduled from the original in-hire Schedule (see the definition of "work schedule" in Section 420.810) in the same title and organizational units. Intermittent employees whose schedules vary more than 10% may grieve or appeal such schedule changes. Intermittents worked more than 1500 hours shall be reallocated in accordance with Section 420.210 (a), (b) and (c) to permanent full time positions. Intermittents offered work less than their permissible minimum in-hire schedule shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions. Nothing in this subsection shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event such a reorganization temporarily precludes full compliance with this subsection, management shall have six months in which to revise its schedules in order to bring the schedules into compliance.~~
 - A) If, as a result of timekeeping error or omission in reporting hours worked, it is determined that an intermittent employee worked more than 1500 hours in the prescribed 12 month period, the employee shall immediately be placed in inactive status until the commencement of the next 12 month period, and the hours worked in the next 12 month period shall be reduced by the excess hours from the previous 12 month period.

 - B) Intermittent employees offered less than 800 hours of work in any prescribed 12 month period shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions.

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- 2) There shall not be more than a 10% variance in hours scheduled from the original in-hire work schedule of employees in the same title and organizational unit. Intermittent employees whose schedules vary more than 10% may grieve or appeal the schedule changes. An effort will be made to balance the hours worked among intermittent employees of the same title within the same organizational unit.
- 3) The continuous service of an intermittent employee shall be computed on the basis of hours worked, each 7½ hours being equivalent to one day.
- 4) An intermittent employee shall accrue sick and vacation leave on a prorated basis, dependent upon the amount of time in pay status during a given month.
- 5) ~~Intermittent employees shall receive full pay for an official holiday if scheduled to work that day of the week and they have worked the last scheduled work day before the holiday and the first scheduled work day after the holiday.~~
- 56) Employees refusing to be scheduled ~~3~~three times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given 24 hour notice of scheduling, unless proof of illness or death in the family is presented.
- c) Nothing in this Section shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event a reorganization temporarily precludes full compliance with this Section, management shall have 6 months in which to revise its schedules in order to bring the schedules into compliance.
- d7) An annual review of the intermittent program will be made by the Director of Personnel to insure compliance with this Part.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.340 Continuous Service

- a) Definition:
- 1) Continuous service is the uninterrupted period of service from the date of

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original appointment to ~~State~~ state service or to service in any other system participating in the Retirement Systems Reciprocal Act [40 ILCS 5/20], except as provided in subsection ~~Section 420.340~~ (g).

- 2) Employees who have accrued continuous service ~~in another merit system in State~~ state service or who have accrued continuous service in a position covered by the Retirement Systems Reciprocal Act ~~state service not covered by any merit system~~, and who have been transferred to or who have accepted an appointment to a position in the Office of the Secretary of State ~~a department subject to the Merit Employment Code~~, shall be given ~~such~~ credit for the earlier ~~said~~ service to the extent ~~as shall be~~ determined by the Director of Personnel or required by law.
 - 3) Intermittent and permanent ~~Permanent~~ part-time ~~and intermittent~~ employees shall accrue continuous service on a prorated basis, determined by the number of hours worked per year.
- b) Interruptions in Continuous Service: Continuous service shall be interrupted by:
- 1) Resignation; provided, however, that ~~such~~ continuous service will not be interrupted by resignation when an employee is employed in another position in State service ~~the Office of the Secretary of State~~ within 4 calendar days after ~~of such~~ resignation;
 - 2) Discharge; provided, however, that ~~such~~ continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Merit Commission, or under other administrative review process, or by the court;
 - 3) Termination; because an employee has not been reemployed within one ~~+~~ year after layoff.
- c) Deductions ~~from~~ From Continuous Service: Except as provided in subsection ~~Section 420.340~~ (f), the following shall be deducted from, but not interrupt, continuous service:
- 1) Time away from work for leaves of absence without pay totaling more than 30 days in any 12 month period;

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- 2) Time away from work because of disciplinary suspensions totaling more than 30 days in any 12 month period;
 - 3) Time away from work because of layoff.
- d) Veterans'~~Veterans~~ Continuous Service:
- 1) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 4~~four~~ years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or similar position on making an application to the Department of Personnel ~~his employing department~~ within 90 days after separation from active duty, or after release from hospitalization continuing after discharge but for not more than one year. The employee must provide evidence of satisfactory completion of training and military service when making application and must be qualified to perform the duties of the position.
 - 2) Subject to the provisions of Section 420.310(f), a veteran who returns to service with the Office of the Secretary of State after having been granted a leave of absence from provisional status shall be required to pass the same or similar examination for his/her position within 90 days.
 - 3) Trainees who have not previously done so and whose training was interrupted by military leave, shall be required to qualify, if necessary, in an examination in the trainee class before granted allocation or noncompetitive promotion to a higher class.
- e) Peace or Job Corps Enrollees Continuous Service: Employees who volunteer and are accepted for service in the overseas or domestic peace or job corps shall be given a leave of absence from their position for the duration of their initial period of service and restored to the same or similar position provided that the employee returns to ~~their~~ employment within 90 days after~~of the~~ termination of ~~their~~ service or release from hospitalization from a service connected disability.
- f) Accrual and Retention of Continuous Service During Certain Leaves: During an educational, military, peace or job corps, disaster services, family leave~~adoption/child care leave~~ (pursuant to Section 420.645), Family and Medical Leave (FMLA), ~~or~~ disability leave, service connected disability leave or leave to

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accept a temporary, provisional, emergency or exempt assignment in another class, an employee shall retain and accrue continuous service, provided an appropriate application to return is made, pursuant to the requirements specified elsewhere in this Part.

- g) Limitation on Continuous Service: Temporary and emergency employees employed after May 24, 1977, shall not accumulate continuous service except as provided in 20 ILCS 805/240, Ill. Rev. Stat. 1985, ch. 127, par. 63b, 120.1 unless ~~such~~the status is acquired as the result of taking a leave of absence to accept a temporary or emergency~~such~~ assignment.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.350 Performance Evaluation Forms Review

a) ~~Performance Records:~~

- 1) ~~Performance records shall constitute all material in an employee's personnel file which, in the judgment of the Director of Personnel, is relevant to determining the appropriateness of proposed or recommended personnel transactions.~~
- 2) ~~Such records shall be considered by the Director of Personnel in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.~~

b) ~~Performance Evaluation Forms:~~

~~1) The Director of Personnel shall prescribe the form used for performance evaluations. Performance records shall include an evaluation of employee performance prepared by each department on forms prescribed by the Director of Personnel.~~

- b2) For an employee serving a 6~~six~~ month probationary period, the ~~division~~ department shall prepare and submit to the Department of Personnel 2~~two~~ ~~such~~ evaluations, ~~—~~ one at the end of the third month of the employee's probationary period and another 15~~fifteen~~ days before the conclusion of the probationary period~~thereof~~.

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- c3) For an employee serving a ~~3~~three month probationary period, the ~~division~~ department shall prepare and submit to the Department of Personnel an evaluation form ~~2½two and one-half~~ months after the commencement of the probationary period.
- d4) For a certified employee, each department shall prepare ~~an~~such evaluation not less often than each time an employee receives a satisfactory or superior performance increase under the Department of Personnel's Pay Plan.
- e5) A prepared employee evaluation shall not be considered completed or final for any purpose until the employing department director or designee has entered approval directly on the evaluation form by way of signature or other means of identification.
- f6) For purposes of promotion, demotion, layoffs, transfers, reemployment, discipline, ~~or~~ discharge, etc., the Director of Personnel and the employing department director shall give greater weight to an employee's most recent performance evaluation as opposed to earlier evaluations in considering any potential change in the employee's current status with the office.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.360 Probationary Status

- a) Probationary Period:
- 1) A probationary period of ~~6~~six months (979 hours for intermittent and permanent part-time) shall be served by:
 - A) an employee who enters service or commences a new period of continuous service;
 - B) an employee who is reinstated as provided under Section 420.420(b);
 - C) an employee who is appointed from an open competitive eligible list, whether or not it is considered an advancement in rank or grade.

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~~Trainees whose positions are allocated upward may achieve probationary status pursuant to Section 420.320(b).~~

- 2) A probationary period of ~~3~~^{three} months (489.5 hours for intermittent and permanent part-time) shall be served by an employee who is promoted. A probationary employee who is demoted or one who accepts a voluntary reduction, shall be required to serve a ~~3~~^{three} month probationary period or the balance of the original probationary period, whichever is greater. If the employee previously held certified status in the class to which demoted or voluntarily reduced, no probationary period will be required. A probationary employee transferred during the probationary period shall serve that portion of the probationary period ~~that~~^{which} was not completed at the time of ~~such~~ transfer. A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits during ~~the~~^{such} probationary period.
 - 3) If an employee is absent from work for more than 15 ~~working~~^{calendar} days during the probationary period ~~because of leave of absence, sick leave or work related injury or industrial disease,~~ ~~the~~^{such} absence shall serve to extend the probationary period by the length of the absence. Any suspension shall extend the probationary period by the length of the suspension, except that, if the suspension ~~is~~^{shall} later ~~be~~ reduced or rescinded, ~~the~~^{such} reduced or rescinded time shall not extend the probationary period.
- b) Certified Status: A probationary employee shall attain certified status only after successful completion of a probationary period. Notice of certification will be ~~promptly~~ sent to the employee and the employing department by the Director of Personnel ~~promptly thereafter~~.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.370 Promotions

- a) Definition: The appointment of an employee ~~who has held certified status during his/her current period of continuous service,~~ with the approval of ~~the department~~ and the Department of Personnel, to a vacant position in a class having ~~a~~ higher ~~qualifications, duties, responsibilities and~~ maximum permissible salary or rate than the former class.

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- b) Eligibility for Promotion:
- 1) The Director of Personnel may approve the promotion of qualified employees who have established eligibility for the appropriate class through open competitive examinations in accordance with merit standards set forth in Section 420.300(a).
 - 2) The Director of Personnel may approve the promotion of qualified employees to a class for which the examination is closed, provided the employee meets the minimum requirements of the class.~~For promotional purposes, the passing examination grade for the appropriate class is valid for a three-year period from the date of the examination.~~
 - 3) For promotional purposes, a passing examination grade for the appropriate class is valid for a 3 year period from the date of the examination. If the employee retakes the examination within the 3 year period, the most recent passing grade shall be the only one considered.
 - 4) Employees appointed to a trainee class for which an examination was required may be promoted to the title for which they are training by passing the appropriate examination or satisfying the requirements set forth in Section 420.320(b)(2).
- c) Limitations on Promotions: No provisional, temporary, emergency or exempt employee may be promoted. No probationary employee may be promoted unless the employee has previously held certified status during the current period of continuous service.
- d) Failure to Complete Probationary Period:
- 1) A promoted, certified employee who fails to satisfactorily complete the probationary period in the promoted position because of inability to perform the duties and responsibilities of the new promoted position shall be returned to a position in the class, department and locality and with the status from which promoted.
 - 2) An employee who is demoted, or one who accepts a voluntary reduction, during a probationary period shall serve a probationary period as provided

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in Section 420.360(a) unless the employee had previously held certified status in the former class, in which case the return shall be to certified status.

- 3) A promoted employee previously certified may be discharged for cause during the probationary period. ~~The and, in such event, the~~ employee has the same rights to appeal as a certified employee.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.380 Employee Transfers

- a) Transfers: ~~A transfer is the assignment of an employee to a vacant position in the same class to which most recently appointed or to a position involving similar qualifications, duties, responsibilities and salary range. Transfers shall not be made without prior approval of the Director of Personnel.~~ ~~A transfer is the assignment of an employee to a vacant position whose classification has the same maximum permissible salary or rate.~~
- b) ~~Intra Agency Transfer: An employee may be transferred to a position in the same class to which appointed or to a position involving similar qualifications, duties, responsibilities and salary range, in another department, division, section or other unit with the Office. No such transfer shall be made without the approval of the Director of Personnel.~~
- e) ~~Inter Agency Transfer: An employee may be transferred to a position in the same class, or to a position involving similar qualifications, duties, responsibilities and salary range from another agency or jurisdiction, with the approval of both agencies, the Director of Personnel, and with the consent of the employee.~~
- bd)** Geographical Transfer: Geographical transfer is the transfer of an employee from one geographical location in the ~~State~~ ~~state~~ to another for the performance of duties other than temporary assignments or details for the convenience of the employer. Geographical transfers shall be made only with the approval of the Director of Personnel. An employee who refuses to accept a geographical transfer must report for duty at the new location but may make written appeal of ~~the~~ ~~such~~ transfer to the Merit Commission within 15 days after the effective date of the transfer. An employee shall be reimbursed for all reasonable transportation and moving expenses incurred in moving to a new location because of permanent

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geographical transfer unless ~~the~~~~such~~ transfer was applied for by the employee. Reasonable transportation and moving expenses shall be the lowest of ~~3~~~~three~~ bids, unless the lowest bidder is not responsible or available. Notice of an approved management directed geographical transfer shall be served on the employee by the operating department in person or by certified mail, return receipt requested, at the employee's last address appearing in the official personnel file.

- c) Merit System Transfer: An employee of the State of Illinois who holds certified or probationary status in a merit system other than the Secretary of State Merit Employment Code, including employees under jurisdiction of the Personnel Code, the State Universities Civil Service Act, the State Treasurer Employment Code or the Comptroller Merit Employment Code, may be transferred to a position that is subject to Jurisdiction B of the Merit Employment Code and that has comparable qualifications, duties, responsibilities and salary range as determined by the Director of Personnel. The transferred employee shall retain the same status and shall be given credit for continuous service for uninterrupted service under the other merit systems.
- de) Rights of Transferred Employees: A transferred employee shall retain status, continuous service and all accrued benefits.
- ef) Transfer of Duties: When the duties of a position are relocated by transfer or by abolition and reestablishment and when ~~the~~~~said~~ duties are substantially the same, ~~the~~~~an~~ incumbent employee may elect to relocate and retain the duties of the position.
- fg) Limitation on Transfers: ~~Temporary~~~~temporary~~, emergency, exempt, trainee and provisional employees shall not be transferred.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.390 Demotion

- a) Definition:
- 1) Demotion is the assignment of an employee to a vacant position in a class having a lower maximum permissible salary or rate than the class from which the demotion was made for reasons of inability to perform the work of the class from which the demotion was made.

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- 2) ~~Written~~ ~~A department may initiate demotion of an employee by filing~~ ~~written~~ statements of reason for demotion ~~shall be filed by a department~~ ~~director or other administrative authority~~ with the Director of Personnel ~~or~~ ~~designee~~ in the form and manner prescribed. ~~The~~ ~~Such~~ written statement shall be signed ~~by the director of the department~~ and shall contain sufficient facts to show good cause for the demotion. No demotion shall become effective without the prior approval of the Director of Personnel ~~or designee~~. ~~who shall take into consideration the employee's education, experience and performance records.~~
- b) Notice to Employee: If the statement of reasons for demotion of a certified employee is approved by the Director of Personnel ~~or designee~~, a copy of the approved statement of reasons for demotion shall be served on the employee ~~by the Director of Personnel~~ in person or by certified mail, return receipt requested, at the employee's last address appearing in the ~~official~~ personnel file.
- c) Employee Obligations: Upon receipt by the employee of the approved statement of reasons for demotion or upon the effective date ~~of the demotion~~ ~~thereof~~, whichever is later, the employee shall leave the position ~~to~~ ~~in~~ which assigned ~~prior to such statement of reasons~~ and report for duty to the position to which demoted. ~~The and such~~ report shall be without prejudice to right of appeal under ~~subsection~~ ~~Section 420.390~~(e).
- d) Salary and Other Benefits of Employee: Upon receipt by the employee of the approved statement of reasons for demotion, or on the effective date ~~of the~~ ~~statement~~ ~~thereof~~, whichever is later, all salaries and benefits of ~~the~~ ~~such~~ employee in the position in which assigned prior to receipt of ~~the~~ ~~such~~ statement of reasons shall be adjusted to reflect the demotion.
- e) Appeal by Certified Employee: A certified employee who has been served with ~~an~~ approved statement of reasons for demotion may appeal to the Merit Commission, provided ~~the~~ ~~such~~ appeal is made in writing within ~~fifteen~~ ~~(15)~~ days ~~after~~ ~~of~~ receipt of the approved statement of reasons for demotion.
- f) Demotion of Other Employees: The Director of Personnel ~~or designee~~ may approve the demotion of probationary employees. Notice of such demotion shall be served on the employee by the Director of Personnel ~~or designee~~ in person, or by certified mail, return receipt requested, at the employee's last address

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appearing in the official personnel file.

- g) Status of Demoted Employees: A demoted certified employee shall be certified in the class to which demoted and shall not be required to serve a new probationary period. Subject to Section 420.360(a), a demoted probationary employee shall serve a new probationary period in the class to which he /she is demoted.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.400 Layoffs and Reemployment

a) Layoff Procedure:

- 1) A department may request the layoff of an employee because of lack of funds, material change in duties or organization, or lack of work, or the abolition of a position for any of these reasons. Based on class, department, county or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoff by the Director of Personnel.
- 2) A proposed layoff is subject to the approval of the Department of Personnel before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:
 - A) list of all employees showing status and total continuous service;
 - B) A listing of the these employees to be laid off;
 - ~~C) The most recent performance evaluations of all employees in classes affected by layoff plan;~~
 - ~~C~~) An explanation of any layoff not in order of continuous service;
 - ~~D~~) An explanation of the organizational unit selected, reflecting identifying the department, division, facility, geographical location, operational needs and other elements deemed relevant by the department director.

b) Order of Layoff:

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- 1) The following order shall be observed in ~~implementing~~making layoffs:
 - A) No certified or probationary employee may be laid off until all temporary, emergency, provisional, ~~trainee~~ and exempt employees in the same class and organizational unit are terminated;
 - B) No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated.
- 2) Within status groups and in accordance with the layoff plan submitted under ~~subsection~~Section 420.400(a), consideration shall be given to performance records and continuous service as defined in Section 420.340(a).
- 3) For purposes of this ~~Section~~subsection, "certified employee" shall mean any employee who has satisfactorily completed a required period of probation and/or attained certified status in any position during ~~his/her~~the employee's current period of continuous service.
- c) Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until ~~ten~~(10) working days after the Director of Personnel's approval of the layoff plan.
- d) Disapproval: The Director of Personnel may disapprove or modify any layoff plan ~~that~~which results in a disproportionate impact on any protected class, as defined by federal civil rights laws, judicial decisions and ~~the~~The Illinois Human Rights Act [775 ILCS 5] (~~Ill. Rev. Stat. 1985, ch. 68, par. 1-101 et seq., as amended~~), within the layoff unit.
- e) Notice of layoff to the affected employee shall be given within a reasonable time period after approval of the layoff plan by the Director of Personnel.
- f) Reemployment Lists:
 - 1) The ~~Director~~Department of Personnel shall, before the effective date of layoff, approve and establish ~~and maintain~~ a reemployment list, by class and department and ~~county, or other~~ designated geographical area ~~approved by the Director of Personnel before layoff~~. A certified

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employee who has been laid off shall be placed in order of length of continuous service as defined in Section 420.340(a) on a reemployment list for recall to the first available assignment to a position in the class ~~(or related classes with substantially similar requirements and duties)~~ and department and ~~county or other~~ designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.

- 2) Where circumstances warrant, at the discretion of the Director of Personnel, ~~the such~~ reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.
- 3) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 420.420(b).

~~gf~~) Employment from Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, ~~or related classes where such have been established pursuant to Section 420.400(e)~~, department and ~~county or other designated~~ geographical area, no permanent position may be filled by any of the following means:

- 1) By probationary appointment from the appropriate open competitive list;
- ~~2) By temporary appointment;~~
- ~~23) By provisional appointment;~~
- ~~34) By promotion of a certified employee or a probationary employee who has been certified during the current period of continuous service by a qualifying examination;~~
- ~~45) By reinstatement of a former certified employee;~~
- ~~56) By intra-agency or inter-agency transfer; or~~
- ~~7) By demoting an employee after having filed charges; or~~
- ~~68) By accepting an employee's request for a voluntary reduction, except by~~

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an employee on the reemployment list, and only if there are no employees on the reemployment list for the same class, department and designated geographical area.

hg) Removal of Names from Reemployment List:

- 1) A laid off employee's name shall be removed from the reemployment list when:
 - A) The employee is recalled from layoff;
 - B) The employee refuses an offer of permanent reemployment;
 - C) The employee's name has remained on the reemployment list for 12 months; or
 - D) The employee has been reinstated in accordance with Section 420.420(b).
- 2) Offers of temporary, ~~exempt~~ or emergency appointment shall not be considered as recall or reinstatement.

ih) Laid Off Probationary Employee:

- 1) The name of a probationary ~~an original entrance~~ employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to the eligible list with the same grade as when appointed, for the remainder of his/her one year eligibility.
- 2) An employee serving a probationary period but otherwise certified as defined in subsection ~~Section 420.400(b)(3)~~, who is to be laid off, shall be given notice and may request a voluntary reduction pursuant to Section 420.410(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed ~~in seniority order as provided in Section 420.340(a)~~ on the reemployment list in order of continuous service for the department, work location and title in which last certified.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 420.410 Voluntary Reduction

- a) Voluntary Reduction of Certified and Probationary Employees:
- 1) Certified and probationary employees may voluntarily request or accept assignment to a vacant position in a class having a lower maximum permissible salary or rate. All requests for or acceptances of ~~such~~ voluntary reductions shall be in writing and shall be signed by the employee ~~and be directed to the head of the department in which the vacant position exists~~. No reduction shall become effective without the written approval of the Director of Personnel. A certified employee who is assigned and accepts a voluntary reduction in grade shall be certified in the lower class without serving a probationary period; provided, however, if reduction results in return to a trainee class or other class for which there is no provision for certification in ~~that~~~~said~~ class, the individual's certification shall be terminated.
 - 2) A probationary employee who accepts a voluntary reduction to a position in which the employee has not held certified status shall serve the remainder of the probationary period, or a ~~three~~ ~~(3)~~ month probationary period, whichever is greater. If the employee previously held certified status in the class, no probationary period will be required.
- b) Limitations in Voluntary Reduction: Temporary, emergency, exempt, trainee and provisional employees shall not be granted a request for voluntary reduction.
- c) Employee Opportunity to Seek Voluntary Reduction: A certified employee, as defined in Section 420.400(b)(~~3~~), who is subject to layoff as a result of the Director of Personnel's approval of a layoff plan shall be promptly notified of the effective date of layoff and shall then be advised of the opportunity to request voluntary reduction to a current vacant position in accordance with subsection Section 420.410(a). An employee seeking voluntary reduction must submit a request ~~such~~ in writing to the Director of Personnel~~head of the employing department~~ prior to the proposed effective date of layoff.
- d) Order of Preference in Voluntary Reduction: In the event a certified employee, as defined in Section 420.400(b)(~~3~~), requests voluntary reduction as a result of his/her pending layoff, the certified employee shall be preferred in continuous

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~~service seniority~~ order for any current vacant position in a lower class within the same department and location in which the employee is ~~then~~ incumbent at the time of ~~the such~~ layoff over any probationary or provisional employees, any applicant on an eligible list for ~~the such~~ vacant position, and any certified employee requesting ~~the such~~ reduction who is not subject to layoff.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.420 Resignation and Reinstatement

- a) Resignation: An employee who voluntarily leaves the Office of the Secretary of State shall, except in emergency circumstances approved by the department director, give advance notice of intent not less than 15 calendar days before ~~the~~ ~~departure's~~ ~~sits~~ effective date. Once a resignation has been submitted by the employee, ~~and~~ accepted by the employing department director or by the Department of Personnel, the ~~said~~ resignation shall not be revoked unless the revocation is requested by the employee and the revocation is approved by the employing department director and the Director of ~~the Department of~~ Personnel. Resignation in good standing shall mean that the employee gave the required notice or that the emergency circumstances justified failure to do so, and that the employee's conduct and work performance were satisfactory at the effective date ~~of the resignation~~ ~~thereof~~.
- b) Reinstatement:
- 1) ~~The~~ ~~On request of a department, the~~ Director of Personnel may reinstate an employee who was formerly certified under the Secretary of State Merit Employment Code and who resigned or terminated in good standing or whose name was placed on a reemployment list. ~~The~~ ~~Such~~ reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, ~~lateral~~ transfer or layoff or to an equivalent or lower position in a related series. The Director of Personnel may reinstate an employee who was formerly certified under ~~a~~ ~~merit system, including~~ the Personnel Code, the ~~State~~ ~~Universities~~ ~~University~~ Civil Service ~~Act, the State Treasurer Employment Code~~ ~~System of Illinois~~ or the Comptroller Merit Employment Code. A reinstated employee shall serve an additional ~~6~~ ~~six~~ months probationary period in the position. Requests for reinstatement shall be accompanied by the employee's performance records when available.

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- 2) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, ~~then,~~ upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. Reinstatement to a position in a lower pay grade than that for which the employee is eligible for reemployment; shall have no effect on the employee's reemployment rights.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.430 Discipline, Discharge, and Termination

- a) Progressive Corrective Discipline: ~~Employees Unless grounds clearly are present warranting immediate discharge or suspension, employees~~ shall be subject to corrective discipline progressively utilizing counseling, warnings and/or suspensions, as the facts and circumstances dictate, prior to discharge, unless the facts and circumstances warrant immediate discharge or suspension. If an employee's work or work-related conduct remains unacceptable after the application of progressive corrective discipline, ~~the such~~ employee may be discharged in accordance with the appropriate following subsections ~~below~~.
- b) Discipline - ~~Written Warning Warnings Notices~~: A department director or designee may issue a warning notice ~~warn an employee either orally or in writing~~ as a disciplinary measure. A copy of any ~~written~~ warning notice shall be placed in the employee's official personnel file and ~~it~~ may be used in considering further discipline, demotion, withholding of salary increases and other personnel transactions ~~when such actions occur within twelve (12) months of the date of issuance of the written warning~~. Any notice given ~~The written warning~~ shall bear the signature of the issuing official.
- c) Disciplinary Suspensions ~~Suspension Totaling Not More Than Thirty Days in Any Twelve Month Period~~: Written statements of reason for disciplinary ~~Disciplinary~~ suspensions without pay totaling not more than ~~thirty (30)~~ calendar days in any 12 month period shall be filed by a department director or other administrative authority with the Director of Personnel or designee in the form and manner prescribed. If the employee is certified, and subject to suspensions totaling more

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~~than 30 calendar days in any 12 month period, the department director or administrative authority shall file written charges for such suspension with the Director of Personnel or designee in the form and manner prescribed in the Merit Commission Rules (80 Ill. Adm. Code 50). Before a disciplinary suspension shall be effective, a signed request containing a clear and concise statement of facts showing good cause to suspend the employee shall be approved by the Director of Personnel.~~ may be imposed upon an employee by a department director or designee, with prior approval of the Director of Personnel. Unless delay in the imposition of discipline will result in clear harm or damage to a department, ~~The~~ the employee shall be informed in writing of the charges proposed suspension and the reasons therefore at least four (4) working days prior to the effective date of the proposed suspension and be provided with a reasonable summary of the evidence ~~copies of pertinent documents on which the proposed suspension is based.~~ The employee shall have ~~four (4)~~ working days after being informed of the proposed suspension within which to address to the department director or designee written rebuttal of the reasons given for the suspension. A decision ~~of a department director or designee~~ not to suspend the employee or to reduce the suspension shall be rendered in writing to the employee and filed with the Director of Personnel ~~before the proposed suspension date.~~ ~~Written notice of any suspension imposed with the reasons therefore must be served upon the employee in a format prescribed by the Director of Personnel on or before the effective date of the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.~~ Notice of such suspension imposed must also be filed immediately with the Director of Personnel. If delay in the imposition of discipline will result in clear harm or damage to a department, the employee may be suspended prior to the review by the Director of Personnel.

- d) ~~Suspension Totaling More Than Thirty Days in Any Twelve Month Period: The department director or a designee may, after complying with the procedures set forth in this Section, and with prior approval of the Director of Personnel, initiate a disciplinary suspension of any employee totaling more than 30 days in any 12-month period and if such employee is certified, the department shall file written charges for such suspension with the Director of Personnel in the form and manner prescribed, as specified in the Merit Commission Rules (80 Ill. Adm. Code 50). Such written charges shall be signed by the department director or designee, and shall contain a clear and concise statement of facts showing good cause for such suspension. The charges shall be accompanied by a copy of the employee's performance records. Unless delay in the imposition of discipline will result in clear harm or damage to the department the employee shall be informed~~

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~~in writing of the proposed suspension and the reasons therefore at least four (4) working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have four (4) working days after being informed of the proposed suspension within which to address to the department director or designee written rebuttal to the reasons given for the suspension. A decision of a department director or designee not to suspend the employee shall be rendered in writing before the proposed suspension date.~~

- ~~de)~~ Suspension Pending Decision on Discharge: A department may suspend an employee, without pay, for up to 30 days pending the decision of the operating department as to whether charges for discharge shall be filed against ~~the~~such employee. The department shall, at the time of ~~the~~such suspension, provide the employee with written reasons for the suspension~~therefore~~ in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. Notice of ~~such~~ suspension must also be filed immediately with the Director of Personnel. The department shall thereafter promptly investigate the facts and circumstances and render its decision. Should the department determine that the facts and circumstances do not warrant disciplinary suspension or charges for discharge, the employee shall be made whole. Should the department determine that a disciplinary suspension is appropriate, subsection (c) Section 420.430(e) or (d), as the case may be, shall apply in its entirety. Should the department determine that discharge of the employee is appropriate, subsection Section 420.430(f) shall apply in its entirety.
- e) Definition of Day for Suspension Purposes: A day, for purposes of suspension, shall be defined as 7.5 hours, predicated on a 37.5 hour work week, unless the employee is in a position requiring a 40 hour week, in which case the day shall be 8.0 hours. Intermittent and permanent part-time employees' day for purposes of suspension shall be prorated based on their work schedule.
- f) Discharge of Certified Employee:
- 1) Discharge ~~The department director or designee may initiate discharge~~ of a certified employee may be initiated by a department director or other administrative authority by filing written charges for discharge with the Director of Personnel in the form and manner prescribed by the Director of Personnel, as specified in the Merit Commission Rules. Written charges shall ~~be signed by the department director and shall~~ contain a clear

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and concise statement of facts showing good cause for discharge ~~and shall be accompanied by a copy of the employee's performance records and other supporting documentation, if applicable.~~ No discharge of a certified employee shall be effective without the approval of the written charges for discharge by the Director of Personnel ~~or designee.~~

- 2) Before a discharge shall be effective, the certified employee shall receive ~~by certified mail or by delivery in person~~ a written copy of the charges ~~and~~; a copy of a reasonable summary of the ~~the evidence against him or her or a reasonable summary of the evidence~~ designed to give the employee sufficient information to respond to the charges against him or her, and have at least ~~four (4)~~ working days within which to respond to the charges with reasons and evidence why discharge should not occur. The certified employee's response, which should include matters in defense and/or mitigation, ~~shall~~ may be ~~in writing or orally~~ presented to the Director of Personnel before 4:30 p.m. on the fourth working day after the certified employee has received notice of the proposed discharge, counting the day of service as the first day. The certified employee shall be suspended pending discharge for these four working days, and shall remain suspended until a final decision on discharge shall be made, ~~and Section 420.430(e) hereof shall apply.~~ These ~~four (4)~~ working days shall not increase the maximum suspension periods allowed pursuant to ~~subsection Section 420.430(e).~~ If the Director of Personnel has attempted service on the individual through mail or other carrier service and personal delivery and yet is unable to make service on the individual, the Director of Personnel may file a motion with the Secretary of State Merit Commission seeking a determination that service has been accomplished through due diligence. The motion may be filed any time after 30 days have lapsed from the date service is first attempted on the individual. Service of the motion on the individual shall be by regular mail at the individual's last known address. The motion shall set forth the actions of the Secretary of State's Office with respect to service on the individual. A hearing shall be scheduled within 10 days after the filing of the motion. An order shall be entered at the conclusion of the hearing. If due diligence is shown, an order shall be entered stating that service has been attempted and accomplished for purposes of this subsection. The time period for the individual to appeal the dismissal with the Merit Commission begins on the date of the order.

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- 3) After receipt of the certified employee's ~~written or oral~~ response to the proposed discharge, the Director of Personnel ~~or designee~~ shall carefully consider all matters submitted by the employee. The Director of Personnel ~~or designee may~~ shall consult with the employing department director before a final decision on discharge is made. The Director of Personnel ~~or designee~~ shall make a decision within ~~48 hours after receipt of the employee's response, or the expiration of the four (4) working days if no response is received, but the failure of the Director of Personnel to make a final decision within these limits shall not invalidate in any way the final disciplinary action taken, including the discharge, provided a final decision is made within~~ a reasonable time. If more than ~~10 working days~~ ~~48 hours~~ is required, the employee shall be notified in writing by ~~certified mail or hand delivery, by certified mail, return receipt requested, by courier, or by process server~~. The final notice of discharge shall contain a statement that the response of the certified employee ~~was~~ ~~has been~~ considered before a final decision was made, or that no response was submitted. The ~~procedures~~ ~~procedure(s)~~ of ~~subsections~~ ~~Section 420.430~~ (f)(1) and ~~Section 420.430~~(g) shall then apply.
- g) Notice to Employee: Notice of approved charges for ~~any~~ disciplinary suspension ~~without pay totaling more than thirty (30) days in any twelve month period or~~ approved charges for discharge shall be served on the employee ~~by the Director of Personnel, in person or by hand delivery,~~ by certified mail, return receipt requested, ~~by courier, or by process server~~ at the employee's last address appearing in the ~~official~~ personnel file. ~~The notice shall also identify the employee's responsibility to return to the supervisor any items furnished the employee by the Office of the Secretary of State, including any Secretary of State identification, uniforms, keys, supplies, tools or property, and to leave the place of employment as of the effective date of the suspension or discharge.~~
- h) Employee Obligations: Upon receipt by the employee of ~~any disciplinary suspension without pay or~~ charges for discharge, the employee shall ~~leave the place of employment and~~ return to the supervisor any ~~items belonging to the State, pursuant to Section 420.435 accommodations furnished the employee by the Office of the Secretary of State, including any Secretary of State identification, uniforms, keys, supplies, tools or property~~ and ~~leave the place of employment~~. The director of the employing department shall ~~withhold the employee's final paycheck or take other such~~ action to insure compliance.

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- i) Appeal by Employee: A certified employee who has been served with approved charges for suspension ~~in excess of totaling more than thirty (30)~~ calendar days in a ~~12~~twelve month period or approved charges for discharge may make a written request to the Merit Commission for hearing ~~of those charges thereof~~ within ~~fifteen (15)~~ calendar days of receipt of written charges.
- j) Discharge or Suspension of Probationary Employee: Discharge or suspension of a probationary employee may be initiated by filing written charges with the~~The~~ Director of Personnel in the form and manner prescribed by the Director of Personnel~~may approve the discharge or suspension of a probationary employee at the request of a department.~~ Written charges shall contain a clear and concise statement of facts showing good cause for suspension or discharge and other supporting documentation if applicable. No suspension or discharge of a probationary employee shall be effective without the approval of the written charges by~~In determining whether or not to approve the discharge of such employees~~ the Director of Personnel or designee~~shall consider the employee's employment record.~~
- k) Reinstatement ~~from~~From Suspension or Discharge: An employee who is reinstated ~~for the following a~~ period ~~for which suspended~~of suspension or discharge~~discharged~~ shall receive full compensation for ~~that~~such period. Full compensation shall represent total~~mean full~~ pay, with any vacation and sick leave benefits ~~the~~such suspended or discharged employee would have earned in the position classification during the period of suspension or discharge, less amounts earned by the employee from any other source, and unemployment compensation payments received during ~~the~~such period.
- l) Suspension or Discharge Resulting from Arrest and/or Criminal Indictment:
- 1) The arrest or criminal indictment of any employee shall not be grounds for suspension or discharge. However, the facts of an arrest or criminal indictment made known to the Director of Personnel may be grounds for suspension or discharge if they meet one or more of the following criteria:
- A) Resulted from an employee's conduct in the course of employment;
- B) Occurred on or proximate to State premises and as a result of the employee's conduct, including conduct that may have violated standards of conduct; or

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- C) Raises reasonable doubt concerning the employee's suitability for continued State employment in the present assignment or position based upon the severity and nature of the offense.
- 2) If an employee is not subject to suspension or discharge under this Section, the Director of Personnel or designee may, depending upon the needs of the office or at the request of the employee, place the employee on indefinite leave status, without pay, pending a final court determination of innocence or guilt in accordance with Section 420.660.
- ~~l) Suspension or Discharge Resulting From Arrest and/or Criminal Indictment:~~
- ~~1) The arrest or criminal indictment of any employee shall not be grounds for suspension or discharge. The facts in support of either made known to the Director of Personnel may be grounds for suspension or discharge if they meet one or more of the following criteria:~~
- ~~A) Resulted from an employee's conduct in the course of employment duties including a failure to perform such duties;~~
- ~~B) Occurred on or proximate to state premises and as a result of the employee's conduct thereon, including conduct which may have violated standards of conduct issued by the Director of Personnel;~~
~~or~~
- ~~C) Raise reasonable doubt concerning the employee's suitability for continued state employ in the present assignment or position, based upon the severity and nature of the offense.~~
- ~~2) If an employee is not subject to suspension or discharge under this Section, the Director of Personnel may, depending upon the needs of the office, at the request of the employee place such employee on indefinite leave status, without pay pending a final court determination of innocence or guilt.~~
- m) Termination of Noncertified Employee: No noncertified employee may be terminated without prior approval of the Director of Personnel. The noncertified employee has no recourse with this Part or the Merit Commission.

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- 1) ~~No noncertified employee may be terminated without prior approval of the Director of Personnel.~~
- 2) ~~In such cases, the noncertified employee has no recourse with this Part or the Merit Commission.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.435 Return of State Property

Employee Obligations: In cases of ~~discharge, layoff, leave of absence, resignation, separation, suspension~~ ~~Discharge, Layoff, Leave of Absence, Resignation, Separation, Suspension~~, and/or termination of employment, the employee shall leave the place of employment and return to the supervisor any ~~State~~ ~~state~~ property or equipment furnished the employee by the Office of the Secretary of State. This includes but is not limited to any Secretary of State identification, uniforms, keys, supplies, tools, ~~cell phones, business cards, laptop computers~~ or ~~other~~ property. The director of the employing department shall ~~withhold the employee's final paycheck or~~ take ~~other such~~ action to insure compliance.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART D: CONDITIONS OF EMPLOYMENT

Section 420.600 Grievance Procedure

- a) Grievance – Definition: Any employee of the Office of the Secretary of State may grieve as to the application of the Merit Employment Code, this Part or any policy arising ~~under this Part~~ ~~hereunder~~ as to the impact of ~~the such~~ applications upon the employee's employment condition or status. The grievance must be filed on the form prescribed by the Director of Personnel.
- 1) ~~b)~~ Grievance Procedure – Limitation: The Secretary of State Merit Employment Code, ~~this Part~~ ~~the Rules of the Department of Personnel~~ and the official policy arising ~~under this Part~~ ~~thereunder~~, the Pay Plan, and the Rules of the Merit Commission (80 Ill. Adm. Code 50) are not grievable matters. Terminations of noncertified employees, layoffs, charges seeking discharge, demotions, suspensions totaling more than 30 days in any 12 month period of certified employees, appeals of allocation of duties, or

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geographical transfers are not subject to the grievance procedure.

~~2)e)~~ Grievance Procedure – Abandonment – Extension: Failure of the grievant~~either party~~ to comply with the form or time requirements of the grievance procedure shall result in forfeiture of the grievance, ending the grievance process. Failure of the employer to comply with the time requirements shall automatically advance the grievance to the next level~~resolve the matter in favor of the other~~. The parties may mutually extend the time limits at any level of the procedure, except~~excepting~~ in cases of hearings arising from demotion or discharge of a certified employee.

~~b)d)~~ Grievance Procedure – Level 1:

- 1) Employees who believe that they are aggrieved may within five (5)~~five (5)~~ scheduled work days of knowledge of the circumstance giving rise to the grievance~~thereof~~, present their grievance in writing on the prescribed form~~formally~~ to their immediate supervisor and it shall contain a specific statement as to the nature of the grievance. The~~Such~~ supervisor shall attempt to adjust the problem, or, if he/she is~~they are~~ without authority to do so, he/she~~they~~ shall advise the employee as to the appropriate beginning level for institution of their grievances.
- 2) Immediate supervisors who are authorized to resolve grievances shall note the receipt~~date~~ and time of the formal presentation~~of the~~ grievances and shall make response within five (105)~~five (105)~~ working days ~~thereafter~~.

~~c)e)~~ Grievance Procedure – Level 2:

- 1) If an employee does not accept the response of an appropriate supervisor at Level 1, the employee may present~~reduce~~ the grievance to writing and present it~~to the~~ department director or designee~~next higher supervisor~~. The~~Such~~ written~~written~~ grievance shall be submitted within 10~~five (5)~~ working days of the employee's official notification of the supervisor's decision at Level 1 and it shall contain a specific statement as to the nature of the grievance and as to the reason for rejecting the resolution of the immediate supervisor.
- 2) The department director or designee~~next higher supervisor~~ shall note the

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~~time of receipt~~ date of ~~the~~ a grievance and shall make written response within ~~10 five (5)~~ working days ~~thereafter~~. ~~The~~ Such written response shall be specific as to the reasons for approval or denial of the grievance. In making a decision, the ~~department director or designee may next higher supervisor shall~~ make an investigation of the problem.

~~d) f)~~ Grievance Procedure – Level 3:

- 1) An aggrieved employee who does not accept the decision received at Level 2 may forward a written request on the prescribed form for a review to the Director of Personnel. ~~The~~ Such request shall be filed within ~~10 five (5)~~ working days of the employee's receipt of the Level 2 decision and it shall be specific as to the reasons for rejection of that decision.
- 2) The Director of Personnel or designee, in his or her discretion, shall review the matter on its face or cause a meeting of the parties hearing thereof. Following the review, or upon receipt and review of the recommendation from the designee, the Director of Personnel shall release a decision to all of the parties ~~thereto~~. ~~The~~ Such decision shall be in writing and shall be final and binding upon the parties.

~~e) g)~~ Grievance Procedure – Representation: At Levels 1, 2 and 3, parties to a grievance may be represented by themselves or by a person of their own choosing.

~~f) h)~~ Grievance Procedure – Witnesses and Evidence: The parties to a grievance may introduce such materials, documents and witnesses as are necessary to resolve the problem. A list of all witnesses anticipated to be called and documents to be presented shall be submitted to the Director of Personnel 5 working days prior to the meeting. Necessary documents ~~which are~~ maintained by the Office of the Secretary of State shall be reproduced without cost. Witnesses who are employees of the Office of the Secretary of State shall not be docked for absence from work while testifying at a grievance meeting hearing. Should a dispute arise as to the necessity of certain appearances or of the reproduction of certain documents, the Director of Personnel shall be advised and shall resolve the dispute.

~~g) i)~~ Grievance Procedure – Time and Place: At level 3, the ~~The~~ Director of Personnel or designee shall designate the location and time of grievance meetings hearings,

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and notify in writing all parties involved. The Director of Personnel or designee shall grant a continuance if either party demonstrates good cause.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.610 Sick Leave

a) Sick Leave Definition:

- 1) All employees, ~~except~~excepting those in emergency, permanent part-time, intermittent, per diem, or temporary status, unless ~~that~~such status is the result of accepting a nonpermanent working assignment in another class, shall accumulate sick leave at the rate of one ~~(1) day or (7.5 hours)~~, for each month's service. ~~Intermittent and permanent~~Permanent part-time ~~and intermittent~~ employees shall accrue sick time on a prorated hourly basis determined by a ratio, the numerator of which shall be number of hours in pay status each month, and the denominator of which shall be the number of normal work hours that month.
- 2) Sick leave may be used for illness, disability or injury of the employee or, appointments with doctor, dentist or other professional medical practitioner, and also may be used for not more than 30 days in one calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family, unless such time is used pursuant to the Family and Medical Leave Act (29 USC 2601 et seq.). The employing department or the Department of Personnel shall, when there is apparent abuse, require evidence to substantiate that such leave days were used for the purpose ~~herein~~ set forth in this subsection (a)(2) for periods of absence of ~~10~~ten consecutive workdays or less. For periods of absence for more than ~~5~~ten consecutive workdays, the employee shall provide verification for ~~the~~such absence in accordance with the provisions of Section 420.760 ~~(b)(4)~~. Sick leave may not be used in increments of less than ~~one-half~~ (1/2) hour at a time.

b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave. An employee shall retain any unused sick leave accumulated prior to the effective date of this Section.

c) Reinstatement of Sick Leave:

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- 1) On or after the effective date of this Section, accumulated sick leave available at the time an employee's continuous service is interrupted shall, upon verification, be reinstated to the employee's account upon return to full-time, ~~or~~ regularly scheduled part-time, or intermittent employment, except in temporary or emergency status. This reinstatement is applicable provided ~~the such~~ interruption of service occurred not more than 5 five years prior to the date the employee reenters service and, provided ~~the such~~ sick leave has not been credited by the appropriate retirement system towards retirement benefits.
- 2) An employee with previous service for which sick leave was granted under provisions other than Jurisdiction C of the Secretary of State Merit Employment Code shall have ~~that sick leave such amount~~ reinstated to the extent ~~such sick leave is~~ provided under this Section ~~Section 420.610 (adopted December 1, 1980)~~.
- d) Advancement of Sick Leave: An employee with more than ~~2 two~~ years continuous service whose personnel records warrant it, may be advanced sick leave with pay for not more than ~~ten (10)~~ working days, with the written approval of the department and the Director of Personnel. ~~Advances~~ Such advances will be charged against sick leave accumulated later in subsequent service. No additional advance of sick time will be made until all previously advanced time is repaid.
- e) Use of Sick Leave: Sick leave shall be used in the following order:
 - 1) Sick leave granted prior to January 1, 1984 will be used first;
 - 2) Sick leave granted beginning January 1, 1998 will be used second;
 - 3) Sick leave granted from January 1, 1984 through December 31, 1997 will be used last.
- f) Payment in Lieu of Sick Leave:
 - 1) Unless otherwise provided by law, upon ~~Upon~~ separation of employment by means of resignation, retirement, death, indeterminate layoff, or discharge, and if the employee is not employed in another position in State ~~state~~ service within 4 calendar days of ~~the such~~ separation, an

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employee is entitled to be paid for unused sick leave which accrued on or after January 1, 1984 and prior to January 1, 1998 in accordance with subsection (e)(3).~~part of the sick leave earned by not taken or forfeited.~~

- 2) ~~For purposes of this Section, sick leave is deemed to be used by an employee in the same order it is granted, that is, the earliest accrued sick leave is deemed to be used first.~~
- 2)3) ~~The~~In order to determine the amount of sick leave to be paid upon termination of employment will be determined as follows,~~the employing department will:~~
- A) using time records from the employing department, the Department of Personnel will verify~~compute the number of sick leave days earned on and after~~ the employee's sick leave balance for sick leave earned, but not taken, in the period from January 1, 1984 up to and including December 31, 1997;
- B) ~~compute the employee's sick leave balance at time of separation; and~~
- B)C) the employees will be paid~~pay~~ one-half of the amount of sick leave days determined in subsection (e)(2)(A) or (B), whichever is the lesser amount, multiplied by the daily salary rate in effect at the time of separation.
- 34) The method for computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon separation of employment shall be determined~~computed~~ by ~~the Payroll Section, Department of Budget and Fiscal Management.~~
- 45) If an employee has a negative sick leave balance pursuant to subsection Section 420.610(d) when employment is separated, the employing department must submit this negative sick leave balance to ~~the Payroll, where Section, Department of Budget and Fiscal Management. The Payroll Section will do~~ one of the following will be applied:
- A) Subtract the negative sick leave balance from the earning amount still due to the said employee by the Secretary of State.

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- B) Contact employing department, stating dollar amount of overpayment to employee. The employing department then has the responsibility of contacting ~~the said~~ employee regarding the dollar amount due to the Secretary of State, payable by personal check or money order.
- C) If no repayment occurs, ~~the Payroll Section~~ will establish a lien against any State of Illinois monetary payment due to ~~the said~~ employee through the Comptroller for the negative sick leave balance owed to the Secretary of State.
- 56) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have ~~the such~~ days restored by doing the following:
- A) The employee must notify employing department, requesting that previously paid unused sick days are to be restored to ~~the said~~ employee's sick leave account; and
- B) The employee must repay the gross (total) amount paid by the State (before deductions) to the Secretary of State by personal check or money order. The employing department will forward ~~the said~~ employee's repayment to ~~the Payroll Section~~ before unused sick days are returned to ~~the said~~ employee's sick leave account.
- g) Pursuant to the Secretary of State Merit Employment Code [15 ILCS 310/10b.18], an employee who is also a veteran shall be permitted 2 days with pay per year to visit a veterans hospital for examination of a military service connected disability. The 2 days shall not be charged against any sick leave currently available to the employee.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.620 ~~Leave for Personal~~ Leave Business

- a) All employees, ~~except~~excepting those in emergency, per diem or temporary status, shall be permitted ~~three (3)~~ personal leave days ~~off, or, 22.5 hours,~~ each calendar year, with pay. ~~Personal~~Such personal leave days may be used for ~~such~~

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~~occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions or for other similar~~ personal reasons but shall not be used to extend a holiday or annual leave except as permitted in advance by the department through ~~prior~~ written approval. Employees entitled to receive ~~personal~~ ~~such~~ leave who enter service during the year shall be given credit for ~~personal~~ ~~such~~ leave at the rate of ½ day (~~3.75 hours~~) for each 2 months service for the calendar year ~~of hire in which hired~~. Intermittent or part-time employees entitled to receive personal leave who enter the service during year shall be given prorated credit for the leave by calculating the employee's work schedule percentage using a 37.5 hour work week times the number of days that would be granted to a full-time employee, rounded to the nearest quarter hour. ~~Personal~~ ~~Such personal~~ leave may not be used in increments of less than ½ hour at a time. Except for those emergency situations ~~that~~ ~~which~~ preclude the making of prior arrangements, personal leave such days off shall be scheduled ~~sufficiently~~ in advance ~~to be consistent with operating needs of the employer~~.

- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from ~~the~~ service, except as provided in Section 10c(2) of the Merit Employment Code.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.630 On-The-Job Injury – Industrial Disease

An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay for ~~three~~ (3) working days of absence without utilization of any accumulated sick leave or other benefits, if a ~~worker's~~ ~~workers~~ compensation claim is filed and approved. Thereafter, the employee shall be permitted to utilize accumulated sick leave or other benefit leave time unless the employee has applied for and been granted temporary, total disability benefits in lieu of salary or wages pursuant to provisions of the Workers' Compensation Act [820 ILCS 305] or, upon request, be has been granted a ~~service-connected~~ disability leave of absence in accordance with Section 420.760. Up to 12 weeks of leave time in a 12 month period may be designated as FMLA leave time under the Family & Medical Leave Act and will run concurrently with worker's compensation leave provided the absence is due to a qualifying serious injury or illness. An employee who returns from a service connected disability leave shall be returned to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced. In the event ~~the~~ ~~such~~ service connected injury or illness becomes the subject of payment of benefits provided in the Workers' Compensation Act

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~~award~~ by the ~~Illinois Workers' Compensation Commission~~Industrial Commission, the employee shall restore to the State the ~~dollar equivalent which duplicates~~ payment received as sick leave ~~or other accumulated benefit leave time~~days/hours and the employee's ~~sick~~ leave account shall be credited with ~~sick~~ leave ~~time~~day/hour equivalents.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.640 Leaves of Absence Without Pay

Unless otherwise provided ~~for~~ in ~~a specific leave~~this Part and with ~~the~~ prior approval of the Director of Personnel, ~~leaves of absence~~a department may ~~be granted~~grant ~~leaves of absence~~ without pay to employees for periods not to exceed ~~six (6)~~ months. Employees must provide proper documentation to support their request for leave prior to the approval of the leave. and such leaves ~~Leaves~~ may be extended for good cause by the department for additional 6 month periods, with the Director of Personnel's approval.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.645 Family Leave~~Adoption/Child Care Leave~~

This leave of absence shall be considered separate and apart from the Family and Medical Leave Act leave that may be provided by law. When FMLA does not apply or the employee does not qualify under FMLA, an~~An~~ employee may request a ~~family~~child care leave for the adoption of a child or for parental reasons ~~or other family emergencies, such as care for a seriously ill child, an emotionally disturbed child, or similar serious family dilemmas~~. This leave can endure from one to ~~90~~ninety calendar days without pay and without deduction of continuous service. If requested and approved by the ~~employing department~~Director of Personnel, an additional 90 days will be allowed. However, the ~~subsequent following~~ 90 to 180 calendar days will be deducted from continuous service. This leave may be utilized, if requested and with prior approval by the employing department and the Department of Personnel, for additional leave after a disability leave for maternity purposes. An employee who returns from a ~~family~~child care leave shall have ~~the~~such rights ~~as~~ set forth in Section 420.680.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.650 Limitations on Leaves of Absence

No emergency or temporary employee shall be granted leaves of absence except as provided in Section 420.630 ~~(on-the-job injury)~~ and Section 420.760(f) ~~(disability)~~.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.660 Leaves of Absence – Special

The Director of Personnel ~~shall grant~~ may approve special leaves of absence with or without pay to employees when such leaves, ~~in the opinion of the Director of Personnel, they~~ would benefit the Office of the Secretary of State.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.670 Leaves of Absence – Special – Salary (Repealed)

~~The Director of Personnel shall determine for each special leave of absence that is approved whether such leave shall be with or without pay, full or partial.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 420.680 Employee Rights After Leave

- a) When an employee returns from a leave of absence of ~~6~~six months or less, the department shall return the employee to the same or similar position in the class in which the employee was incumbent prior to the commencement of ~~the~~such leave.
- b) Except for those leaves granted under Sections 420.630, 420.665, ~~420.740~~ or 420.710 and when an employee returns from a leave or leaves exceeding ~~6~~six months and there is no vacant position available to ~~the~~such employee in the same class in which the employee was incumbent prior to ~~the~~such leave or leaves commencing, the employee may be laid off without consideration of continuous service and, if laid off, the employee's name shall be placed on the reemployment list.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.700 Failure to Return ~~from~~From Leave of Absence

Failure to return from a leave of absence, extend the leave or voluntarily terminate employment within ~~five (5)~~ working days after the expiration or termination date shall be considered grounds for disciplinary action, up to and including discharge for job abandonment in accordance with

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Section 420.1000(f).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.715 Disaster Services Leave with Pay

In accordance with the Disaster Service Volunteer Leave Act [5 ILCS 335], a permanent employee who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305], the Emergency Management Assistance Compact Act [45 ILCS 151], or other applicable administrative rules, may be granted leave with pay for up to 20 working days in any 12 month period for disasters in Illinois. The leave may be granted upon request of the American Red Cross and approval of the Director of Personnel. Proper documentation to support the request for leave must be submitted prior to the approval of the leave. Disasters must be designated at a Level III or above in the American National Red Cross Regulations and Procedures. A Disaster Services Leave with pay shall not be unreasonably denied for services related to a disaster within the United States or its territories. No temporary or emergency employees shall be granted this leave.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 420.720 Leave ~~for~~For Annual Military Reserve Training or Special Duty

- a) Any ~~full-time~~ employee who is a member of a reserve component of the Armed Services, the Illinois National Guard or the Illinois Naval Militia, shall be allowed annual leave with pay for one full pay period during any one State fiscal year and such additions or ~~extensions~~extentions to fulfill the military reserve obligation. ~~These~~Such leaves will be granted without loss of seniority or other accrued benefits.
- b) In the case of an emergency call-up (or order to State active duty) by the Governor, the leave shall be granted for the duration of ~~the said~~ emergency with pay and without loss of seniority or other accrued benefit. Military earnings for the emergency call-up paid under ~~the Military Code of Illinois [20 ILCS 1805]"AN ACT to establish a Military and Naval code for the State of Illinois and to establish in the Executive Branch of the State Government a principal department which shall be known as the Military and Naval Department, State of Illinois and to repeal an Act therein named"~~ (Ill. Rev. Stat. 1985, ch. 129, pars. 220.01 et seq.) must be submitted and assigned to the employing department, and

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the employing department shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the employing department shall return the difference to the employee.

- c) To be eligible for military reserve leave or emergency call-up pay, the employee must provide the employing department with a certificate, requiring the military reserve or emergency call-up duty, from the commanding officer of his/her unit prior to commencement of the duty~~that the leave taken was for either such purpose.~~
- d) Any ~~full-time~~ employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from State employment for any period actively spent in ~~such~~ military service, including basic training and special or advanced training, whether or not within the State, and whether or not voluntary.
- e) During ~~such~~ basic training and up to 60 days of special or advanced training, if ~~the~~~~such~~ employee's compensation for military activities is less than his/her compensation as a State employee, he/she shall receive his/her regular compensation as a State employee minus the amount of his/her base pay for military activities. During ~~this~~~~such~~ training, the employee's seniority and other benefits shall continue to accrue.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.740 Leave to Take Exempt Position (Repealed)

~~The Director of Personnel may approve leaves of absence for certified employees who accept appointment in a position which is exempt for Jurisdiction B of the Merit Employment Code. Such leaves of absence may be for a period of one year or less and may be extended for additional one-year periods. At the expiration thereof, an employee shall be restored to the same or similar position upon making application to the employing department with continuous service including the period of such leave.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 420.760 Non-service Connected Disability Leave

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- a) Employees who are unable to perform a substantial portion of their regularly assigned duties due to temporary physical or mental disability shall, upon request, be granted a leave for the duration of ~~the~~~~such~~ disability. Up to 12 weeks out of any 12 month period for a disability leave may be concurrently designated under FMLA.
- b) In granting ~~this~~~~such~~ leave or use of sick leave as provided in Section 420.610, the department shall apply the following standards:
- 1) A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee ~~that~~~~which~~ constitute a significant portion of the employee's time or ~~that~~~~which~~ constitute the ~~differentiating~~ factors differentiating~~which identify~~ that particular position from other positions, provided the balance of duties can be reassigned by the department;
 - 2) A request for disability leave shall be in writing, except when the department is advised by other appropriate means of the employee's disability. ~~in which~~ In this event, the employee's signature is not required;
 - 3) Except for service connected disability as provided in Section 420.630, the employee shall have exhausted available sick leave provided under Section 420.610 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose, but is not required to do so;
 - 4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] ~~(Ill. Rev. Stat. 1985, ch. 111, pars. 4401 et seq.)~~ or under similar laws of Illinois or of other states or countries, or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means. ~~;~~ ~~such~~ The verification shall show the diagnosis, prognosis and expected duration of the disability ~~and;~~ ~~such verification~~ shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;
 - 5) As soon as an employee becomes aware of an impending period of disability, ~~the~~~~such~~ employee shall notify the appropriate supervisor ~~of~~

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- ~~such disability~~ and provide a written statement by the attending physician of the approximate length of time the employee will be unable to perform ~~their~~ regularly assigned duties;
- 6) If the department has reason to believe that the employee is able or unable to perform a substantial portion of ~~their~~~~such employee's~~ regularly assigned duties, it may seek and rely upon the decision of an impartial physician ~~or psychologist~~ or other specialist licensed pursuant to the Medical Practice Act ~~[225 ILCS 60] of 1987 (P.A. 85-4 effective May 22, 1987)~~, in the field of the alleged disability chosen by agreement of the parties, or in the absence of such agreement, upon the decision of an impartial physician ~~or psychologist~~ or other ~~licensed~~ specialist licensed pursuant to the Medical Practice Act ~~who is an employee of the Illinois Secretary of State and~~ who is selected by the Director of Personnel.
- c) Failure of an employee to provide verification of continued disability upon reasonable request shall, on due notice, cause termination of ~~the~~~~such~~ leave.
- d) An employee's disability leave shall terminate when ~~the said~~ employee is no longer temporarily disabled from performing ~~such employee's~~ regularly assigned duties.
- 1) Employees are no longer temporarily disabled when they are able to perform their regularly assigned duties upon advice of the appropriate authority ~~(i.e., including the~~ attending physician, an impartial physician, ~~a psychologist~~ or other ~~such~~ authority).
- 2) An employee is no longer temporarily disabled when he/she is found to be permanently disabled and unable to perform a substantial or significant portion of his/her~~their~~ regularly assigned duties by the appropriate authority, or in the absence of ~~that~~~~such~~ authority, by the attending physician.
- 3) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director of Personnel may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with subsection Section 420.760(b)(6) ~~above~~.

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- e) An employee who returns from a disability leave shall have ~~the such~~ rights as set forth in Section 420.680.
- f) An employee who is on disability leave while in temporary or emergency status, except if ~~that such~~ status results from a leave of absence to accept ~~a temporary or emergency such~~ position, shall be eligible for ~~disability such~~ leave for the balance of ~~the such~~ appointment and shall earn or accrue no other benefit arising from this Part.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.770 Attendance in Court

- a) Any permanent employee called for jury duty or subpoenaed by any legislative, judicial or administrative tribunal ~~for purposes other than personal private litigation~~, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect to fulfill ~~the such~~ call or subpoena on accrued time off ~~or and~~ personal leave and retain the full amount received for ~~the such~~ service.
- b) Emergency or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received ~~therefor~~.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.800 Vacation

- a) Eligibility:
- 1) ~~All employees in pay status~~ All employees in pay status ~~Employees, except emergency and temporary,~~ shall earn vacation time. Employees in emergency or temporary status shall not earn vacation time unless on leave of absence to accept an emergency or temporary appointment. ~~No employee on leave of absence may earn vacation time except when the leave was for the purpose of accepting a temporary working assignment in another class.~~

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- 2) Eligible employees shall earn vacation time in accordance with the following schedule:
- A) From the date of hire until the completion of 5 years of continuous service – 10 work days per year of employment.
 - B) From the completion of 5 years of continuous service until the completion of 9 years of continuous service – 15 work days per year of employment.
 - C) From the completion of 9 years of continuous service until the completion of 14 years of continuous service – 17 work days per year of employment.
 - D) From the completion of 14 years of continuous service until the completion of 19 years of continuous service – 20 work days per year of employment.
 - E) From the completion of 19 years of continuous service until the completion of 25 years of continuous service – 22 work days per year of employment.
 - F) From the completion of 25 years of continuous service until the completion of 30 years of continuous service – 25 work days per year of employment.
 - G) From the completion of 30 years of continuous service – 30 work days per year of employment.
- 3) Vacation time may be taken in a minimal initial increment ~~increments~~ of one hour ~~not less than ½ day at a time, at any time after it is earned.~~ In conjunction with the first one hour increment, vacation time may be taken in additional 15 minute increments. Earned vacation ~~Vacation~~ time may be taken any time after the initial 6 month probationary period and shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.
- 4) Vacation time earned, except by ~~part time and~~ intermittent and permanent

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~~part-time~~ employees, shall be computed in work ~~hours~~ days. After an employee's earned vacation time has been so computed, if there remains a fractional balance ~~of 1/2 of a work day or less~~, the ~~employee shall be deemed to have earned vacation time~~ will be rounded to the nearest quarter hour ~~of 1/2 of a work day in lieu of the fractional balance; if there remains a fractional balance of more than 1/2 of a work day, the employee shall be deemed to have earned a full work day of vacation time in lieu of a fractional balance.~~

5) Prorated Vacation for Intermittent and Permanent Part-Time Employees: Intermittent and permanent part-time employees shall earn vacation in accordance with the schedule set forth in subsection (a)(2) on a prorated hourly basis determined by a ratio, the numerator of which shall be the hours in pay status each month and the denominator of which shall be the normal working hours for that month. Vacation computed on an hourly basis may be used in hourly increments.

~~6)5)~~ Computation of vacation time of employees who have interrupted ~~continuous~~ service qualifying for credit as defined in Section 420.340 shall be determined as though all previous ~~state~~ service ~~which qualified for earning of vacation benefits~~ is continuous with present service.

~~b)~~ Prorated Vacation For Part-Time and Intermittent Employees: Permanent part-time and intermittent employees shall earn vacation in accordance with the schedule set forth in Section 420.800(a) on a prorated hourly basis determined by a ratio, the numerator of which shall be the hours in pay status each month and the denominator of which shall be normal working hours that month. Vacation computed on an hourly basis may be used in hourly increments.

~~b)e)~~ Vacation Schedule and Loss of Earned Vacation: In establishing vacation schedules, the department shall consider both the employee's preference and the operating needs of the department. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which ~~it such vacation time~~ was earned. If an employee does not request and take accrued vacation within ~~the such~~ 24 month period, vacation earned during ~~that such~~ calendar year ~~may shall~~ be lost.

~~c)d)~~ Vacation Scheduling:

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- 1) All eligible employees shall request the scheduling of vacation time at least ~~two (2)~~ weeks in advance, or in accordance with the scheduling provisions ~~established~~ determined by their department director. Supervisors shall grant ~~such~~ requested times unless a bona fide work-related reason exists for denial ~~thereof~~.
 - 2) When two or more employees simultaneously request the same vacation period and not all of them can be excused for the same period, the request of the employee with the greatest amount of continuous service ~~seniority~~ shall be honored.
- ~~d)~~e) Vacation - Unit Closing: The Department of Personnel may suspend the operation of any work unit or position, workload permitting, for the purpose of vacation.
- ~~e)~~f) Vacation Benefits on Death of Employee:
- 1) Upon the death of an employee, the person or persons specified in Section 14a of the State Finance Act ~~"An Act in relation to State finance"~~ [30 ILCS 105/14a] ~~(Ill. Rev. Stat. 1985, ch. 127, par. 150a), approved June 10, 1919, as amended,~~ shall be entitled to receive, from the appropriation for personal services ~~theretofore~~ available for payment of the employee's compensation, ~~the such~~ sum for any accrued vacation period to which the employee was entitled at the time of death.
 - 2) ~~That~~ Such sum shall be computed by multiplying the employee's daily (hourly) rate by the number of days (hours) of accrued vacation due.
- ~~f)~~g) Payment in Lieu of Vacation:
- 1) Upon separation of employment by means of resignation, retirement, indeterminate layoff, or discharge, and if the employee is not employed in another position in State ~~state~~ service within 4 calendar days of ~~such~~ separation, an employee is entitled to be paid for any vacation earned but not taken or forfeited pursuant to subsection Section 420.800(b) or the Secretary of State Pay Plan ~~(e)~~. No other payment in lieu of vacation shall be made except as provided by subsection Section 420.800(e) ~~(f)~~.
 - 2) The payment provided in subsection (f) ~~(1)~~ ~~above~~ shall not be deemed to

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extend the effective date of ~~separation~~~~termination~~ by the number of days represented by ~~the said~~ payment.

- 3) The payment provided in subsection ~~(f)~~(1)~~-above~~ shall be computed by multiplying the number of ~~days~~(hours) of accumulated vacation by the employee's ~~daily~~(hourly) rate or as determined with Section 420.330 (Intermittents).
- 4) The payment provided in this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.810 Work Schedules

Work Schedules: Each ~~operating director~~~~regional and/or local manager~~ shall ~~establish schedules~~~~prepare a schedule~~ of working hours and work days ~~for his /her department~~~~pertaining to the work unit~~. No schedules of less than 37½ hours per week shall be approved as a regular workweek. The~~Such~~ ~~schedules~~~~schedule~~ shall set out starting and quitting times, break times, lunch times and the work days that apply to the employees within the area of supervision. Work schedules shall be submitted to the Director of Personnel for approval. ~~Upon approval, the schedules shall be posted and complied with by all of the employees within the work unit.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.820 Overtime

- a) Overtime: For those positions approved by ~~the Director of Personnel~~ and designated on lists maintained by the Director of Personnel, authorized work in excess of an approved work schedule shall be overtime. ~~The~~~~Such~~ work may be compensated for in cash or compensatory time as determined by the department, provided ~~the such~~ designation is in accordance with the Fair Labor Standard Act (29 ~~USC~~~~U.S.C.~~ 201 et seq.),~~as amended~~. Overtime work shall be distributed as equitably as possible among qualified employees competent to perform the services required when overtime is required, and employees shall be given as much advance notice as possible. Except ~~as~~~~where~~ required by law, time spent in travel shall not be considered as overtime.

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- b) Compensatory Time: An employee's overtime accumulation shall be liquidated by the utilization of compensatory time off, when ~~such utilization is~~ practical. Where the approved work schedule is less than a ~~forty (40)~~ hour work week, overtime shall be compensated at a straight time rate. Work in excess of a ~~forty (40)~~ hour work week shall be compensated at time and one-half.
- c) Compensatory Time Schedule: ~~Any compensatory~~ Compensatory time ~~accumulated~~ shall be scheduled upon the consideration of the ~~at the~~ employee's preference and operational needs of the department, but within the fiscal year that it is earned. However, compensatory time earned in the last quarter of the fiscal year must be used by the end of the first quarter of the next fiscal year. ~~excepting in those circumstances where, with reasonable certainty, such absence would be harmful to the operation of the work unit.~~
- d) Overtime Compensation in Cash: Compensatory time not used within the fiscal year, except for time carried over in accordance with subsection (c), may be liquidated in cash. Whenever it is not practical to liquidate an employee's overtime with compensatory time off, the employee shall be reimbursed in cash. ~~The~~ Such payment shall be ~~paid~~ at a straight time rate for work in excess of the approved work schedule but less than a ~~forty (40)~~ hour work week. Work in excess of a ~~forty (40)~~ hour work week shall be paid at time and one-half.
- e) ~~Overtime Accumulation: All employee overtime compensation shall be liquidated within ninety (90) calendar days of its accumulation.~~
- e)f) Overtime Payable Upon Death: Upon the death of an employee, the person or persons specified in Section 14a of the State Finance Act ~~"An Act in relation to State finance," (Ill. Rev. Stat. 1985, ch. 127, par. 150a), as now or hereafter amended,~~ shall be entitled to receive from the appropriation for personal services ~~theretofore~~ available for payment of the employee's compensation ~~the such~~ sum for accrued overtime ~~that as~~ would have been paid or allowed to ~~the such~~ employee had the employee survived.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.825 Temporary Assignment (Repealed)

- a) ~~Definition: Temporary Assignment is to direct an employee in a specific position to perform the duties or responsibilities of another position which is equal to or~~

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~~higher than the classification to which the employee is incumbent. This directive must be written, approved by the Director of Personnel, and acknowledged by the employee.~~

- b) ~~Application: This Section does not apply to any assignment of less than thirty (30) calendar days.~~
- e) ~~Filling of Temporary Assignments: Temporary assignments may be granted for the following reasons:~~
 - 1) ~~While the operating department posts and/or fills a vacant position.~~
 - 2) ~~While an absent regular incumbent is utilizing extended sick leave.~~
 - 3) ~~While an absent regular incumbent is on a leave of absence.~~
 - 4) ~~While an absent regular incumbent is utilizing extended vacation time.~~
- d) ~~Length of Temporary Assignment: Temporary assignments shall not exceed six (6) months, except for those made in accordance with Section 420.415(e), which may be extended for good cause by the department for additional time periods with the Director of Personnel's approval and the employee's written consent.~~
- e) ~~Identifying Temporary Assignments: The operating department will attempt to assign temporary assignment to the employees in the next lower or equivalent classification and to equitably distribute such assignments on a rotating basis giving due consideration to seniority and the operating needs of the department.~~
- f) ~~Eligibility for Temporary Assignment: To be eligible for temporary assignment pay, employees must be directed to perform the duty or duties which distinguish the higher level position classification and/or be held accountable for the responsibility of the assigned position classification.~~
- g) ~~Temporary Assignment Pay Equal Classification: Employees temporarily assigned to position classifications in equal pay grades or rates to their permanent position classifications shall be paid their appropriate permanent position classification rate in accordance with the Pay Plan.~~
- h) ~~Temporary Assignment Pay Higher Classification: Employees temporarily~~

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~~assigned to position classifications having higher pay grades or rates than their permanent position classification, shall be paid as if they had received promotions into such higher pay grades in accordance with the Pay Plan.~~

- i) ~~Termination of Temporary Assignment: Employees' pay shall return to the appropriate permanent rate when the temporary assignment has ended.~~
- j) ~~Indefinite Assignments: Temporary job assignments shall not be of indefinite duration and shall not be considered the permanent position of the employee assigned; therefore, temporary assignment duties shall not be the subject of an allocation appeal.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 420.830 Holidays

- a) Authorized Holidays: All scheduled employees shall have time off, with full salary payment, on the following holidays or dates when such holidays are observed:

New Year's Day

Martin Luther King Day

Lincoln's Birthday

Presidents' Day

~~Washington's Birthday~~

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

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Thanksgiving Day (which shall include the Friday immediately following)

Christmas Day

General Election Day (on which Members of the House of Representatives are elected)

and any additional days proclaimed as holidays or nonworking days by the Governor or the Secretary of State of the State of Illinois or by the President of the United States.

- b) Holiday Observance: Subject to any applicable ~~federal~~Federal or State laws, when employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following 12 ~~twelve~~-month period at a time convenient to the employee and consistent with the department's operating needs.
- c) Holiday During Vacation: When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, the employee's account will not be charged for accrued vacation time for that day. ~~an extra day shall be added to the employee's vacation.~~
- d) Eligibility ~~for~~For Holiday Pay: To be eligible for holiday pay, the employee shall be in pay status for the total scheduled hours on~~work~~ the employee's last scheduled work day before the holiday and first scheduled work day after the holiday unless absence on either or both of these work days is for good cause and approved by the department. Dock in pay approved in accordance with FMLA shall be deemed the same as pay status for purposes of this Section.~~Intermittent employees are eligible for holiday pay under conditions stated in Section 420.330(b)(5).~~
- e) Holidays - Regional or Special: The Secretary or the Director of Personnel may grant employees full or partial days off with pay to meet the unique needs of any region or area within the ~~State~~state. Special ~~Such special~~ time off shall not accrue to any other employee in any other region or area of the ~~State~~state. The Secretary or the Director of Personnel may grant employees full or partial days off with pay to meet the special needs of the Office of the Secretary of State.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 420.835 Notification of Absence

An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for 5 consecutive work days without reporting to the department may be cause for discharge.

(Source: Added at 32 Ill. Reg. _____, effective _____)

SUBPART E: GENERAL PROVISIONS

Section 420.1000 Records**a) Performance Records:**

- 1) Performance records shall constitute all material in an employee's official personnel file that, in the judgment of the Director of Personnel, is relevant to determining the appropriateness of proposed or recommended personnel transactions.
- 2) Performance records shall be considered by the Director of Personnel in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.

b)a) Public Records: Except as otherwise provided in this Section, the Freedom of Information Act [5 ILCS 140], the Personnel Records Review Act [820 ILCS 40] or other laws, all records of the Department of Personnel, including eligible lists, shall be public records and shall be available for inspection on request submitted to the Director of Personnel.

c)b) Time and Manner of Inspection:

~~1)~~The records of the Department of Personnel shall be available for inspection during regularly scheduled hours of work. Such records may be inspected only in the presence of an authorized employee of the Department of Personnel.

- 2) ~~In the event the working conditions or the number of persons inspecting such records or the volume of records to be inspected interfere with the operations of the Department of Personnel, the Director of Personnel may~~

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~~schedule appointments for the inspection of such records.~~

- d)e) Employee Roster Files: The Director of Personnel shall establish and maintain official personnel files for employees subject to the Code showing the name, gender~~sex~~, county of residence, date of birth, date of original appointment to service, date of promotions, demotions, transfers, and other transactions, present position title, status, salary, and the operating department to which~~wherein~~ the employee is assigned.
- e)d) Confidential Records: The following records of the Department of Personnel shall be confidential and not available for public inspection:
- 1) Personal history and the official personnel file of an employee. However, the~~The~~ employee or authorized agent may inspect the employee's personal history and official personnel file.;
 - 2) Reports of medical, psychological and psychiatric examinations. However, employees~~Employees~~ may inspect such~~such~~ reports pertaining to themselves.
 - 3) All parts of examinations~~examination~~. However, an~~An~~ employee or applicant may inspect his/her~~their~~ own answer sheet.
 - 4) The identity, complete questionnaire, and other documents related to salary surveys. ~~Results of salary surveys shall be confidential.~~
 - 5) No records of personnel transactions including requisitions and referrals will be made available until the~~such~~ transactions have been completed. No personal history contained on the transactions shall be available for public inspection.
 - 6) Information concerning criminal convictions of applicants or employees, except as needed for purposes set forth in Section 420.300(~~h~~).
 - 7) All documentation in files pertaining to selection and appointment of new employees or movement of current employees to other positions.
- f)e) Attendance Records: Each operating department shall maintain accurate, daily attendance records. Employees shall have the right to review their attendance record on file in their operating department.

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- f) ~~Notification of Absence: An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for five (5) consecutive work days without reporting to the department may be cause for discharge.~~
- g) ~~Review of Attendance Records: Employees shall have the right to review their attendance record on file in their operating department.~~
- g)h) Undated Forms: No supervisor or other person in a position of authority shall demand or request that an employee sign an undated resignation or any blank form. No employee shall be required to sign ~~a blank~~ ~~such~~ form. Any ~~such~~ demand to sign an undated resignation or blank form shall entitle the employee to immediate appeal to the Director of Personnel.
- h)i) Incomplete Forms: Any information placed on a form or any modification or alteration of existing information made on a form subsequent to having been signed by an employee shall be null and void insofar as it may affect the employee, the employee's position or condition of employment. Any employee required to sign any form prepared pursuant to this Part shall, upon request, be given a copy of ~~the form~~ ~~at~~ ~~the time~~ the employee's signature is affixed.
- i) Reason for Separation: Employees resigning from employment with the Office of the Secretary of State must set forth their reasons for resignation in writing. The document effecting a resignation shall contain or have attached the basis for the separation, including signature and effective date. Failure to include the basis for separation, however, shall not affect the ability to accept and process the separation request.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.1010 Benefits

- a) Portability of Certain Benefits: Sick and vacation leave earned but not taken by employees in the course of State employment not subject to the Merit Employment Code shall be deemed to have been earned by them at the time they become subject to ~~the Code~~ ~~such jurisdiction~~ to the extent ~~the~~ ~~such~~ benefits are provided and would have been earned under this Part ~~hereunder~~.
- b) Repayment of Benefit Time: Unless otherwise provided by law, employees who

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return to employment in any capacity with the Office of the Secretary of State within 30 days after separation of previous employment must, as a condition of their new employment, repay the lump sum amount paid for accrued vacation, overtime and sick leave within 30 days after the new employment commences. The amount repaid shall be deposited into the fund from which the payment was made or the General Revenue Fund. Upon repayment, the accrued time shall be credited to the account of the employee.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 420.1020 Prohibition of Discrimination

- a) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, because of age, disability, gender, marital status, national origin, political affiliation, race, religion, sexual orientation, membership in or activity on behalf of employee labor organizations, or any other nonmerit factor is prohibited. The Director of Personnel will use bona fide occupational qualifications for consistency purposes in making employment decisions.
- b) Any applicant or employee who feels adversely affected in employment because of discrimination shall have resort to the grievance procedure established in Section 420.600.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 420.1030 Other Provisions

- a) ~~Effective Date of Rules: This Part and amendments thereto shall become effective upon filing with the Secretary of State, Administrative Code Unit, in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.) unless a later date is required by statute or is specified within the rule.~~
- b) ~~Savings Clause: If any Section or part of any Section of this Part shall be held invalid, the remaining provisions of this Part shall have, and be given, full force and effect as completely as if the invalidated part had not been included therein.~~
- e) Interpretation and Application of Rules: The Director of Personnel shall

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determine the proper interpretation and application of each provision of this Part~~rule of the Department of Personnel~~. The decision of the Director of Personnel as to the proper interpretation or application of any such rule shall be final and binding upon all departments and employees affected ~~thereby~~ unless or until modified or reversed by the Merit Commission or the courts. All departments and employees shall comply with the Director of Personnel's decision in the absence of a written opinion of the Attorney General or a written directive of the Merit Commission declaring the Director of Personnel's decision to be unlawful.

d) ~~Prohibition of Discrimination:~~

- 1) ~~Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction because of religion, race, national origin, sex, age, handicap or any other nonmerit factor is prohibited except where such may be a bona fide job qualification.~~
- 2) ~~Any applicant or employee who feels adversely affected in employment because of such discrimination shall have resort to the grievance procedure hereunder.~~

b)e) Policy: The Director of Personnel shall promulgate ~~such~~ policy ~~as is~~ necessary to obtain compliance with this Part and with the Code.

f) ~~Retroactivity: This Part shall not be retroactive beyond the date of its effectiveness excepting as herein expressly stated.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.625 Adopted Action:
Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2), (3), and (13) of this Act [230 ILCS 10/5 (c) (2), (3), and (13)]
- 5) Effective date of amendment: February 15, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: July 13, 2007; 31 Ill. Reg. 9719
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR has not requested any changes to the rulemaking.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
3000.100	Amendment	31 Ill. Reg. 1512; February 8, 2008
3000.635	Amendment	31 Ill. Reg. 1512; February 8, 2008
3000.245	Amendment	31 Ill. Reg. 1206; February 1, 2008
3000.1071	Amendment	31 Ill. Reg. 14982, November 9, 2007
3000.840	Amendment	31 Ill. Reg. 10394, July 20, 2007
- 15) Summary and purpose of amendment: Value Chips are used as representatives of value at table games. Currently, the lowest denomination Value Chip is for 50 cents. The

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proposed rule change will authorize the issuance of a Value Chip with a denomination of 25 cents. The 25-cent Value Chip will eliminate the need to use tokens to pay out sums that are inconsistent with approved chips. Except at table games, Illinois riverboats use a cashless wagering system known as "TITO" ("ticket in ticket out"), which has resulted in the elimination of token use in slot machines. Other than the Casino Rock Island, which is only 90% TITO, the riverboats use tokens solely to make payouts at table games, when an appropriate Value Chip is not available. Introduction of the 25-cent Value Chip will allow the riverboats to totally eliminate the use of tokens.

- 16) Information and Questions regarding this adopted amendment may be addressed to:

Michael Fries
Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. 312/814-4143
mfries@revenue.state.il.us

The full text of the Adopted Amendment begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control

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3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,

ILLINOIS GAMING BOARD

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RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips

ILLINOIS GAMING BOARD

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3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips, Tokens, and Vouchers
3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

Section	
3000.700	Organization of Subpart
3000.701	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal
3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787	Placement on the Self-Exclusion List Following Removal
3000.790	Duties of the Board

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SUBPART H: SURVEILLANCE AND SECURITY

Section

3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability

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3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 29, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; emergency amendment at 28 Ill. Reg. 13238, effective September 22, 2004, for a maximum of 150 days; emergency expired February 18, 2005; amended at 29 Ill. Reg. 10590, effective July 7,

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2005; emergency amendment at 29 Ill. Reg. 20095, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8643, effective April 19, 2006; amended at 30 Ill. Reg. 9177, effective April 26, 2006; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008.

SUBPART F: CONDUCT OF GAMING

Section 3000.625 Chip Specifications

- a) Value Chips
 - 1) Each Chip issued by a holder of an Owner's License shall be round in shape, have clearly and permanently impressed, engraved or imprinted thereon the name of the Riverboat Gaming Operation and the specific value of the Chip, except that a holder of an Owner's License may issue Gaming Chips without a value impressed, engraved or imprinted thereon for Roulette. Chips with a value contained thereon shall be known as "Value Chips" and Chips without a value contained thereon shall be known as "Non-Value Chips."
 - 2) Value Chips may be issued by the holder of the Owner's License in denominations of \$.25, \$.50, \$1.00, \$2.50, \$5.00, \$20.00, \$25.00, \$100.00, \$500.00, \$1,000.00 and \$5,000.00. The holder of the Owner's License shall have the discretion to determine the denominations to be utilized on its Riverboat and the amount of each denomination necessary for the conduct of Gaming operations.
 - 3) Each denomination of Value Chip shall have a different primary color from every other denomination of Value Chip. Value Chips shall fall within the colors set forth below when such Chips are viewed both in daylight and under incandescent light. In conjunction with such primary colors, each holder of an Owner's License shall utilize contrasting secondary colors for the edge spots on each denomination of Value Chip. Unless otherwise approved by the Administrator, no holder of an Owner's License shall use a secondary color on a specific denomination of Chip identical to the secondary color used by another holder of an Owner's License on that same denomination of the Value Chip. The primary color to be utilized by each holder of an Owner's License for each denomination of Value Chip shall be:

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- A) \$0.25 - "Blue"; |
 - BA) \$0.50 – "Mustard Yellow"; |
 - CB) \$1.00 – "White"; |
 - DC) \$2.50 – "Pink"; |
 - ED) \$5.00 – "Red"; |
 - FE) \$20.00 – "Yellow"; |
 - GF) \$25.00 – "Green"; |
 - HG) \$100.00 – "Black"; |
 - IH) \$500.00 – "Purple"; |
 - IJ) \$1,000.00 – "Fire Orange"; and |
 - KJ) \$5,000.00 – "Gray". |
- 4) Each denomination of Value Chip utilized by a holder of an Owner's License shall, unless otherwise authorized by the Administrator:
- A) Have its center portion, which contains the value of the Chip and the Riverboat Gaming Operation issuing it, of a different shape for each denomination;
 - B) Be designed so as to be able to determine on closed circuit black and white television the specific denomination of such Chip when placed in a stack of Chips of other denominations; and
 - C) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.
- 5) The Board shall have the discretion to approve a Value Chip in the denomination of \$1,000.00 or \$5,000.00 at variance with the requirements

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of this Section provided that any variation is specifically identified as such by the holder of the Owner's License and provided further that said variation does not affect the control, security or integrity of said Chips or the operation of the Games.

- b) Non-Value Chips
 - 1) Each Non-Value Chip utilized by a Riverboat shall be issued solely for the purpose of Gaming at roulette. The Non-Value Chips at each roulette table shall:
 - A) Have the name of the Riverboat Gaming Operation issuing it molded into its center;
 - B) Contain a design, insert or symbol differentiating it from the Non-Value Chips being used at every other roulette table in the Riverboat;
 - C) Have "roulette" impressed on it; and
 - D) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.
 - 2) Non-Value Chips issued at a roulette table shall only be used for Gaming at that table and shall not be used for Gaming at any other table in the Riverboat nor shall any holder of an Owner's License or its employees allow any Riverboat patron to remove Non-Value Chips permanently from the table from which they were issued.
 - 3) No person at a roulette table shall be issued or permitted to Game with Non-Value Chips that are identical in color and design to Value Chips or to Non-Value Chips being used by another person at the same table. When a patron purchases Non-Value Chips, a Non-Value Chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel. At that time, a marker button denoting the value of a stack of 20 Chips of that color shall be placed in the slot or receptacle.
 - 4) Non-Value Chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any

ILLINOIS GAMING BOARD

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other location in the Riverboat Gaming Operation. When so presented, the dealer at such table shall exchange them for an equivalent amount of Value Chips which may then be used by the patron in Gaming or redeemed as any other Value Chips.

- 5) Each holder of an Owner's License shall have the discretion to permit, limit or prohibit the use of Value Chips in Gaming at roulette provided, however, that it shall be the responsibility of the holder of an Owner's License to keep accurate account of the Wagers being made at roulette with Value Chips so that the Wagers made by the one player are not confused with those made by another player at the table.

(Source: Amended at 32 Ill. Reg. 2967, effective February 15, 2008)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Small Business Development Program
- 2) Code Citation: 14 Ill. Adm. Code 570
- 3) Section Number: 570.50 Emergency Action:
Amend
- 4) Statutory Authority: Implementing and authorized by the Small Business Development Act [30 ILCS 750/Art. 9]
- 5) Effective Date of Emergency Amendments: February 13, 2008
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of the permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: February 13, 2008
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection:
- 9) Reason for Emergency: There are pending economic development projects involving minority and female borrowers that need more than \$50,000 of DCEO loan participation to make these "deals" viable. Without the ability to provide this level of assistance, these projects may not proceed, which will result in the loss of the associated jobs and private investment.
- 10) A Complete Description of the Subjects and Issues Involved: The funding limit for loans to businesses owned by minorities, women and persons with disabilities is raised from \$50,000 to \$100,000. This change to the rules will make them consistent with the changes to the funding threshold contained in PA 95-0097.
- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding this emergency amendment shall be directed to:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENT

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 570

ILLINOIS SMALL BUSINESS DEVELOPMENT PROGRAM

Section

570.10	Purpose
570.15	Loan Terms (Renumbered)
570.20	Application Cycle
570.25	Application Documentation
570.30	Application Evaluation
570.40	Selection for Funding
570.50	Funding Limitations
<u>EMERGENCY</u>	
570.60	Allowable Leverage
570.70	Administrative Requirements

AUTHORITY: Implementing and authorized by the Small Business Development Act. [30 ILCS 750/Art. 9]

SOURCE: Emergency rules adopted at 9 Ill. Reg. 14368, effective September 6, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 3266, effective January 28, 1986; amended at 10 Ill. Reg. 19724, effective November 6, 1986; amended at 13 Ill. Reg. 58, effective December 27, 1988; amended at 15 Ill. Reg. 9902, effective June 24, 1991; emergency amendment at 17 Ill. Reg. 21087, effective November 23, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 6119, effective April 11, 1994; emergency amendment at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8461, effective April 19, 2006; emergency amendment at 32 Ill. Reg. 2979, effective February 13, 2008, for a maximum of 150 days.

Section 570.50 Funding Limitations**EMERGENCY**

- a) Direct Funding
 - 1) In accordance with Sections 9-4(b) and ~~9-4.3(b)~~~~9-4.2(b)~~ of the Act, the Department shall finance no more than the lesser of 25% of the total

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENT

project or \$750,000 (50% of the project or ~~\$100,000~~~~\$50,000~~ for Minority, Women and Disability Business Loans) unless the Director waives limitations governing the amount of the loan/grant and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project, in accordance with Sections 570.30(a) and 570.40(a), and the subsequent employment impact/opportunity, from occurring.

- 2) For the Technical Assistance Grant Program, the funding limitation will not exceed \$25,000 unless a Director waiver is granted. The recipient of grant funds shall be required to provide a portion of the financing with respect to the project. The recipients' financing may be in the form of cash, in-kind services or any other form approved by the Department.
- 3) Department Financial Assistance to a Development Corporation in the form of a grant shall be limited to not more than \$10,000, unless a Director waiver is granted.

b) Indirect Funding

- 1) For each loan in which the Department buys a participation under the Participation Loan Program, the financial intermediary will be required to retain at least 50% of the amount of its loan. The Department's participation will not exceed 25% of the total amount of the project or \$750,000. In accordance with subsection (a)(1), the Director may waive limitation governing the amount of the loan and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project.
- 2) As to the amounts received by the ultimate recipients of funds, the Loan Loss Reserve Program funding limitations will be established by the financial intermediary staff involved.
- 3) Department Financial Assistance to or through a Development Corporation in the form of a participation shall not be made for more than 50% of the Development Corporation's loan and the Department's participation will not exceed 25% of the total amount of the project or \$750,000 unless the Director waives limitations governing the amount of the loan and percentage of leverage when it is determined that these

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funding limitations would prohibit an otherwise approved project, in accordance with subsection (a)(1).

- 4) Notwithstanding the provisions of subsections (b)(1) and (3), Minority, Women and Disability Participation Loans, in accordance with Section 9-4.2 of the Act, shall not exceed the lesser of ~~\$100,000~~~~\$50,000~~ or 50% of the total amount of the project unless a Director waiver is granted.
- 5) Rural Micro-business Participation Loans, in accordance with Section 9-4.2a of the Act, shall not exceed the lesser of \$25,000 or 50% of the total amount of the project, unless the Director determines that a waiver of these limits is required to meet the purposes of the Act and is in accordance with subsections (b)(1) and (3).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 2979, effective February 13, 2008, for a maximum of 150 days)

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Agency Sustainability Planning Tool
- 2) Code Citation: 71 Ill. Adm. Code 2500
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2500.10	New Section
2500.20	New Section
2500.30	New Section
2500.40	New Section
2500.50	New Section
2500.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Green Governments Illinois Act [20 ILCS 3954]
- 5) Effective Date of Rules: February 29, 2008
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will not expire before the proposed rulemaking is adopted.
- 7) Date Filed with the Index Department: February 19, 2008
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Green Governments Illinois Act became effective October 10, 2007. The Act required the Illinois Green Governments Coordinating Council to create the agency sustainability planning tool. The Act specified deadlines for the creation and launch of the agency sustainability planning tool. The emergency rules are necessary to allow the State agencies time to complete their sustainability plans. The issuance of emergency rules at this time will promote public health and safety, and allow state agencies to comply with the requirements of the Act.
- 10) A Complete Description of the Subjects and Issues Involved: The Green Governments Illinois Act was adopted to demonstrate the State's commitment to reducing negative environmental impacts, reducing greenhouse gases, and preserving resources for current and future generations.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking implements the Green Governments Illinois Act, which improves the efficiency and environmental sustainability efforts of state agencies.
- 13) Information and questions regarding these emergency rules shall be directed to:

Kate Tomford
Office of Lt. Governor Pat Quinn
100 W. Randolph, Suite 15-200
Chicago IL 60601

312/814-5220
Fax: 312/814-4862

The full text of the Emergency Rules begins on the next page:

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF EMERGENCY RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IX: ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCILPART 2500
AGENCY SUSTAINABILITY PLANNING TOOL

Section

2500.10 Applicability of Requirements

EMERGENCY

2500.20 Definitions

EMERGENCY

2500.30 Sustainability Committee

EMERGENCY

2500.40 Agency Sustainability Plans and Sustainability Progress Reports

EMERGENCY

2500.50 Enforcement

EMERGENCY

2500.APPENDIX A Agency Sustainability Plan Template

EMERGENCY

AUTHORITY: Implementing and authorized by Green Governments Illinois Act [20 ILCS 3954].

SOURCE: Emergency rule adopted at 32 Ill. Reg. 2984, effective February 29, 2008, for a maximum of 150 days.

Section 2500.10 Applicability of Requirements**EMERGENCY**

The requirements in this Part must be met by all State agencies as defined in Section 2500.20. The agency sustainability planning tool will also be made available for voluntary use by units of local government and educational institutions.

Section 2500.20 Definitions**EMERGENCY**

Agency Sustainability Plan - The sustainability assessment and plan completed using the Agency Sustainability Planning Tool.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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Agency Sustainability Planning Tool - The internet-based sustainability assessment and planning and reporting application, available on the Council's website.

Act - The Green Governments Illinois Act [20 ILCS 3954].

Council - The Illinois Green Governments Coordinating Council created by the Green Governments Illinois Act and authorized by the Act to create the agency sustainability planning tool.

Sustainability Goal - A general statement of intended outcome.

Measure for Assessment - A unit for determining success of a sustainability objective.

Sustainability Objective - A specific result expressed as a quantity achieved in a certain time frame.

State Agency - An agency described in the Illinois State Auditing Act [30 ILCS 5/1-7], excluding any agencies with 10 or fewer full-time equivalent employees.

Sustainability Progress Report - An annual statement of performance toward sustainability objectives.

Sustainability Strategy - An action-step needed to achieve a desired sustainability objective.

Section 2500.30 Sustainability Committee**EMERGENCY**

- a) The director or chief executive of each State agency, or his or her designee, shall appoint staff to an agency-specific Sustainability Committee.
- b) Each Sustainability Committee shall be responsible for completing the agency sustainability plan.
- c) The director or chief executive of each State agency, or his or her designee, shall appoint persons with knowledge, skills and abilities in each of the areas of operation contained in the agency sustainability plan.

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- d) The director or chief executive of each State agency, or his or her designee, shall appoint one member of the Sustainability Committee, who is also a senior member of management, as liaison to the Council.
- e) Unless the director or chief executive of each State agency, or his or her designee, otherwise notifies the Council, the liaison will have all rights and responsibilities of the director or chief executive as pertaining to agency responsibilities under the Act.

**Section 2500.40 Agency Sustainability Plans and Sustainability Progress Reports
EMERGENCY**

- a) Each State agency shall submit to the Council an agency sustainability plan no later than April 1, 2008.
- b) A State agency shall submit its agency sustainability plan via the agency sustainability planning tool on the Council's website. If using the agency sustainability planning tool would impose extraordinary costs, the State agency may submit its plan using the paper-based form in Appendix A.
- c) Each State agency sustainability plan shall include an assessment of environmental impacts in each of the applicable areas of operation:
 - 1) Transportation
 - 2) Purchasing of Goods and Services
 - 3) Office Operations
 - 4) Facility Management
 - 5) Construction and Renovation
- d) Each State agency sustainability plan shall include sustainability goals, objectives, strategies and measures for assessment of progress in each of the applicable areas of operation listed in subsection (c).

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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- e) A State agency must submit at least one sustainability goal and related sustainability objective, sustainability strategy and measure for assessment. A State agency may submit multiple sustainability goals, objectives, strategies and measures for assessment.
- f) Each State agency shall complete the sustainability progress report no later than July 1, 2008. The State agency may, but is not required to, revise the agency sustainability plan at the time of submitting the sustainability progress report.
- g) Any plans, reports or other submissions to the Council shall be sent to Green Governments Coordinating Council, c/o Lt. Governor's Office, 100 W. Randolph, Suite 15-200, Chicago, Illinois 60601.
- h) Any materials submitted via the Council's website need not also be submitted by paper.

**Section 2500.50 Enforcement
EMERGENCY**

- a) The Council will not give any State agency any award authorized by the Act if the agency has not submitted required agency sustainability plans and complied with all reporting requirements.
- b) The Council shall publish a list of all State agencies with their plan submission and reporting status. The list shall be posted on the Council's website and otherwise made available to the public.

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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**Section 2500.APPENDIX A Agency Sustainability Plan Template
EMERGENCY**



**State of Illinois
Illinois Green Governments Coordinating Council**

Agency Sustainability Plan Template

Area of Operations: Office Operations

Goal: _____

Objective: _____

Measure: _____

Strategy: _____

Strategy: _____

Strategy: _____

Goal: _____

Objective: _____

Measure: _____

Strategy: _____

Strategy: _____

Strategy: _____

Area of Operations: Purchasing of Goods and Services

Goal: _____

Objective: _____

Measure: _____

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Strategy: _____
 Strategy: _____
 Strategy: _____

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Area of Operations: Transportation

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Areas of Operations: Facility Management

Goal: _____
 Objective: _____
 Measure: _____

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Strategy: _____

Strategy: _____

Strategy: _____

Goal: _____

Objective: _____

Measure: _____

Strategy: _____

Strategy: _____

Strategy: _____

Area of Operations: Construction and Renovation

Goal: _____

Objective: _____

Measure: _____

Strategy: _____

Strategy: _____

Strategy: _____

Goal: _____

Objective: _____

Measure: _____

Strategy: _____

Strategy: _____

Strategy: _____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.126 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 95-707
- 5) Effective Date: February 16, 2008
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: February 15, 2008
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The emergency amendment concerning hospital services is being filed pursuant to the enactment of the State's budget implementation plan for fiscal year 2008. These changes will provide funding to critical hospital providers under the Safety Net Adjustment Payments (SNAP) program to ensure access to quality health care for medical assistance clients.
- 10) Complete Description of the Subjects and Issues Involved: The emergency amendment makes an adjustment to the Safety Net Adjustment Payments (SNAP) program to provide funding for high Medicaid utilization and teaching hospital providers to assure the continued access to quality health care for medical assistance clients. Increased spending is anticipated by approximately \$7.7 million.
- 11) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u> 148.130	<u>Proposed Action:</u> Amendment	<u>Illinois Register Citation:</u> 32 Ill. Reg. 518; January 11, 2008
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- 12) Statement of Statewide Policy Objectives: These emergency amendment neither creates nor expands any State mandate affecting units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency amendment shall be directed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments

EMERGENCY

148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services

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	(Repealed)
148.390	Hearings
148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments
148.404	Medicaid High Volume Adjustment Payments
148.406	Intensive Care Adjustment Payments
148.408	Trauma Center Adjustment Payments
148.410	Psychiatric Rate Adjustment Payments
148.412	Rehabilitation Adjustment Payments
148.414	Supplemental Tertiary Care Adjustment Payments
148.416	Crossover Percentage Adjustment Payments
148.418	Long Term Acute Care Hospital Adjustment Payments
148.420	Obstetrical Care Adjustment Payments
148.422	Outpatient Access Payments
148.424	Outpatient Utilization Payments
148.426	Outpatient Complexity of Care Adjustment Payments
148.428	Rehabilitation Hospital Adjustment Payments
148.430	Perinatal Outpatient Adjustment Payments
148.432	Supplemental Psychiatric Adjustment Payments
148.434	Outpatient Community Access Adjustment Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section

148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147,

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effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10,

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2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at

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31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments**EMERGENCY**

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a), unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006. A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:
- 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
 - 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
 - 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
 - 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
 - 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).

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- 6) The hospital meets all of the following criteria:
 - A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 total days in the safety net hospital base year.

- 7) The hospital meets all of the following criteria:
 - A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
 - B) Has an MIUR greater than 25 percent.
 - C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
 - D) Provided greater than 12,000 total days in the safety net hospital base year.

- 8) The hospital meets all of the following criteria in the safety net base year:
 - A) Is a rural hospital, as described in Section 148.25(g)(3).
 - B) Has an MIUR greater than 18 percent.
 - C) Has a combined MIUR greater than 45 percent.
 - D) Has licensed beds less than or equal to 60.
 - E) Provided greater than 400 total days.
 - F) Provided fewer than 125 obstetrical care days.

- 9) The hospital meets all of the following criteria in the safety net base year:

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- A) Is a psychiatric hospital, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - B) Has licensed beds greater than 120.
 - C) Has an average length of stay less than ten days.
- 10) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(9) of this Section.
 - B) Has an MIUR greater than 17 percent.
 - C) Has licensed beds greater than 450.
 - D) Has an average length of stay less than four days.
- 11) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(10) of this Section.
 - B) Has an MIUR greater than 21 percent.
 - C) Has licensed beds greater than 350.
 - D) Has an average length of stay less than 3.15 days.
- 12) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(11) of this Section.
 - B) Has an MIUR greater than 34 percent.
 - C) Has licensed beds greater than 350.
 - D) Is designated a perinatal Level II center by the Illinois Department of Public Health.

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- 13) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(12) of this Section.
 - B) Has an MIUR greater than 35 percent.
 - C) Has an average length of stay less than four days.
- 14) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(13) of this Section.
 - B) Has a CMIUR greater than 25 percent.
 - C) Has an MIUR greater than 12 percent.
 - D) Is designated a perinatal Level II center by the Illinois Department of Public Health.
 - E) Has licensed beds greater than 400.
 - F) Has an average length of stay less than 3.5 days.
- 15) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(14) of this Section.
 - B) Has a CMIUR greater than 28 percent.
 - C) Is designated a perinatal Level II center by the Illinois Department of Public Health.
 - D) Has licensed beds greater than 320.
 - E) Had an occupancy rate greater than 37 percent in the safety net hospital base year.

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- F) Has an average length of stay less than 3.1 days.
- 16) A hospital provider that would otherwise be excluded from payment by subsection (a) because it does not operate a comprehensive emergency room, if the hospital provider operates within 1 mile of an affiliate hospital provider that is owned and controlled by the same governing body that operates a comprehensive emergency room, as defined in 77 Ill. Adm. Code 250.710(a), and the provider operates a standby emergency room, as defined in 77 Ill. Adm. Code 250.710(c), and functions as an overflow emergency room for its affiliate hospital provider.
- 17) The hospital has an MIUR greater than 90% in the safety net hospital base year.
- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4), subsections (a)(6) through (a)(8) and subsections (a)(10) through (a)(~~16~~5) of this Section:
- 1) Hospitals located outside of Illinois.
 - 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
 - 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
 - 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$15.00.
 - B) A rehabilitation hospital, as described in 89 Ill. Adm. Code

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149.50(c)(2) – \$20.00.

- C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.
- D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
- i) Located within HSA 6 or HSA 7 – \$296.00.
 - ii) Located outside HSA 6 or HSA 7 – \$35.00.
- E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$35.00.
 - ii) Located outside HSA 6 or HSA 7 – \$15.00.
- F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$12.00.
 - ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – ~~\$290.75~~\$255.50.
- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital that is located in HSA 6 and that:
- i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.

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- iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
 - vi) Provides obstetrical care and has an MIUR greater than 65 percent – \$11.00.
 - vii) Has greater than 700 licensed beds – \$57.25.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:
- i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.
 - iii) Is a trauma center, recognized by the Illinois Department of Public Health (IDPH), as of July 1, 2005 – \$173.50.
- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – ~~\$43.25~~6.00.
- L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$154.50.

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- 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.
 - C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
- 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
- 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:
 - A) The hospital that has the highest number of obstetrical care admissions – \$30,840.00.
 - B) The greater of:
 - i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is

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\$149.00.

- 7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is \$322.50.
- 8) For a hospital qualifying under subsection (a)(8) of this Section, the rate is \$124.50.
- 9) For a hospital qualifying under subsection (a)(9) of this Section, the rate is \$85.50.
- 10) For a hospital qualifying under subsection (a)(10) of this Section, the rate is \$96.25.
- 11) For a hospital qualifying under subsection (a)(11) of this Section, the rate is \$39.50.
- 12) For a hospital qualifying under subsection (a)(12) of this Section, the rate is \$120.25.
- 13) For a hospital qualifying under subsection (a)(13) of this Section, the rate is \$365.00.
- 14) For a hospital qualifying under subsection (a)(14) of this Section, the rate is ~~\$601.75~~430.00.
- 15) For a hospital qualifying under subsection (a)(15) of this Section, the rate is \$540.00.
- 16) For a hospital qualifying under subsection (a)(17) of this Section, the rate is \$39.50.

d) Payment to a Qualifying Hospital

- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
- 2) For the safety net adjustment period occurring in State fiscal year ~~2008~~2007, total payments will equal the methodologies described in subsection (c) of this Section. For the period ~~February 16, 2008~~January 1,

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~~2007~~ through June 30, ~~2008~~~~2007~~, payment will equal the State fiscal year ~~2008~~~~2006~~ amount less the amount the hospital received under the safety net adjustment period for the quarters ending September 30, ~~2007~~~~2006~~ and December 31, ~~2007~~~~2006~~.

- 3) For safety net adjustment periods occurring after State fiscal year ~~2008~~~~2007~~, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.

e) Definitions

- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
- 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
- 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.
- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section

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148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.

- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (e)(7) of this Section.
- 9) "Occupancy rate" means a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".
- 10) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
- 11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the following year.
- 12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for

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admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

- 13) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days)

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- 1) Heading of the Part: Department of Personnel
- 2) Code Citation: 80 Ill. Adm. Code 420
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
420.10	Amendment
420.200	Amendment
420.210	Amendment
420.300	Amendment
420.310	Amendment
420.320	Amendment
420.330	Amendment
420.340	Amendment
420.350	Amendment
420.360	Amendment
420.370	Amendment
420.380	Amendment
420.390	Amendment
420.400	Amendment
420.410	Amendment
420.420	Amendment
420.430	Amendment
420.435	Amendment
420.600	Amendment
420.610	Amendment
420.620	Amendment
420.630	Amendment
420.640	Amendment
420.645	Amendment
420.660	Amendment
420.670	Repeal
420.700	Amendment
420.715	New
420.720	Amendment
420.740	Repeal
420.760	Amendment
420.770	Amendment
420.800	Amendment
420.810	Amendment

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420.820	Amendment
420.825	Repeal
420.830	Amendment
420.835	New
420.1000	Amendment
420.1010	Amendment
420.1020	New
420.1030	Amendment

- 4) Statutory Authority: 15 ILCS 310/10
- 5) The effective date of the rulemaking: February 13, 2008
- 6) If this emergency rulemaking is to expire before the end of the 150-day period (other than by means of adopting the rulemaking through the general rulemaking process): These emergency amendments will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: February 13, 2008
- 8) A copy of the Emergency Amendments is on file in the Office of the Secretary of State, Department of Personnel and is available for public inspection at:

Room 197 Howlett Building
Springfield, Illinois 62756
- 9) The reason for the emergency rulemaking: Proposed provisions in the emergency rulemaking seek to comply with federal and State laws and sound merit principles. Further delay in effecting the rulemaking will be detrimental to the management and employees of the Office of the Secretary of State.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to conform with current merit practices, regulations of federal and State legislative enactments and technical changes.
- 11) Are there any proposed rulemakings to this Part pending? Yes
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

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- 13) Information and questions regarding the Emergency Amendments shall be directed to:

Stephan Roth or Linda Green
Office of the Secretary of State
Department of Personnel
Room 197 Howlett Building
Springfield, Illinois 62756

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER II: SECRETARY OF STATE

PART 420
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
420.10 Definitions
EMERGENCY

SUBPART B: CLASSIFICATION AND PAY

Section
420.200 Positions
EMERGENCY
420.210 Position Classification
EMERGENCY
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
420.300 Application and Examination
EMERGENCY
420.310 Appointment and Selection
EMERGENCY
420.320 Trainees
EMERGENCY
420.330 Intermittents
EMERGENCY
420.340 Continuous Service
EMERGENCY
420.350 Performance Evaluation Forms Review
EMERGENCY
420.360 Probationary Status
EMERGENCY

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420.370 Promotions

EMERGENCY

420.380 Employee Transfers

EMERGENCY

420.390 Demotion

EMERGENCY

420.400 Layoffs and Reemployment

EMERGENCY

420.410 Voluntary Reduction

EMERGENCY

420.415 Sworn Personnel – Inter-Agency Assignment

420.420 Resignation and Reinstatement

EMERGENCY

420.430 Discipline, Discharge, and Termination

EMERGENCY

420.435 Return of State Property

EMERGENCY

SUBPART D: CONDITIONS OF EMPLOYMENT

Section

420.600 Grievance Procedure

EMERGENCY

420.610 Sick Leave

EMERGENCY

420.620 ~~Leave for Personal~~ ~~Leave Business~~

EMERGENCY

420.630 On-The-Job Injury – Industrial Disease

EMERGENCY

420.640 Leaves of Absence Without Pay

EMERGENCY

420.645 ~~Family Adoption/Child Care~~ Leave

EMERGENCY

420.650 Limitations on Leaves of Absence

420.660 Leaves of Absence – Special

EMERGENCY

420.665 Leaves of Absence – Sworn Personnel – Inter-Agency Assignment

420.670 Leaves of Absence – Special – Salary (Repealed)

EMERGENCY

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- 420.680 Employee Rights After Leave
420.690 Leave of Absence – Election to Public Office
420.700 Failure to Return ~~from~~From Leave of Absence
EMERGENCY
420.710 Military and Peace Corps Leave
420.715 Disaster Services Leave with Pay
EMERGENCY
420.720 Leave ~~for~~For Annual Military Reserve Training or Special Duty
EMERGENCY
420.730 Leave for Military Physical Examinations
420.740 Leave to Take Exempt Position (Repealed)
EMERGENCY
420.760 Non-service Connected Disability Leave
EMERGENCY
420.770 Attendance in Court
EMERGENCY
420.800 Vacation
EMERGENCY
420.810 Work Schedules
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420.820 Overtime
EMERGENCY
420.825 Temporary Assignment (Repealed)
EMERGENCY
420.830 Holidays
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420.835 Notification of Absence
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SUBPART E: GENERAL PROVISIONS

- Section
420.1000 Records
EMERGENCY
420.1010 Benefits
EMERGENCY
420.1020 Prohibition of Discrimination
EMERGENCY
420.1030 Other Provisions

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AUTHORITY: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

SOURCE: Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980; amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983; codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993; emergency amendment at 21 Ill. Reg. 1710, effective January 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5937, effective April 24, 1997; emergency amendment at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days; emergency expired April 14, 2004; amended at 28 Ill. Reg. 7676, effective May 24, 2004; emergency amendment at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days.

SUBPART A: INTRODUCTION

Section 420.10 Definitions**EMERGENCY**

"Appropriate Supervisor": An employee who has the authority to resolve an employee's grievance.

"Board": Refers to the Merit Advisory Board.

"Certified Employee": An employee who has successfully completed ~~an~~ appointment and a required probationary period and attained certified status during the employee's most recent period of continuous State service.

"Certified Status": Status achieved through the completion of a probationary period.

"Class": A composite of positions which are sufficiently similar, in terms of duties and responsibilities, requiring the same or related knowledges, skills, abilities and licenses (if required) to fulfill them, and the same title, selection instrument, salary range or rate of pay that would apply equitably to each.
Example: All Executive I positions in the Office of the Secretary of State are a

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class.

"Code": The Secretary of State Merit Employment Code [15 ILCS 310].

"Commission": The Secretary of State Merit Commission.

"Continuous Service": The uninterrupted period of service from the date of original appointment to State service.

"Department of Personnel": The Secretary of State Department of Personnel.

"Director of Personnel": The Director of the Secretary of State Department of Personnel.

"Employee": Any employee on the payroll as well as any employee on a leave of absence granted pursuant to this Part.

"Executive or Administrative Employee": Those employees who have principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.

"Executive Security Officer": A law enforcement officer charged with executive protective duties.

"Highly Confidential Employee": An employee who occupies a position which, by its nature, is entrusted with private, restricted or privileged information of a type which would preclude its being subject to Jurisdiction B.

"Immediate Family": Father, mother, brother, sister, son, daughter and spouse, including adoptive, custodial and "in-laws" when residing in the employee's household. For bereavement purposes, the term includes grandparents, grandchildren, parents-in-law, brother or sister-in-law, and children-in-law.

"Jurisdiction A": The Section of the Code which deals with the classification and compensation of positions in the Office of the Secretary of State.

"Jurisdiction B": The Section of the Code which deals with merit and fitness as it applies to positions in the Office of the Secretary of State.

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"Jurisdiction C": The Section of the Code which deals with the conditions of employment of positions of the Office of the Secretary of State.

"Licensed Attorney": Attorneys who are licensed to practice law within the State of Illinois.

"Next Higher Supervisor": An employee who is authorized to adjust grievance resolutions offered by an Appropriate Supervisor; an employee who may be locally or regionally assigned to resolve Level 2 grievances.

"Organizational Entity": An organization whose chief executive officer reports directly to the Secretary of State or the Assistant Secretary of State.

"Pay Plan": The plan, authorized by the Secretary of State Merit Employment Code, that sets forth rules for salary treatment when processing personnel transactions and other compensation actions and identifies the various salary schedules.

"Pay Status": An employee who is active on the payroll of the Office of the Secretary of State and who receives wages for hours worked, paid holidays and benefit time used.

"Position": A set of duties, authorities and responsibilities.

"Position Description": The official document that identifies the duties, responsibilities, location and reporting relationships of a position.

"Probationary Period": A period of six calendar months (or 979 hours) immediately following an original appointment or reinstatement, or a period of three months (489.5 hours) following a promotion.

"Seniority": In totality, the unbroken service of an employee by the Office of the Secretary of State, or such service immediately precedent to employment by the Secretary of State which was unbroken and accrued within ~~State Service the employ of an agency covered by the Personnel Code under the Governor or within the University Civil Service System.~~

"Series": A class series is composed of two or more individual classes which are directly related in type of work performed, responsibility exercised and

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background experience required, while differing in levels, difficulty and/or achievement of these same terms. The classes of a series are similar in title and are usually sequential in nature from lowest to highest. Example: Executive I, II, III, IV and V are a class series.

"Sworn Personnel – Inter-Agency Assignment": Employees of the Office, vested with police authority, who are assigned to an affiliated outside organization for a determined time frame to perform police officer duties.

"Time of Hostilities": Time periods of hostility with a foreign country as determined by the Director of Personnel~~The following periods of time: from April 6, 1917 to November 11, 1918; from December 7, 1941 to December 31, 1946; and from June 27, 1950 to December 31, 1976.~~

"Title": A title is the name by which a class is known. Example: Executive I is a title.

"Unskilled Positions": Positions whose primary requirement is that incumbents be of good physical condition.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

SUBPART B: CLASSIFICATION AND PAY

Section 420.200 Positions**EMERGENCY**

A position is a set of duties and responsibilities requiring the appointment of one~~+~~ or more persons for the completion of those duties and responsibilities~~thereof~~. A written statement of the duties and responsibilities of each position shall be maintained by the Director of Personnel. The following types of positions may be established in the Office of the Secretary of State.

- a) Exempt – Positions established in accordance with sections of the Merit Employment Code describing exempt positions as set forth in Section 420.310(i)(1). If a certified employee accepts an appointment to a position exempt from Jurisdiction B of the Secretary of State Merit Employment Code [15 ILCS 310], the employee will retain his/her original certified status. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall

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~~be retained in the position. Exempt positions may be filled by an employee having certified status without affecting such status.~~

- b) Permanent ~~full-time or part-time positions~~ ~~Full-time—~~Positions for which the duties and responsibilities are performed on a regular continuous basis. Any type of appointment described in Section 420.310(i) ~~(1), (4) or (5) or 420.330(a)~~ may be made to such a position.
- e) ~~Permanent Part-time—Positions for which the duties and responsibilities are performed on a regular but noncontinuous basis such as peak time of day, week, or month. No appointment other than probationary and/or certified may be made to such position.~~
- ~~cd~~) Temporary – Positions for which the duties and responsibilities are performed for not more than 6 months ~~out of any 12-month period as set forth in Section 420.310(i)(10) in any calendar year.~~
- ~~de~~) ~~Permanent~~ Intermittent – ~~positions~~Positions for which the duties and responsibilities are performed on a regular or nonregular, continuous or noncontinuous basis for periods requiring less than full-time ~~but more than temporary~~ employment. No appointment other than probationary and/or certified may be made to such a position.
- ~~ef~~) Trainee – For positions established in accordance with an approved training program as set forth in Section 420.320(a).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.210 Position Classification**EMERGENCY**

- a) Classification Plan: The Director of Personnel shall maintain, and revise when necessary, a uniform position classification plan for positions under the Merit Employment Code based on the similarity of duties and responsibilities assigned so that the same schedule of pay may be equitably applied to all positions in the same class, under the same or substantially the same employment conditions. It shall be the responsibility of the department directors to report to the Director of Personnel any significant changes in the duties of every position within their

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department.

b) Allocation:

1) At the request of a department, or at the discretion of the Director of Personnel, including when it is evident that the duties of a position deviate from the class specification for that title, or upon reorganization of a department, a survey or audit, or such other investigation by the Department of Personnel shall be made to determine the proper allocation of any position to a class. Upon written request of an employee, a survey or audit by the Director of Personnel shall be made to determine the proper allocation of the employee's position. If the survey or audit does not demonstrate a substantial change in the duties and responsibilities as determined in a previous audit or the existing job description, a determination shall be made as to the proper allocation of the position from a review of the record rather than an individual desk audit. After making such survey, audit, or other investigation, the Department of Personnel shall notify the department in which such position is located of its decision as to the proper allocation of the position in question. It shall be the responsibility of the Department of Personnel to give written notice to the incumbent of said position of its decision.

2) An employee who has requested and received the results of an audit on his/her current position may request another review no sooner than 12 months following receipt of the prior audit result, and only if there is a change to his/her position duties and responsibilities.

c) Reconsideration:

1) Within 30 calendar days after receiving notice of such decision, the incumbent in such position may make a request in writing of the Director of Personnel for a reconsideration of the decision. Thereafter, the Director of Personnel shall reinvestigate the duties and responsibilities of such position and related positions and the affected employee shall be given a reasonable opportunity to be heard.

2) After such investigation, the Director of Personnel shall render a decision in writing and it shall be served on the employee in person or by certified mail, return receipt requested, at the last address shown in the official

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personnel file. The effective date of the Director of Personnel's reconsidered decision shall be the same as the effective date of the original allocation decision by the Director of Personnel.

- 3) An employee wishing to appeal the Director of Personnel's decision shall serve upon the Merit Commission notice of appeal of said reconsidered decision in writing within 15 calendar days after receipt of notice of the reconsidered decision. A copy of the notice of appeal shall also be served upon the Director of Personnel.
- d) **Assignment to Other Classes:** An employee whose position has been allocated to a class having a higher, lower or same maximum permissible salary or rate may remain in the position, provided, however, that the Director of Personnel shall determine, in the case of allocation to a class having a higher maximum salary or rate, whether, considering the nature of such change in duties, ~~the~~ ~~such~~ employee is qualified for the position. In the case of allocation to a class having a lower maximum salary or rate, due to loss of duties or responsibilities after appointment to such position, the pay of such employee shall not be required to be lowered for a period of one year after the position allocation, in accordance with the Secretary of State Pay Plan, Section 10.00(b) (on file in the Secretary of State's Department of Personnel).
- e) **Revised Class Requirements:** When requirements for a class are revised and the duties and responsibilities of positions comprising the class remain essentially unchanged, incumbents in these positions who qualified under the previous requirements for the class will be considered qualified.
- f) Establishment of New Classes: When positions are reclassified resulting from the establishment of a new class, and the duties and responsibilities of such positions remain essentially unchanged, incumbents who qualified under the requirements of the previous class will be considered qualified for the new class.
- g) Temporary Assignment:
 - 1) An employee may be directly assigned (relegated) to perform the duties and responsibilities of another position in a different classification than that to which the employee is incumbent.

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- 2) Temporary assignments shall not be considered the permanent duties and responsibilities of the employee and, therefore, shall not be considered in the proper allocation of the incumbent's position.
- 3) Additional compensation for temporary assignment of an employee to duties and responsibilities of a higher class shall be in accordance with the applicable provisions of the Department of Personnel Pay Plan. To be eligible for such additional compensation, the temporary assignment must be for good cause and may not become effective without the written approval of the Director of Personnel and acknowledgement by the employee.
- 4) Temporary assignment of an employee shall not normally exceed 6 months.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

SUBPART C: MERIT AND FITNESS

Section 420.300 Application and Examination**EMERGENCY**

- a) Examinations:
 - 1) The Director of Personnel shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.
 - 2) In lieu of announcing or conducting examinations, the Director of Personnel may accept the results of competitive examinations conducted by any established merit system subject to the Director of

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~~Personnel's~~Director's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.

- b) Examination - Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Secretary of State, provide economical administration, and be generally convenient for applicants. The Director of Personnel may cancel or postpone examinations at any time.
- c) Veterans' Preference: Appropriate preference in entrance examinations shall be granted to qualified persons who, while citizens of the United States, were ~~Qualified persons who have passed an examination and who have been~~ members of the armed forces of allies or of the United States in times of hostilities with a foreign country (as set ~~forth~~ in the ~~Secretary of State~~ Merit Employment Code Section 10b.7) and to certain other persons as set forth in this Section. To be eligible, an applicant must have proof of his/her service or discharge under honorable conditions. Preference shall be granted as follows: ~~or while citizens of the United States were members of the armed forces of allies of the United States in times of hostilities with a foreign country, shall be granted preference in entrance examinations as follows:~~
- 1) Three points or equivalent credit shall be added to the entrance examination grade for veterans who have served, for at least six months, in the Illinois National Guard, or any reserve component of the armed forces of the United States, or, while a United States citizen, was a member of the armed forces of an ally of the United States, in time of hostilities with a foreign country. ~~Five points shall be added to the entrance examination grade for such nondisabled veteran eligibles.~~
 - 2) Five points or equivalent credit shall be added to the entrance examination grade for veterans who have served in the Armed Forces of the United States during time periods of hostility or who, as members of the Illinois National Guard or any reserve component of the Armed Forces of the United States, were called into active duty during time periods of hostility. ~~Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veteran's Administration or from such allied country for war service connected disabilities.~~

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- 3) Ten points or equivalent credit shall be added to the entrance examination grade for veterans who are currently receiving compensation from the United States Veterans' Administration or from such allied country for war service connected disabilities.
 - 4) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category. Such preference may be disregarded if, during the interview process, an applicant fails to meet the minimum standards set prior to the interview.
 - 5) A surviving unremarried spouse of a veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois shall be entitled to the same preference to which the veteran would have been entitled under this Section.
 - 6) Ten points or equivalent credit shall be added to the examination score for one parent of an unmarried veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois. The first parent to receive an appointment in an Illinois merit system shall be the parent entitled to the preference.
- d) Public Notice of Examinations: The Director of Personnel shall publicly announce~~give public notice of~~ examinations at least two weeks in advance of the final date the examination will be given~~such tests~~ except as otherwise noted. Announcements may be advertised through the press, radio or other media. Announcements shall be posted in a conspicuous place in ~~each office of~~ the Department of Personnel in both Chicago and Springfield. Announcements shall specify the date and manner in which an application for examination shall be made. In place of individual announcements, the Director of Personnel may develop a brochure or pamphlet announcing the examination process and testing locations and times.
- e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director of Personnel shall

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notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.

- f) Test Ratings - Notice and Review: The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of the final earned rating or of the failure to attain a place on the list.
- g) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:
- 1) No applicant may retake a test or tests included within an examination until ~~14~~^{thirty (30)} calendar days have elapsed. ~~This restriction may, however, be waived by the Director of Personnel when the best interest of the Office of the Secretary of State, including but not limited to cases where such restriction would impose undue hardship on an applicant, a department, or the office.~~
 - 2) In all cases of retaking examinations, the most recent passing score obtained on the retake shall be used to determine the candidate's rank on the eligible list.
 - 3) Examination results are valid for 12 months from the original date of examination. An examination shall not be regraded more than 12 months after the original test date. Regraded examinations shall expire on the same date as the original examination.
- ~~h) Equal Opportunity: Applicants or employees shall not be discriminated against on the basis of race, color, age, religion, sex, marital status, national origin, political affiliation or membership in, or activity in, or on behalf of, employee labor organizations or any other nonmerit factor. Applicants capable of performing the duties in the class shall not be discriminated against because of physical or mental handicap.~~
- hi) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Secretary of State removing examination materials from the premises at which examinations are being administered or stored, in any

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manner whatsoever, shall be subject to prosecution and/or discipline up to and including discharge if the individual is an employee of the Office of the Secretary of State.

- ij) Admission to Examinations: All Admission to competitive examinations shall be open to all persons who meet such requirements as have been established by the Director of Personnel may be admitted to competitive examinations and may be lawfully appointed to the position. Following are the only criteria by which the Director of Personnel may reject the application of any person for admission to a test or decline to test or certify for employment:
- 1) subsequent~~Subsequent~~ to participating in the examination, the applicant is found to lack the qualifications prescribed for admission to the test as announced in the public notice;
 - 2) the applicant is~~Is~~ physically unfit to perform effectively the duties of the class;
 - 3) the applicant has~~Has~~ used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;
 - 4) the applicant has~~Has~~ made false statements of any material fact or has practiced deception or fraud in the application or test;
 - 5) the applicant does not meet the United States Citizenship and Immigration Services~~Department of Justice Immigration and Naturalization Service~~ regulations for permanent employment;~~or~~
 - 6) the applicant is~~Is~~ found guilty of a violation of this Part~~these rules~~ or any of the provisions of the Merit Employment Code relating to participation in examinations; or;
 - 7) the applicant has been convicted of a crime relevant to the duties and responsibilities of the class of the examination he/she is taking or the position to which he/she is being hired.
- jk) Residency Requirement: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director of Personnel and only when there are fewer than three qualified residents of

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Illinois available, including statewide candidates or candidates on the eligibility list for the geographical area in which the position is located.

- k) Linguistic Requirements: The Director of Personnel may establish linguistic options when it appears that this would benefit the operation of the office by increasing communication with those served by the Office of the Secretary of State.
- m) Authorization of Investigation: The Director of Personnel shall, when a position is to be filled ~~involves the handling of money, is sensitive in nature and/or entails law enforcement duties,~~ require that an applicant seeking employment with the Office of the Secretary of State authorize an investigation to determine if the applicant has ever been convicted of a crime and, if so, the disposition of those convictions. ~~Any information derived from this investigation shall, upon request, be provided to the applicant or his designee, prior to any final action by the Director of Personnel on the application. "Only information and standards which bear a reasonable and rational relation to the performance of an employee shall be used by the Director of Personnel."~~
- m) Confidentiality: Any information concerning criminal convictions obtained by the Director of Personnel shall be confidential. "No information obtained from such investigation may be placed in any automated information system." No information may be transmitted to anyone within or outside the Office of the Secretary of State, except as needed for the purposes set forth in subsection Section 420.300(m). Any violation of this subsection shall result in disciplinary action and possible civil action.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.310 Appointment and Selection**EMERGENCY**

- a) Eligible Lists: The Department of Personnel shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 420.300(a). The names of qualified ~~successful~~ applicants shall be arranged in the order of their relative excellence, whether by numerical grade or category grouping. The length of time an eligible applicant ~~eligible's~~ name

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may ~~remain appear~~ on the eligible list shall be established by the Director of Personnel specified in the examination announcement.

- b) Responsibilities of Eligibles: It shall be the responsibility of each eligible applicant to inform the Department of Personnel in writing of any changes in name, address or availability for employment.
- c) Geographical Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of examination or ~~that~~which may be made available at a later date. Unless otherwise noted in the examination announcement, applicants may select a statewide preference, but will not be considered for employment until all available candidates for the specific geographical location have been exhausted.
- d) Removal of Names From Eligible Lists:
 - 1) The Director of Personnel shall remove names from an eligible list for cause, including but not limited to any of the following reasons:
 - A) Appointment of ~~the~~an eligible applicant from the eligible list;
 - B) Death of an eligible applicant;
 - C) Notice by postal authorities that they are unable to locate the eligible applicant at his/her last known address;
 - D) Attempt by an eligible applicant to practice any deception or fraud in connection with an examination or application for employment;
 - E) Evidence that the eligible applicant lacks any of the qualifications required for the class for which he/she was erroneously declared eligible;
 - F) Request of an eligible applicant to remove his/her name from the eligible list;
 - G) The applicant's name has remained on the eligible list for 12~~twelve~~ months ; or;

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H) The applicant has been discharged, terminated, or otherwise involuntarily separated from employment with the Office of the Secretary of State.

- 2) The Director of Personnel may remove names from an eligible list, upon notice to the applicant, for reasons including but not limited to the following: ~~Following are the only criteria by which the Director of Personnel may remove names from an eligible list. Eligibles shall be notified of such removal.~~
- A) Failure of an eligible applicant, upon referral, to reply or to report for interview;
 - B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;
 - C) Failure of an eligible applicant, upon request, to furnish written evidence of availability for employment;
 - D) Specifying conditions of employment by an eligible applicant ~~that which~~ are not associated with the class for which the applicant is eligible;
 - E) Refusal of an eligible applicant to accept ~~3~~three separate offers of employment;
 - F) After an eligible applicant has been passed over ~~3~~three times ~~by after referral to~~ the same department, ~~for the appointment of an eligible lower on the eligible list, and~~ the department may request concerned requests removal of the eligible applicant from the list for good and sufficient cause;
 - G) Poor work history of the eligible applicant;
 - H) Former experience, ~~and~~ history or background of the eligible applicant is not compatible with duties and responsibilities of the class;

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- I) Physical inability of eligible applicant to perform the duties and responsibilities of the class;
 - J) After eligible applicant accepts promotion;
 - K) When a change in ~~either~~ classification or testing standards, or ~~another~~~~other~~ change, requires removal~~such action~~;
 - L) Conviction of an eligible applicant of a felony or of a crime that is relevant to the position for which the person is testing or being hired; or
 - M) Conviction of a crime involving alcohol or drugs ~~Addiction of an eligible to narcotics or to alcohol.~~
- e) Replacement of Names on Eligible List:
- 1) The Director of Personnel may restore a name to the same eligible list when ~~that~~~~such~~ action would be in the best interest of the Office of the Secretary of State, including but not limited to:
 - A) Names of eligible applicants ~~eligibles~~ who, upon removal from list for failure to reply due to powers beyond control, did not receive referral in time to respond in the prescribed amount of time;
 - B) Names of veterans returning from active military service of not more than ~~4~~~~four~~ years shall be restored to an eligible list for a period of 12 months for the same class if the request is made by the veteran within 90 days after discharge, or after release from hospitalization continuing after discharge ~~but~~ for not more than one year. The eligible applicant must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class;
 - C) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.

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- 2) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time ~~which is~~ equal to the unexpired time remaining of the original eligibility, except as provided in subsection (e)(1)(B).
- f) Appointment ~~from~~From Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination, ~~the such~~ appointment shall be made from among those available persons with of the person standing among those who are available within the 10 highest grades, if ~~the such~~ list is in order of numeric examination grade, or from the highest ranking group of ~~3~~three or more available eligibles, if ~~the such~~ list is in category groupings, except as provided for under subsection Section 420.310(g).
- g) Extension of Jurisdiction B:
- 1) Employees in positions to which Jurisdiction B is extended pursuant to Sections 5d and 10d of the Merit Employment Code shall be continued in ~~those such~~ positions and shall attain certified status in those positions therein provided they pass a qualifying examination prescribed by the Director of Personnel within ~~6~~six months after ~~the such~~ jurisdiction is extended and provided that they satisfactorily complete their respective probationary periods.
 - 2) Appropriate standards for probationary appointments shall be prepared by the Director of Personnel and appointments of ~~such~~ employees in accordance with subsection (g)(1) shall be without regard to eligible lists ~~and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by rankings instead of numerical ratings.~~ Further, these appointments shall be made without regard to the provisions of subsection (f). Nothing in this subsection (g) shall preclude the reclassification or reallocation, as provided by this Part, of any position held by ~~an any such~~ incumbent.
- h) Appointments – Positions Subject to Jurisdiction B: Positions ~~which are~~ covered by Jurisdiction B of the Code shall be filled in one of the following ways:
- 1) By appointment of an eligible applicant standing among the 10 highest

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- scores on an eligible list that~~which~~ is numerically rated;
- 2) By appointment of an eligible applicant from the highest ranking group of 310 or more available eligibles from an eligible list that~~which~~ is not numerically rated;
 - 3) By present employees (May 24, 1977) who have passed examinations in accordance with the Personnel Code [20 ILCS 415] under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;
 - 4) By present employees (May 24, 1977) who having been promoted in accordance with the rules under the Personnel Code under the Governor of the State of Illinois (23 Ill. Adm. Code 302) shall be continued in their positions without further examination;
 - 5) By present employees (May 24, 1977) who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;
 - 6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within 9~~nine~~ months after May 24, 1977;
 - 7) By present employees (May 24, 1977) or past employees who have rights or privileges arising under the Personnel Code under the Governor of Illinois or through judicial process and who shall be continued in the extent of such rights and privileges;
 - 8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 420.370(b);
 - 9) By emergency appointment for a period not in excess of 90 calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. These~~Such~~ appointments may not be renewed;

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- 10) By temporary appointments to positions ~~that~~which are temporary or seasonal in nature as determined by the Director of Personnel. ~~These~~Such appointments shall not exceed ~~6~~six months out of any ~~12~~twelve month period;
- 11) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed ~~6~~six months out of any ~~12~~twelve month period;
- 12) By the transfer of employees from one position to another if the qualifications, responsibilities, duties and salary range are similar;
- 13) By reinstatement of persons who formerly held certified status under the ~~Code, the~~ Personnel Code [20 ILCS 415], the State Universities Civil Service Act [110 ILCS 70], ~~or the~~ Comptroller Merit Employment Code [15 ILCS 410], or the State Treasurer Employment Code [15 ILCS 510]. To be eligible for reinstatement, ~~these~~such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems, except as provided in Section 420.430(k).
- 14) By reemployment of an employee whose name appears upon a reemployment list; ~~the~~such reemployment may be made to positions in the same or lower salary range as ~~the to that~~ salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;
- 15) By the appointment of trainees into training programs approved by the Director of Personnel; ~~those~~such appointments may be made with or without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;
- 16) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director of Personnel;
- 17) By the transfer of active, certified or probationary employees from the jurisdictions of the Personnel Code ~~of Illinois~~, the State Universities~~University~~ Civil Service System Act, ~~or~~ the Comptroller Merit

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Employment Code or the State Treasurer Employment Code, upon the approval of the Director of Personnel, to comparable positions of employment. A person~~Persons~~ so transferred shall retain the same status under the Code as that which they held under their previous merit employment.

- i) Appointments~~Types of Status~~: The following types of appointments may be made by the Director of Personnel.
- 1) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 5d and 10d of the Code, ~~the~~such employee shall establish eligibility for ~~the~~such position by passing satisfactorily a qualifying examination prescribed by the Director of Personnel within ~~6~~six months after the extension of Jurisdiction B to ~~the~~such position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, ~~the~~such employee shall establish eligibility for ~~the~~such position within ~~6~~six months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.
 - 2) Emergency: For persons selected ~~by departments~~ to meet emergency situations. Such appointments shall not exceed 90 calendar days, shall not be renewed, and may be made without regard to an eligible list. Notices of ~~selections and~~ terminations shall be reported to the Director of Personnel.
 - 3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than ~~6~~six months out of any 12 month period.
 - 4) Provisional: For persons in positions for which there are fewer than 10 available eligibles on the open competitive eligible list, if the list is in order of numeric examination grade, or fewer than 3 available eligibles, if the list is in category groupings. No positions shall be filled by provisional appointment for more than ~~6~~six months out of any 12 month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for ~~the~~such positions shall be established within 90 days through successfully competing in the open

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competitive examination and receiving a probationary appointment according to subsection (i)(5).

- 5) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.
- ~~6) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.~~
- ~~67) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.~~
- j) Permanent Part-Time: Permanent part-time employees shall have all rights and benefits granted by Jurisdictions A, B and C based on the proration of the part-time scheduled hours against the normal 1957.5 hour work year.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.320 Trainees**EMERGENCY**

- a) Trainee Appointments: The Director of Personnel may establish trainee or apprenticeship programs for new and/or incumbent employees in accordance with the Position Classification Plan (80 Ill. Adm. Code 410) or at the request of an operating department. No trainee position under this ~~Section~~rule shall be established in any class other than a trainee class. A trainee or apprenticeship program shall prescribe the purposes, objectives, curriculum, benefits and duration. Trainee or apprenticeship programs may be established for one or more of the following reasons and purposes and shall be for the duration stated in the class specifications ~~therefor~~:
 - 1) To develop qualified employees, through an established program of supervised training and experience, ~~qualified employees for positions which are, in the judgment of the Director of Personnel, difficult to fill~~

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~~with qualified employees;~~

- 2) To cooperate with recognized educational institutions and organizations by making available opportunities for supervised training and work experience required for satisfactory completion of ~~asuch~~ cooperative or affiliate training program;
- 3) To provide specialized orientation and training necessary for satisfactory performance of jobs in technical or professional fields;
- 4) To attract and interest better qualified employees to ~~State~~ service by selecting outstanding persons and giving them supervised work experience during their period of academic training.:-
- 5) To provide training or developmental work experience for the socially, culturally or economically disadvantaged or persons with disabilities that would assist them in acquiring or augmenting employment skills and/or to provide employment opportunities of limited duration.

b) Limitations on Trainee Appointments:

- 1) Trainees appointed to a position in a trainee class after having qualified by open competitive examination in accordance with ~~the rules of the Department of Personnel concerning Examination and Eligible lists Section 420.300~~ may be promoted after successfully completing the prescribed trainee program and passing an appropriate examination meeting the minimum education and experience requirements for the title for which they are training. A 3 month probationary period will be served in accordance with Section 420.360(a)(2).
- 2) Trainees appointed without~~not selected by~~ open competitive examination ~~shall obtain probationary appointments~~ may be promoted toin the titles for which they are training ~~only~~ after successfully completing the prescribed trainee program they have passed and ranking among candidates in a reachable position for appointment on the appropriate open competitive examinations ~~and their names have been reached on the resulting eligible listlists.~~ A 3 month probationary period will be served in accordance with Section 420.360(a)(2)~~Trainees appointed in such status as the result of an open competitive examination and whose positions are allocated may be~~

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~~placed in probationary status in the class to which said position is allocated.~~

- 3) Trainees appointed to a trainee position without open competitive examination, ~~and~~ whose positions are reallocated or reclassified to a non-trainee class during the trainee period, will~~allocated~~ may be placed in provisional status ~~probationary status~~ in the class to which ~~the said~~ position is allocated and shall establish eligibility for that position upon successful completion of an appropriate open competitive examination within 6 months from the effective date of the title change, ~~and their names shall have been reached on the resulting eligible lists.~~
- 4) Trainees appointed to a trainee position after having qualified by open competitive examination in accordance with Section 420.300, whose positions are reallocated or reclassified to a non-trainee class during the trainee period, will be placed in probationary status in the class to which the position was allocated and will serve a 6 month probationary period.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.330 Intermittents**EMERGENCY**

- a) Intermittent Positions: The Director of Personnel shall, as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in lieu of permanent positions, but intermittent employees may substitute for absent employees. Appointments will be made to intermittents~~such~~ positions in the same manner as appointments to other permanent positions.
- b) Limitations on Intermittent Employees: An intermittent employee will be subject to the following limitations and conditions of employment, but will otherwise be covered by the full benefits of Jurisdiction A, B and C:
 - 1) ~~Intermittent employees shall not be utilized as replacements for permanent employees, but they may substitute for absent employees. An effort will be made to balance the hours worked among intermittents of the same title~~

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~~within the same organizational unit.~~

- 12) Intermittents will work ~~800-1500~~a maximum of 1500 hours per year (12 month period), ~~minimum of 800. There shall not be more than a 10% variance in hours scheduled from the original in-hire Schedule (see the definition of "work schedule" in Section 420.810) in the same title and organizational units. Intermittent employees whose schedules vary more than 10% may grieve or appeal such schedule changes. Intermittents worked more than 1500 hours shall be reallocated in accordance with Section 420.210 (a), (b) and (c) to permanent full time positions. Intermittents offered work less than their permissible minimum in-hire schedule shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions. Nothing in this subsection shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event such a reorganization temporarily precludes full compliance with this subsection, management shall have six months in which to revise its schedules in order to bring the schedules into compliance.~~
- A) If, as a result of timekeeping error or omission in reporting hours worked, it is determined that an intermittent employee worked more than 1500 hours in the prescribed 12 month period, the employee shall immediately be placed in inactive status until the commencement of the next 12 month period, and the hours worked in the next 12 month period shall be reduced by the excess hours from the previous 12 month period.
- B) Intermittent employees offered less than 800 hours of work in any prescribed 12 month period shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions.
- 2) There shall not be more than a 10% variance in hours scheduled from the original in-hire work schedule of employees in the same title and organizational unit. Intermittent employees whose schedules vary more than 10% may grieve or appeal the schedule changes. An effort will be made to balance the hours worked among intermittent employees of the same title within the same organizational unit.

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- 3) The continuous service of an intermittent employee shall be computed on the basis of hours worked, each 7½ hours being equivalent to one day.
- 4) An intermittent employee shall accrue sick and vacation leave on a prorated basis, dependent upon the amount of time in pay status during a given month.
- ~~5) Intermittent employees shall receive full pay for an official holiday if scheduled to work that day of the week and they have worked the last scheduled work day before the holiday and the first scheduled work day after the holiday.~~
- ~~56) Employees refusing to be scheduled 3three times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given 24 hour notice of scheduling, unless proof of illness or death in the family is presented.~~
- c) Nothing in this Section shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event a reorganization temporarily precludes full compliance with this Section, management shall have 6 months in which to revise its schedules in order to bring the schedules into compliance.
- d7) An annual review of the intermittent program will be made by the Director of Personnel to insure compliance with this Part.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.340 Continuous Service
EMERGENCY

- a) Definition:
 - 1) Continuous service is the uninterrupted period of service from the date of original appointment to ~~State~~ state service or to service in any other system participating in the Retirement Systems Reciprocal Act [40 ILCS 5/20], except as provided in subsection ~~Section 420.340~~ (g).
 - 2) Employees who have accrued continuous service ~~in another merit system~~

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in ~~State~~ ~~state~~ service or who have accrued continuous service in a position covered by the Retirement Systems Reciprocal Act ~~state service not covered by any merit system~~, and who have been transferred to or who have accepted an appointment to a position in the Office of the Secretary of State ~~a department subject to the Merit Employment Code~~, shall be given ~~such~~ credit for that ~~said~~ service to the extent ~~as shall be~~ determined by the Director of Personnel or required by law.

- 3) Intermittent and permanent ~~Permanent~~ part-time and intermittent employees shall accrue continuous service on a prorated basis, determined by the number of hours worked per year.

b) Interruptions in Continuous Service: Continuous service shall be interrupted by:

- 1) Resignation; provided, however, that ~~such~~ continuous service will not be interrupted by resignation when an employee is employed in another position in State service ~~the Office of the Secretary of State~~ within 4 calendar days after ~~of such~~ resignation;
- 2) Discharge; provided, however, that ~~such~~ continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Merit Commission, or under other administrative review process, or by the court;
- 3) Termination; because an employee has not been reemployed within one ~~+~~ year after layoff.

c) Deductions ~~from~~ ~~From~~ Continuous Service: Except as provided in subsection Section 420.340 (f), the following shall be deducted from, but not interrupt, continuous service:

- 1) Time away from work for leaves of absence without pay totaling more than 30 days in any 12 month period;
- 2) Time away from work because of disciplinary suspensions totaling more than 30 days in any 12 month period;
- 3) Time away from work because of layoff.

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- d) Veterans~~Veterans~~ Continuous Service:
- 1) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for ~~4~~four years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or similar position on making an application to the Department of Personnel ~~his employing department~~ within 90 days after separation from active duty, or after release from hospitalization continuing after discharge but for not more than one year. The employee must provide evidence of satisfactory completion of training and military service when making application and must be qualified to perform the duties of the position.
 - 2) Subject to the provisions of Section 420.310(f), a veteran who returns to service with the Office of the Secretary of State after having been granted a leave of absence from provisional status shall be required to pass the same or similar examination for his /her position within 90 days.
 - 3) Trainees who have not previously done so and whose training was interrupted by military leave, shall be required to qualify, if necessary, in an examination in the trainee class before granted allocation or noncompetitive promotion to a higher class.
- e) Peace or Job Corps Enrollees Continuous Service: Employees who volunteer and are accepted for service in the overseas or domestic peace or job corps shall be given a leave of absence from their position for the duration of their initial period of service and restored to the same or similar position provided that the employee returns to ~~their~~ employment within 90 days after~~of the~~ termination of ~~their~~ service or release from hospitalization from a service connected disability.
- f) Accrual and Retention of Continuous Service During Certain Leaves: During an educational, military, peace or job corps, disaster services, family leave~~adoption/child care leave~~ (pursuant to Section 420.645), Family and Medical Leave (FMLA), ~~or~~ disability leave, service connected disability leave or leave to accept a temporary, provisional, emergency or exempt assignment in another class, an employee shall retain and accrue continuous service, provided an appropriate application to return is made, pursuant to the requirements specified elsewhere in this Part.

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- g) Limitation on Continuous Service: Temporary and emergency employees employed after May 24, 1977; shall not accumulate continuous service except as provided in 20 ILCS 805/240, Ill. Rev. Stat. 1985, ch. 127, par. 63b, 120.1 unless ~~such~~the status is acquired as the result of taking a leave of absence to accept a temporary or emergency~~such~~ assignment.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.350 Performance Evaluation Forms Review
EMERGENCY

- a) ~~Performance Records:~~
- 1) ~~Performance records shall constitute all material in an employee's personnel file which, in the judgment of the Director of Personnel, is relevant to determining the appropriateness of proposed or recommended personnel transactions.~~
 - 2) ~~Such records shall be considered by the Director of Personnel in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.~~
- b) ~~Performance Evaluation Forms:~~
- 1) The Director of Personnel shall prescribe the form used for performance evaluations. ~~Performance records shall include an evaluation of employee performance prepared by each department on forms prescribed by the Director of Personnel.~~
 - 2) For an employee serving a 6~~six~~ month probationary period, the ~~division~~ department shall prepare and submit to the Department of Personnel 2~~two such~~ evaluations, ~~—~~ one at the end of the third month of the employee's probationary period and another 15~~fifteen~~ days before the conclusion of the probationary period~~thereof~~.
 - 3) For an employee serving a 3~~three~~ month probationary period, the ~~division~~ department shall prepare and submit to the Department of Personnel an evaluation form 2½~~two and one-half~~ months after the commencement of the probationary

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period.

- d4) For a certified employee, each department shall prepare ~~an~~^{such} evaluation not less often than each time an employee receives a satisfactory or superior performance increase under the Department of Personnel's Pay Plan.
- e5) A prepared employee evaluation shall not be considered completed or final for any purpose until the employing department director or designee has entered approval directly on the evaluation form by way of signature or other means of identification.
- f6) For purposes of promotion, demotion, layoffs, transfers, reemployment, discipline, ~~or~~ discharge, etc., the Director of Personnel and the employing department director shall give greater weight to an employee's most recent performance evaluation as opposed to earlier evaluations in considering any potential change in the employee's current status with the office.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.360 Probationary Status**EMERGENCY**

- a) Probationary Period:
 - 1) A probationary period of ~~6~~^{six} months (979 hours for intermittent and permanent part-time) shall be served by:
 - A) an employee who enters service or commences a new period of continuous service;
 - B) an employee who is reinstated as provided under Section 420.420(b);
 - C) an employee who is appointed from an open competitive eligible list, whether or not it is considered an advancement in rank or grade.

~~Trainees whose positions are allocated upward may achieve probationary~~

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~~status pursuant to Section 420.320(b).~~

- 2) A probationary period of ~~3~~^{three} months (489.5 hours for intermittent and permanent part-time) shall be served by an employee who is promoted. A probationary employee who is demoted or one who accepts a voluntary reduction, shall be required to serve a ~~3~~^{three} month probationary period or the balance of the original probationary period, whichever is greater. If the employee previously held certified status in the class to which demoted or voluntarily reduced, no probationary period will be required. A probationary employee transferred during the probationary period shall serve that portion of the probationary period ~~that~~^{which} was not completed at the time of ~~such~~ transfer. A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits during ~~the~~^{such} probationary period.
 - 3) If an employee is absent from work for more than 15 ~~working calendar~~ days during the probationary period ~~because of leave of absence, sick leave or work related injury or industrial disease,~~ ~~the~~^{such} absence shall serve to extend the probationary period by the length of the absence. Any suspension shall extend the probationary period by the length of the suspension, except that, if the suspension ~~is~~^{shall} later ~~be~~ reduced or rescinded, ~~the~~^{such} reduced or rescinded time shall not extend the probationary period.
- b) Certified Status: A probationary employee shall attain certified status only after successful completion of a probationary period. Notice of certification will be ~~promptly~~ sent to the employee and the employing department by the Director of Personnel ~~promptly thereafter~~.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.370 Promotions**EMERGENCY**

- a) Definition: The appointment of an employee who has held certified status during his/her current period of continuous service, with the approval of ~~the department~~ ~~and~~ the Department of Personnel, to a vacant position in a class having a higher qualifications, duties, responsibilities and maximum permissible salary or rate

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than the former class.

b) Eligibility for Promotion:

- 1) The Director of Personnel may approve the promotion of qualified employees who have established eligibility for the appropriate class through open competitive examinations in accordance with merit standards set forth in Section 420.300(a).
- 2) The Director of Personnel may approve the promotion of qualified employees to a class for which the examination is closed, provided the employee meets the minimum requirements of the class.~~For promotional purposes, the passing examination grade for the appropriate class is valid for a three year period from the date of the examination.~~
- 3) For promotional purposes, a passing examination grade for the appropriate class is valid for a 3 year period from the date of the examination. If the employee retakes the examination within the 3 year period, the most recent passing grade shall be the only one considered.
- 4) Employees appointed to a trainee class for which an examination was required may be promoted to the title for which they are training by passing the appropriate examination or satisfying the requirements set forth in Section 420.320(b)(2).

c) Limitations on Promotions: No provisional, temporary, emergency or exempt employee may be promoted. No probationary employee may be promoted unless the employee has previously held certified status during the current period of continuous service.

d) Failure to Complete Probationary Period:

- 1) A promoted, certified employee who fails to satisfactorily complete the probationary period in the promoted position because of inability to perform the duties and responsibilities of the new promoted position shall be returned to a position in the class, department and locality and with the status from which promoted.
- 2) An employee who is demoted, or one who accepts a voluntary reduction,

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during a probationary period shall serve a probationary period as provided in Section 420.360(a) unless the employee had previously held certified status in the former class, in which case the return shall be to certified status.

- 3) A promoted employee previously certified may be discharged for cause during the probationary period. ~~The and, in such event, the~~ employee has the same rights to appeal as a certified employee.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.380 Employee Transfers**EMERGENCY**

- a) Transfers: ~~A transfer is the assignment of an employee to a vacant position in the same class to which most recently appointed or to a position involving similar qualifications, duties, responsibilities and salary range. Transfers shall not be made without prior approval of the Director of Personnel.~~ ~~A transfer is the assignment of an employee to a vacant position whose classification has the same maximum permissible salary or rate.~~
- b) ~~Intra Agency Transfer: An employee may be transferred to a position in the same class to which appointed or to a position involving similar qualifications, duties, responsibilities and salary range, in another department, division, section or other unit with the Office. No such transfer shall be made without the approval of the Director of Personnel.~~
- c) ~~Inter Agency Transfer: An employee may be transferred to a position in the same class, or to a position involving similar qualifications, duties, responsibilities and salary range from another agency or jurisdiction, with the approval of both agencies, the Director of Personnel, and with the consent of the employee.~~
- bd)** Geographical Transfer: Geographical transfer is the transfer of an employee from one geographical location in the ~~State~~state to another for the performance of duties other than temporary assignments or details for the convenience of the employer. Geographical transfers shall be made only with the approval of the Director of Personnel. An employee who refuses to accept a geographical transfer must report for duty at the new location but may make written appeal of

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~~the~~~~such~~ transfer to the Merit Commission within 15 days after the effective date of the transfer. An employee shall be reimbursed for all reasonable transportation and moving expenses incurred in moving to a new location because of permanent geographical transfer unless ~~the~~~~such~~ transfer was applied for by the employee. Reasonable transportation and moving expenses shall be the lowest of ~~3~~~~three~~ bids, unless the lowest bidder is not responsible or available. Notice of an approved management directed geographical transfer shall be served on the employee by the operating department in person or by certified mail, return receipt requested, at the employee's last address appearing in the official personnel file.

- c) Merit System Transfer: An employee of the State of Illinois who holds certified or probationary status in a merit system other than the Secretary of State Merit Employment Code, including employees under jurisdiction of the Personnel Code, the State Universities Civil Service Act, the State Treasurer Employment Code or the Comptroller Merit Employment Code, may be transferred to a position that is subject to Jurisdiction B of the Merit Employment Code and that has comparable qualifications, duties, responsibilities and salary range as determined by the Director of Personnel. The transferred employee shall retain the same status and shall be given credit for continuous service for uninterrupted service under the other merit systems.
- de) Rights of Transferred Employees: A transferred employee shall retain status, continuous service and all accrued benefits.
- ef) Transfer of Duties: When the duties of a position are relocated by transfer or by abolition and reestablishment and when ~~the~~~~said~~ duties are substantially the same, ~~the~~~~an~~ incumbent employee may elect to relocate and retain the duties of the position.
- fg) Limitation on Transfers: ~~Temporary~~~~temporary~~, emergency, exempt, trainee and provisional employees shall not be transferred.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.390 Demotion**EMERGENCY**

- a) Definition:

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- 1) Demotion is the assignment of an employee to a vacant position in a class having a lower maximum permissible salary or rate than the class from which the demotion was made for reasons of inability to perform the work of the class from which the demotion was made.
 - 2) ~~Written~~A department may initiate demotion of an employee by filing ~~written~~ statements of reason for demotion shall be filed by a department director or other administrative authority with the Director of Personnel or designee in the form and manner prescribed. ~~The~~Such written statement shall be signed ~~by the director of the department~~ and shall contain sufficient facts to show good cause for the demotion. No demotion shall become effective without the prior approval of the Director of Personnel or designee. ~~who shall take into consideration the employee's education, experience and performance records.~~
- b) Notice to Employee: If the statement of reasons for demotion of a certified employee is approved by the Director of Personnel or designee, a copy of the approved statement of reasons for demotion shall be served on the employee ~~by the Director of Personnel~~ in person or by certified mail, return receipt requested, at the employee's last address appearing in the official personnel file.
 - c) Employee Obligations: Upon receipt by the employee of the approved statement of reasons for demotion or upon the effective date of the demotion~~thereof~~, whichever is later, the employee shall leave the position ~~to~~in which assigned prior to such statement of reasons and report for duty to the position to which demoted. ~~The and such~~ report shall be without prejudice to right of appeal under subsection Section 420.390(e).
 - d) Salary and Other Benefits of Employee: Upon receipt by the employee of the approved statement of reasons for demotion, or on the effective date of the statement~~thereof~~, whichever is later, all salaries and benefits of the~~such~~ employee in the position in which assigned prior to receipt of the~~such~~ statement of reasons shall be adjusted to reflect the demotion.
 - e) Appeal by Certified Employee: A certified employee who has been served with an approved statement of reasons for demotion may appeal to the Merit Commission, provided the~~such~~ appeal is made in writing within fifteen~~(15)~~ days after~~of~~ receipt of the approved statement of reasons for demotion.

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- f) Demotion of Other Employees: The Director of Personnel or designee may approve the demotion of probationary employees. Notice of such demotion shall be served on the employee by the Director of Personnel or designee in person, or by certified mail, return receipt requested, at the employee's last address appearing in the official personnel file.
- g) Status of Demoted Employees: A demoted certified employee shall be certified in the class to which demoted and shall not be required to serve a new probationary period. Subject to Section 420.360(a), a demoted probationary employee shall serve a new probationary period in the class to which he /she is demoted.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.400 Layoffs and Reemployment**EMERGENCY**

- a) Layoff Procedure:
- 1) A department may request the layoff of an employee because of lack of funds, material change in duties or organization, or lack of work, or the abolition of a position for any of these reasons. Based on class, department, county or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoff by the Director of Personnel.
 - 2) A proposed layoff is subject to the approval of the Department of Personnel before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:
 - A) list of all employees showing status and total continuous service;
 - B) A listing of the~~these~~ employees to be laid off;
 - ~~C) The most recent performance evaluations of all employees in classes affected by layoff plan;~~
 - C~~D~~) An explanation of any layoff not in order of continuous service;

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- DE) An explanation of the organizational unit selected, reflecting identifying the department, division, facility, geographical location, operational needs and other elements deemed relevant by the department director.
- b) Order of Layoff:
- 1) The following order shall be observed in implementingmaking layoffs:
 - A) No certified or probationary employee may be laid off until all temporary, emergency, provisional, trainee and exempt employees in the same class and organizational unit are terminated;
 - B) No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated.
 - 2) Within status groups and in accordance with the layoff plan submitted under subsection ~~Section 420.400~~(a), consideration shall be given to performance records and continuous service as defined in Section 420.340(a).
 - 3) For purposes of this Section ~~subsection~~, "certified employee" shall mean any employee who has satisfactorily completed a required period of probation and/or attained certified status in any position during his/her the employee's current period of continuous service.
- c) Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until ~~ten~~(10) working days after the Director of Personnel's approval of the layoff plan.
- d) Disapproval: The Director of Personnel may disapprove or modify any layoff plan that ~~which~~ results in a disproportionate impact on any protected class, as defined by federal civil rights laws, judicial decisions and ~~the~~ The Illinois Human Rights Act [775 ILCS 5] ~~(Ill. Rev. Stat. 1985, ch. 68, par. 1-101 et seq., as amended)~~, within the layoff unit.
- e) Notice of layoff to the affected employee shall be given within a reasonable time period after approval of the layoff plan by the Director of Personnel.

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- fe) Reemployment Lists:
- 1) The ~~Director~~ Department of Personnel shall, before the effective date of layoff, approve and establish ~~and maintain~~ a reemployment list, by class and department and ~~county, or other~~ designated geographical area ~~approved by the Director of Personnel before layoff~~. A certified employee who has been laid off shall be placed in order of length of continuous service as defined in Section 420.340(a) on a reemployment list for recall to the first available assignment to a position in the class (~~or related classes with substantially similar requirements and duties~~) and department and ~~county or other~~ designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.
 - 2) Where circumstances warrant, at the discretion of the Director of Personnel, ~~the~~ such reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.
 - 3) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 420.420(b).
- gf) Employment from Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, ~~or related classes where such have been established pursuant to Section 420.400(e)~~, department and ~~county or other designated~~ geographical area, no permanent position may be filled by any of the following means:
- 1) By probationary appointment from the appropriate open competitive list;
 - ~~2) By temporary appointment;~~
 - ~~3) By provisional appointment;~~
 - 34) By promotion of a certified employee or a probationary employee who has been certified during the current period of continuous service by a qualifying examination;

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- 45) By reinstatement of a former certified employee;
- 56) By ~~intra-agency or inter-agency~~ transfer; or
- 7) ~~By demoting an employee after having filed charges; or~~
- 68) By ~~accepting an employee's request for a~~ voluntary reduction, except by an employee on the reemployment list, and only if there are no employees on the reemployment list for the same class, department and designated geographical area.
- hg) Removal of Names from Reemployment List:
- 1) A laid off employee's name shall be removed from the reemployment list when:
 - A) The employee is recalled from layoff;
 - B) The employee refuses an offer of permanent reemployment;
 - C) The employee's name has remained on the reemployment list for 12 months; or
 - D) The employee has been reinstated in accordance with Section 420.420(b).
 - 2) Offers of temporary, ~~exempt~~ or emergency appointment shall not be considered as recall or reinstatement.
- ih) Laid Off Probationary Employee:
- 1) The name of a probationary ~~an original entrance~~ employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to the eligible list with the same grade as when appointed, for the remainder of his/her one year eligibility.
 - 2) An employee serving a probationary period but otherwise certified as defined in subsection ~~Section 420.400(b)(3)~~, who is to be laid off, shall be given notice and may request a voluntary reduction pursuant to Section

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420.410(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed ~~in seniority order as provided in Section 420.340(a)~~ on the reemployment list in order of continuous service for the department, work location and title in which last certified.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.410 Voluntary Reduction
EMERGENCY

- a) Voluntary Reduction of Certified and Probationary Employees:
- 1) Certified and probationary employees may voluntarily request or accept assignment to a vacant position in a class having a lower maximum permissible salary or rate. All requests for or acceptances of such voluntary reductions shall be in writing and shall be signed by the employee ~~and be directed to the head of the department in which the vacant position exists~~. No reduction shall become effective without the written approval of the Director of Personnel. A certified employee who is assigned and accepts a voluntary reduction in grade shall be certified in the lower class without serving a probationary period; provided, however, if reduction results in return to a trainee class or other class for which there is no provision for certification in that said class, the individual's certification shall be terminated.
 - 2) A probationary employee who accepts a voluntary reduction to a position in which the employee has not held certified status shall serve the remainder of the probationary period, or a ~~three (3)~~ month probationary period, whichever is greater. If the employee previously held certified status in the class, no probationary period will be required.
- b) Limitations in Voluntary Reduction: Temporary, emergency, exempt, trainee and provisional employees shall not be granted a request for voluntary reduction.
- c) Employee Opportunity to Seek Voluntary Reduction: A certified employee, as defined in Section 420.400(b)(3), who is subject to layoff as a result of the Director of Personnel's approval of a layoff plan shall be promptly notified of the

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effective date of layoff and shall then be advised of the opportunity to request voluntary reduction to a current vacant position in accordance with subsection Section 420.410(a). An employee seeking voluntary reduction must submit a request such-in writing to the Director of Personnel~~head of the employing department~~ prior to the proposed effective date of layoff.

- d) Order of Preference in Voluntary Reduction: In the event a certified employee, as defined in Section 420.400(b)(~~3~~), requests voluntary reduction as a result of his/her pending layoff, the certified employee shall be preferred in continuous service seniority-order for any current vacant position in a lower class within the same department and location in which the employee is ~~then~~-incumbent at the time of the such layoff over any probationary or provisional employees, any applicant on an eligible list for the such vacant position, and any certified employee requesting the such reduction who is not subject to layoff.

(Source: Amended by emergency rulemaking at 32 Ill. Re g. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.420 Resignation and Reinstatement**EMERGENCY**

- a) Resignation: An employee who voluntarily leaves the Office of the Secretary of State shall, except in emergency circumstances approved by the department director, give advance notice of intent not less than 15 calendar days before the departure's~~its~~ effective date. Once a resignation has been submitted by the employee, and accepted by the employing department director or by the Department of Personnel, the ~~said~~-resignation shall not be revoked unless the revocation is requested by the employee and the revocation is approved by the employing department director and the Director of ~~the Department of~~ Personnel. Resignation in good standing shall mean that the employee gave the required notice or that the emergency circumstances justified failure to do so, and that the employee's conduct and work performance were satisfactory at the effective date of the resignation~~thereof~~.
- b) Reinstatement:
- 1) The~~On request of a department, the~~ Director of Personnel may reinstate an employee who was formerly certified under the Secretary of State Merit Employment Code and who resigned or terminated in good standing or

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whose name was placed on a reemployment list. ~~The~~Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, ~~lateral~~ transfer or layoff or to an equivalent or lower position in a related series. The Director of Personnel may reinstate an employee who was formerly certified under a merit system, including the Personnel Code, the State Universities University Civil Service Act, the State Treasurer Employment Code System of Illinois or the Comptroller Merit Employment Code. A reinstated employee shall serve an additional ~~6~~six months probationary period in the position. Requests for reinstatement shall be accompanied by the employee's performance records when available.

- 2) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, ~~then~~, upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. Reinstatement to a position in a lower pay grade than that for which the employee is eligible for reemployment; shall have no effect on the employee's reemployment rights.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.430 Discipline, Discharge, and Termination**EMERGENCY**

- a) Progressive Corrective Discipline: ~~Employees Unless grounds clearly are present warranting immediate discharge or suspension, employees~~ shall be subject to corrective discipline progressively utilizing counseling, warnings and/or suspensions, as the facts and circumstances dictate, prior to discharge, unless the facts and circumstances warrant immediate discharge or suspension. If an employee's work or work-related conduct remains unacceptable after the application of progressive corrective discipline, ~~the~~such employee may be discharged in accordance with the appropriate following subsections ~~below~~.
- b) Discipline - ~~Written Warning Warnings Notices~~: A department director or designee may issue a warning notice ~~warn an employee either orally or in writing~~

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as a disciplinary measure. A copy of any ~~written~~-warning notice shall be placed in the employee's official personnel file and ~~it~~ may be used in considering further discipline, demotion, withholding of salary increases and other personnel transactions ~~when such actions occur within twelve (12) months of the date of issuance of the written warning.~~ Any notice given ~~The written warning~~ shall bear the signature of the issuing official.

- c) Disciplinary Suspensions~~Suspension Totaling Not More Than Thirty Days in Any Twelve Month Period:~~ Written statements of reason for disciplinary~~Disciplinary~~ suspensions without pay totaling not more than ~~thirty (30)~~ calendar days in any 12 month period shall be filed by a department director or other administrative authority with the Director of Personnel or designee in the form and manner prescribed. If the employee is certified, and subject to suspensions totaling more than 30 calendar days in any 12 month period, the department director or administrative authority shall file written charges for such suspension with the Director of Personnel or designee in the form and manner prescribed in the Merit Commission Rules (80 Ill. Adm. Code 50). Before a disciplinary suspension shall be effective, a signed request containing a clear and concise statement of facts showing good cause to suspend the employee shall be approved by the Director of Personnel. ~~may be imposed upon an employee by a department director or designee, with prior approval of the Director of Personnel. Unless delay in the imposition of discipline will result in clear harm or damage to a department,~~ The~~the~~ employee shall be informed in writing of the charges proposed suspension and the reasons therefore at least four (4) working days prior to the effective date of the proposed suspension and be provided with a reasonable summary of the evidence ~~copies of pertinent documents on which the proposed suspension is based.~~ The employee shall have ~~four (4)~~ working days after being informed of the proposed suspension within which to address to the department director or designee written rebuttal of the reasons given for the suspension. A decision ~~of a department director or designee~~ not to suspend the employee or to reduce the suspension shall be rendered in writing to the employee and filed with the Director of Personnel. ~~before the proposed suspension date. Written notice of any suspension imposed with the reasons therefore must be served upon the employee in a format prescribed by the Director of Personnel on or before the effective date of the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.~~ Notice of such suspension imposed must also be filed immediately with the Director of Personnel. If delay in the imposition of discipline will result in clear harm or damage to a department, the employee may be suspended prior to the review by the Director of Personnel.

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- d) ~~Suspension Totaling More Than Thirty Days in Any Twelve Month Period: The department director or a designee may, after complying with the procedures set forth in this Section, and with prior approval of the Director of Personnel, initiate a disciplinary suspension of any employee totaling more than 30 days in any 12-month period and if such employee is certified, the department shall file written charges for such suspension with the Director of Personnel in the form and manner prescribed, as specified in the Merit Commission Rules (80 Ill. Adm. Code 50). Such written charges shall be signed by the department director or designee, and shall contain a clear and concise statement of facts showing good cause for such suspension. The charges shall be accompanied by a copy of the employee's performance records. Unless delay in the imposition of discipline will result in clear harm or damage to the department the employee shall be informed in writing of the proposed suspension and the reasons therefore at least four (4) working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have four (4) working days after being informed of the proposed suspension within which to address to the department director or designee written rebuttal to the reasons given for the suspension. A decision of a department director or designee not to suspend the employee shall be rendered in writing before the proposed suspension date.~~
- de) Suspension Pending Decision on Discharge: A department may suspend an employee, without pay, for up to 30 days pending the decision of the operating department as to whether charges for discharge shall be filed against the such employee. The department shall, at the time of the such suspension, provide the employee with written reasons for the suspension~~therefore~~ in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. Notice of such suspension must also be filed immediately with the Director of Personnel. The department shall thereafter promptly investigate the facts and circumstances and render its decision. Should the department determine that the facts and circumstances do not warrant disciplinary suspension or charges for discharge, the employee shall be made whole. Should the department determine that a disciplinary suspension is appropriate, subsection (c) Section 420.430(c) or (d), as the case may be, shall apply in its entirety. Should the department determine that discharge of the employee is appropriate, subsection Section 420.430(f) shall apply in its entirety.

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- e) Definition of Day for Suspension Purposes: A day, for purposes of suspension, shall be defined as 7.5 hours, predicated on a 37.5 hour work week, unless the employee is in a position requiring a 40 hour week, in which case the day shall be 8.0 hours. Intermittent and permanent part-time employees' day for purposes of suspension shall be prorated based on their work schedule.
- f) Discharge of Certified Employee:
- 1) Discharge ~~The department director or designee may initiate discharge~~ of a certified employee may be initiated by a department director or other administrative authority by filing written charges for discharge with the Director of Personnel in the form and manner prescribed by the Director of Personnel, as specified in the Merit Commission Rules. Written charges shall ~~be signed by the department director and shall~~ contain a clear and concise statement of facts showing good cause for discharge and shall be accompanied by a copy of the employee's performance records and other supporting documentation, if applicable. No discharge of a certified employee shall be effective without the approval of the written charges for discharge by the Director of Personnel or designee.
 - 2) Before a discharge shall be effective, the certified employee shall receive ~~by certified mail or by delivery in person~~ a written copy of the charges and; a copy of a reasonable summary of the ~~the evidence against him or her or a reasonable summary of the evidence~~ designed to give the employee sufficient information to respond to the charges against him or her, and have at least ~~four (4)~~ working days within which to respond to the charges with reasons and evidence why discharge should not occur. The certified employee's response, which should include matters in defense and/or mitigation, ~~shall~~ may be ~~in writing or orally~~ presented to the Director of Personnel before 4:30 p.m. on the fourth working day after the certified employee has received notice of the proposed discharge, counting the day of service as the first day. The certified employee shall be suspended pending discharge for these four working days, and shall remain suspended until a final decision on discharge shall be made, ~~and~~ Section 420.430(e) hereof shall apply. These ~~four (4)~~ working days shall not increase the maximum suspension periods allowed pursuant to subsection Section 420.430(ce). If the Director of Personnel has attempted service on the individual through mail or other carrier service and personal delivery and yet is unable to make service on the individual, the Director

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of Personnel may file a motion with the Secretary of State Merit Commission seeking a determination that service has been accomplished through due diligence. The motion may be filed any time after 30 days have lapsed from the date service is first attempted on the individual. Service of the motion on the individual shall be by regular mail at the individual's last known address. The motion shall set forth the actions of the Secretary of State's Office with respect to service on the individual. A hearing shall be scheduled within 10 days after the filing of the motion. An order shall be entered at the conclusion of the hearing. If due diligence is shown, an order shall be entered stating that service has been attempted and accomplished for purposes of this subsection. The time period for the individual to appeal the dismissal with the Merit Commission begins on the date of the order.

- 3) After receipt of the certified employee's ~~written or oral~~ response to the proposed discharge, the Director of Personnel ~~or designee~~ shall carefully consider all matters submitted by the employee. The Director of Personnel ~~or designee may~~ ~~shall~~ consult with the employing department director before a final decision on discharge is made. The Director of Personnel ~~or designee~~ shall make a decision within ~~48 hours after receipt of the employee's response, or the expiration of the four (4) working days if no response is received, but the failure of the Director of Personnel to make a final decision within these limits shall not invalidate in any way the final disciplinary action taken, including the discharge, provided a final decision is made within~~ a reasonable time. If more than ~~10 working days~~ ~~48 hours~~ is required, the employee shall be notified in writing by ~~certified mail or hand delivery,~~ by certified mail, return receipt requested, by courier, or by process server. The final notice of discharge shall contain a statement that the response of the certified employee ~~was~~ has been considered before a final decision was made, or that no response was submitted. The ~~procedures~~ ~~procedure(s)~~ of ~~subsections~~ Section 420.430 (f)(1) and Section 420.430(g) shall then apply.
- g) Notice to Employee: Notice of approved charges for any disciplinary suspension ~~without pay totaling more than thirty (30) days in any twelve month period~~ or approved charges for discharge shall be served on the employee ~~by the Director of Personnel, in person or by hand delivery,~~ by certified mail, return receipt requested, by courier, or by process server at the employee's last address appearing in the official personnel file. The notice shall also identify the

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employee's responsibility to return to the supervisor any items furnished the employee by the Office of the Secretary of State, including any Secretary of State identification, uniforms, keys, supplies, tools or property, and to leave the place of employment as of the effective date of the suspension or discharge.

- h) Employee Obligations: Upon receipt by the employee of ~~any disciplinary suspension without pay or~~ charges for discharge, the employee shall ~~leave the place of employment and~~ return to the supervisor any items belonging to the State, pursuant to Section 420.435~~accommodations furnished the employee by the Office of the Secretary of State, including any Secretary of State identification, uniforms, keys, supplies, tools or property~~ and leave the place of employment. The director of the employing department shall ~~withhold the employee's final paycheck or~~ take ~~other such~~ action to insure compliance.
- i) Appeal by Employee: A certified employee who has been served with approved charges for suspension ~~in excess of~~ totaling more than thirty (30) calendar days in a ~~12~~twelve month period or approved charges for discharge may make a written request to the Merit Commission for hearing of those charges~~thereof~~ within ~~fifteen (15)~~ calendar days of receipt of written charges.
- j) Discharge or Suspension of Probationary Employee: Discharge or suspension of a probationary employee may be initiated by filing written charges with the~~The~~ Director of Personnel in the form and manner prescribed by the Director of Personnel~~may approve the discharge or suspension of a probationary employee at the request of a department.~~ Written charges shall contain a clear and concise statement of facts showing good cause for suspension or discharge and other supporting documentation if applicable. No suspension or discharge of a probationary employee shall be effective without the approval of the written charges by~~In determining whether or not to approve the discharge of such employees~~ the Director of Personnel or designee~~shall consider the employee's employment record.~~
- k) Reinstatement ~~from~~From Suspension or Discharge: An employee who is reinstated ~~for the following a~~ period for which suspended or ~~discharge~~discharged shall receive full compensation for ~~that~~such period. Full compensation shall represent total~~mean full~~ pay, with any vacation and sick leave benefits ~~the~~such suspended or discharged employee would have earned in the position classification during the period of suspension or discharge, less amounts earned by the employee from any other source, and unemployment compensation

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payments received during ~~the~~^{such} period.

- l) Suspension or Discharge Resulting from Arrest and/or Criminal Indictment:
- 1) The arrest or criminal indictment of any employee shall not be grounds for suspension or discharge. However, the facts of an arrest or criminal indictment made known to the Director of Personnel may be grounds for suspension or discharge if they meet one or more of the following criteria:
- A) Resulted from an employee's conduct in the course of employment;
- B) Occurred on or proximate to State premises and as a result of the employee's conduct, including conduct that may have violated standards of conduct; or
- C) Raises reasonable doubt concerning the employee's suitability for continued State employment in the present assignment or position based upon the severity and nature of the offense.
- 2) If an employee is not subject to suspension or discharge under this Section, the Director of Personnel or designee may, depending upon the needs of the office or at the request of the employee, place the employee on indefinite leave status, without pay, pending a final court determination of innocence or guilt in accordance with Section 420.660.
- ~~l) Suspension or Discharge Resulting From Arrest and/or Criminal Indictment:~~
- ~~1) The arrest or criminal indictment of any employee shall not be grounds for suspension or discharge. The facts in support of either made known to the Director of Personnel may be grounds for suspension or discharge if they meet one or more of the following criteria:~~
- ~~A) Resulted from an employee's conduct in the course of employment duties including a failure to perform such duties;~~
- ~~B) Occurred on or proximate to state premises and as a result of the employee's conduct thereon, including conduct which may have violated standards of conduct issued by the Director of Personnel;~~
~~or~~

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- €) ~~Raise reasonable doubt concerning the employee's suitability for continued state employ in the present assignment or position, based upon the severity and nature of the offense.~~
- 2) ~~If an employee is not subject to suspension or discharge under this Section, the Director of Personnel may, depending upon the needs of the office, at the request of the employee place such employee on indefinite leave status, without pay pending a final court determination of innocence or guilt.~~
- m) Termination of Noncertified Employee: No noncertified employee may be terminated without prior approval of the Director of Personnel. The noncertified employee has no recourse with this Part or the Merit Commission.
- 1) ~~No noncertified employee may be terminated without prior approval of the Director of Personnel.~~
- 2) ~~In such cases, the noncertified employee has no recourse with this Part or the Merit Commission.~~

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.435 Return of State Property**EMERGENCY**

Employee Obligations: In cases of discharge, layoff, leave of absence, resignation, separation, suspension~~Discharge, Layoff, Leave of Absence, Resignation, Separation, Suspension~~, and/or termination of employment, the employee shall leave the place of employment and return to the supervisor any State~~state~~ property or equipment furnished the employee by the Office of the Secretary of State. This includes but is not limited to any Secretary of State identification, uniforms, keys, supplies, tools, cell phones, business cards, laptop computers or other property. The director of the employing department shall ~~withhold the employee's final paycheck or take other such~~ action to insure compliance.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

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SUBPART D: CONDITIONS OF EMPLOYMENT

Section 420.600 Grievance Procedure**EMERGENCY**

- a) Grievance – Definition: Any employee of the Office of the Secretary of State may grieve as to the application of the Merit Employment Code, this Part or any policy arising ~~under this Part~~hereunder as to the impact of ~~the such~~ applications upon the employee's employment condition or status. The grievance must be filed on the form prescribed by the Director of Personnel.
- ~~1)~~b) Grievance Procedure – Limitation: The Secretary of State Merit Employment Code, ~~this Part~~the Rules of the Department of Personnel and the official policy arising ~~under this Part~~hereunder, the Pay Plan, and the Rules of the Merit Commission (80 Ill. Adm. Code 50) are not grievable matters. Terminations of noncertified employees, layoffs, charges seeking discharge, demotions, suspensions totaling more than 30 days in any 12 month period of certified employees, appeals of allocation of duties, or geographical transfers are not subject to the grievance procedure.
- ~~2)~~e) Grievance Procedure – Abandonment – Extension: Failure of ~~the grievant~~either party to comply with the form or time requirements of the grievance procedure shall result in forfeiture of the grievance, ending the grievance process. Failure of the employer to comply with the time requirements shall automatically advance the grievance to the next level~~resolve the matter in favor of the other~~. The parties may mutually extend the time limits at any level of the procedure, ~~except~~excepting in cases of hearings arising from demotion or discharge of a certified employee.
- ~~b)~~d) Grievance Procedure – Level 1:
- 1) Employees who believe that they are aggrieved may within ~~five~~(5) scheduled work days of knowledge of the circumstance giving rise to the grievance~~thereof~~, present their grievance in writing on the prescribed form~~orally~~ to their immediate supervisor and it shall contain a specific statement as to the nature of the grievance. ~~The~~Such supervisor shall attempt to adjust the problem, or, if ~~he/she is~~they are without authority to do so, ~~he/she~~they shall advise the employee as to the appropriate

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beginning level for institution of their grievances.

- 2) Immediate supervisors who are authorized to resolve grievances shall note the receipt date ~~and time of the formal presentation~~ of the grievances and shall make response within five (105) working days ~~thereafter~~.

c)e) Grievance Procedure – Level 2:

- 1) If an employee does not accept the response of an appropriate supervisor at Level 1, the employee may present~~reduce~~ the grievance ~~to writing and present it~~ to the department director or designee~~next higher supervisor~~. The ~~Such~~ written grievance shall be submitted within 10~~five (5)~~ working days of the employee's official notification of the supervisor's decision at Level 1 and it shall contain a specific statement as to the nature of the grievance and as to the reason for rejecting the resolution of the immediate supervisor.
- 2) The department director or designee~~next higher supervisor~~ shall note the ~~time of~~ receipt date of the~~a~~ grievance and shall make written response within 10~~five (5)~~ working days ~~thereafter~~. The~~Such~~ written response shall be specific as to the reasons for approval or denial of the grievance. In making a decision, the department director or designee ~~may~~next higher supervisor ~~shall~~ make an investigation of the problem.

d)f) Grievance Procedure – Level 3:

- 1) An aggrieved employee who does not accept the decision received at Level 2 may forward a written request on the prescribed form ~~for a review~~ to the Director of Personnel. The~~Such~~ request shall be filed within 10~~five (5)~~ working days of the employee's receipt of the Level 2 decision and it shall be specific as to the reasons for rejection of that decision.
- 2) The Director of Personnel or designee, in his or her discretion, shall review the matter on its face or cause a meeting of the parties~~hearing thereof~~. Following the review, or upon receipt and review of the recommendation from the designee, the Director of Personnel shall release a decision to all of the parties ~~thereto~~. The~~Such~~ decision shall be in writing and shall be final and binding upon the parties.

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- e)g) Grievance Procedure – Representation: At Levels 1, 2 and 3, parties to a grievance may be represented by themselves or by a person of their own choosing.
- f)h) Grievance Procedure – Witnesses and Evidence: The parties to a grievance may introduce such materials, documents and witnesses as are necessary to resolve the problem. A list of all witnesses anticipated to be called and documents to be presented shall be submitted to the Director of Personnel 5 working days prior to the meeting. Necessary documents ~~which are~~ maintained by the Office of the Secretary of State shall be reproduced without cost. Witnesses who are employees of the Office of the Secretary of State shall not be docked for absence from work while testifying at a grievance ~~meeting~~hearing. Should a dispute arise as to the necessity of certain appearances or of the reproduction of certain documents, the Director of Personnel shall be advised and shall resolve the dispute.
- g)i) Grievance Procedure – Time and Place: At level 3, the~~The~~ Director of Personnel or designee shall designate the location and time of grievance ~~meetings~~hearings, and notify in writing all parties involved. The Director of Personnel or designee shall grant a continuance if either party demonstrates good cause.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.610 Sick Leave**EMERGENCY**

- a) Sick Leave Definition:
- 1) All employees, ~~except~~excepting those in emergency, permanent part-time, intermittent, per diem, or temporary status, unless ~~that~~such status is the result of accepting a nonpermanent working assignment in another class, shall accumulate sick leave at the rate of one ~~(1) day or (7.5 hours)~~, for each month's service. Intermittent and permanent~~Permanent~~ part-time ~~and intermittent~~employees shall accrue sick time on a prorated hourly basis determined by a ratio, the numerator of which shall be number of hours in pay status each month, and the denominator of which shall be the number of normal work hours that month.

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- 2) Sick leave may be used for illness, disability or injury of the employee ~~or;~~ appointments with doctor, dentist or other professional medical practitioner, and also may be used for not more than 30 days in one calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family, unless such time is used pursuant to the Family and Medical Leave Act (29 USC 2601 et seq.). The employing department or the Department of Personnel shall, when there is apparent abuse, require evidence to substantiate that such leave days were used for the purpose ~~herein~~-set forth in this subsection (a)(2) for periods of absence of ~~10~~ten consecutive workdays or less. For periods of absence for more than ~~5~~ten consecutive workdays, the employee shall provide verification for ~~the such~~ absence in accordance with the provisions of Section 420.760 (b)(4). Sick leave may not be used in increments of less than ~~one-half~~ ($\frac{1}{2}$) hour at a time.
- b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave. An employee shall retain any unused sick leave accumulated prior to the effective date of this Section.
- c) Reinstatement of Sick Leave:
 - 1) On or after the effective date of this Section, accumulated sick leave available at the time an employee's continuous service is interrupted shall, upon verification, be reinstated to the employee's account upon return to ~~full-time,~~ ~~or~~ regularly scheduled part-time, or intermittent employment, except in temporary or emergency status. This reinstatement is applicable provided ~~the such~~ interruption of service occurred not more than ~~5~~five years prior to the date the employee reenters service and, provided ~~the such~~ sick leave has not been credited by the appropriate retirement system towards retirement benefits.
 - 2) An employee with previous service for which sick leave was granted under provisions other than Jurisdiction C of the Secretary of State Merit Employment Code shall have ~~that sick leave~~such amount reinstated to the extent ~~such sick leave is~~ provided under this Section~~Section 420.610 (adopted December 1, 1980)~~.
- d) Advancement of Sick Leave: An employee with more than ~~2~~two years continuous service whose personnel records warrant it, may be advanced sick

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leave with pay for not more than ~~ten (10)~~ working days, with the written approval of the department and the Director of Personnel. ~~Advances~~Such advances will be charged against sick leave accumulated later in subsequent service. No additional advance of sick time will be made until all previously advanced time is repaid.

e) Use of Sick Leave: Sick leave shall be used in the following order:

- 1) Sick leave granted prior to January 1, 1984 will be used first;
- 2) Sick leave granted beginning January 1, 1998 will be used second;
- 3) Sick leave granted from January 1, 1984 through December 31, 1997 will be used last.

fe) Payment in Lieu of Sick Leave:

- 1) Unless otherwise provided by law, upon~~Upon~~ separation of employment by means of resignation, retirement, ~~death~~, indeterminate layoff, or discharge, and if the employee is not employed in another position in ~~State~~state service within 4 calendar days of ~~the such~~ separation, an employee is entitled to be paid for unused sick leave which accrued on or after January 1, 1984 and prior to January 1, 1998 in accordance with subsection (e)(3).~~part of the sick leave earned by not taken or forfeited.~~
- 2) ~~For purposes of this Section, sick leave is deemed to be used by an employee in the same order it is granted, that is, the earliest accrued sick leave is deemed to be used first.~~
- 2)3) ~~The~~In order to determine the amount of sick leave to be paid upon termination of employment will be determined as follows,~~the employing department will:~~
 - A) using time records from the employing department, the Department of Personnel will verify~~compute the number of sick leave days earned on and after~~ the employee's sick leave balance for sick leave earned, but not taken, in the period from January 1, 1984 up to and including December 31, 1997;
 - B) ~~compute the employee's sick leave balance at time of separation;~~

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and

~~B)C)~~ ~~the employees will be paid~~ pay one-half of the amount of sick leave days ~~determined~~ in subsection ~~(e)(2)(A) or (B), whichever is the lesser amount~~, multiplied by the daily salary rate in effect at the time of separation.

~~34)~~ The method for computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon separation of employment shall be ~~determined~~ computed by ~~the Payroll Section, Department of Budget and Fiscal Management~~.

~~45)~~ If an employee has a negative sick leave balance pursuant to ~~subsection Section 420.610(d)~~ when employment is separated, the employing department must submit this negative sick leave balance to ~~the Payroll, where Section, Department of Budget and Fiscal Management. The Payroll Section will do~~ one of the following ~~will be applied~~:

- A) Subtract the negative sick leave balance from the earning amount still due to ~~the said~~ employee by the Secretary of State.
- B) Contact employing department, stating dollar amount of overpayment to employee. The employing department then has the responsibility of contacting ~~the said~~ employee regarding the dollar amount due to the Secretary of State, payable by personal check or money order.
- C) If no repayment occurs, ~~the Payroll Section~~ will establish a lien against any State of Illinois monetary payment due to ~~the said~~ employee through the Comptroller for the negative sick leave balance owed to the Secretary of State.

~~56)~~ An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have ~~the such~~ days restored by doing the following:

- A) The employee must notify employing department, requesting that previously paid unused sick days are to be restored to ~~the said~~ employee's sick leave account; and

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- B) The employee must repay the gross (total) amount paid by the State (before deductions) to the Secretary of State by personal check or money order. The employing department will forward ~~the said~~ employee's repayment to ~~the~~ Payroll ~~Section~~ before unused sick days are returned to ~~the said~~ employee's sick leave account.
- g) Pursuant to the Secretary of State Merit Employment Code [15 ILCS 310/10b.18], an employee who is also a veteran shall be permitted 2 days with pay per year to visit a veterans hospital for examination of a military service connected disability. The 2 days shall not be charged against any sick leave currently available to the employee.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

**Section 420.620 ~~Leave for Personal~~ Leave Business
EMERGENCY**

- a) All employees, ~~except~~excepting those in emergency, per diem or temporary status, shall be permitted ~~three (3)~~ personal leave days ~~off, or, 22.5 hours,~~ each calendar year, with pay. ~~Personal~~Such personal leave days may be used for ~~such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions or for other similar~~ personal reasons but shall not be used to extend a holiday or annual leave except as permitted in advance by the department through ~~prior~~ written approval. Employees entitled to receive ~~personal~~such leave who enter service during the year shall be given credit for ~~personal~~such leave at the rate of ½ day ~~(3.75 hours)~~ for each 2 months service for the calendar year ~~of hire in which hired~~. Intermittent or part-time employees entitled to receive personal leave who enter the service during year shall be given prorated credit for the leave by calculating the employee's work schedule percentage using a 37.5 hour work week times the number of days that would be granted to a full-time employee, rounded to the nearest quarter hour. ~~Personal~~Such personal leave may not be used in increments of less than ½ hour at a time. Except for those emergency situations ~~that~~which preclude the making of prior arrangements, personal leave ~~such days off~~ shall be scheduled ~~sufficiently~~ in advance ~~to be consistent with operating needs of the employer~~.
- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall

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any employee be entitled to payment for unused personal leave upon separation from ~~the service,~~ except as provided in Section 10c(2) of the Merit Employment Code.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.630 On-The-Job Injury – Industrial Disease**EMERGENCY**

An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay for ~~three (3)~~ working days of absence without utilization of any accumulated sick leave or other benefits, if a ~~worker's~~workers compensation claim is filed and approved. Thereafter, the employee shall be permitted to utilize accumulated sick leave or other benefit leave time unless the employee has applied for and been granted temporary, total disability benefits in lieu of salary or wages pursuant to provisions of the Workers' Compensation Act [820 ILCS 305] or, upon request, be ~~has been~~ granted a ~~service-connected~~ disability leave of absence in accordance with Section 420.760. Up to 12 weeks of leave time in a 12 month period may be designated as FMLA leave time under the Family & Medical Leave Act and will run concurrently with worker's compensation leave provided the absence is due to a qualifying serious injury or illness. An employee who returns from a service connected disability leave shall be returned to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced. In the event ~~the such~~ service connected injury or illness becomes the subject of payment of benefits provided in the Workers' Compensation Act ~~an award~~ by the Illinois Workers' Compensation Commission~~Industrial Commission~~, the employee shall restore to the State the ~~dollar equivalent which duplicates~~ payment received as sick leave or other accumulated benefit leave time~~days/hours~~ and the employee's ~~sick~~ leave account shall be credited with ~~sick~~ leave time~~day/hour~~ equivalents.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.640 Leaves of Absence Without Pay**EMERGENCY**

Unless otherwise provided for in a specific leave~~this Part~~ and with ~~the~~ prior approval of the Director of Personnel, leaves of absence~~a department~~ may be granted~~grant leaves of absence~~ without pay to employees for periods not to exceed six (6) months. Employees must provide proper documentation to support their request for leave prior to the approval of the leave. ~~and~~

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~~such leaves~~ Leaves may be extended for good cause by the department for additional 6 month periods, with the Director of Personnel's approval.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.645 Family Leave~~Adoption/Child Care Leave~~
EMERGENCY

This leave of absence shall be considered separate and apart from the Family and Medical Leave Act leave that may be provided by law. When FMLA does not apply or the employee does not qualify under FMLA, an An employee may request a family~~child care~~ leave for the adoption of a child or for parental reasons or other family emergencies,~~such as care for a seriously ill child, an emotionally disturbed child, or similar serious family dilemmas.~~ This leave can endure from one to 90~~ninety~~ calendar days without pay and without deduction of continuous service. If requested and approved by the employing department~~Director of Personnel~~, an additional 90 days will be allowed. However, the subsequent following 90 to 180 calendar days will be deducted from continuous service. This leave may be utilized, if requested and with prior approval by the employing department and the Department of Personnel, for additional leave after a disability leave for maternity purposes. An employee who returns from a family~~child care~~ leave shall have the~~such~~ rights as-set forth in Section 420.680.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.660 Leaves of Absence – Special
EMERGENCY

The Director of Personnel may approve~~shall grant~~ special leaves of absence with or without pay~~to employees~~ when such leaves ~~, in the opinion of the Director of Personnel, they~~ would benefit the Office of the Secretary of State.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.670 Leaves of Absence – Special – Salary (Repealed)
EMERGENCY

~~The Director of Personnel shall determine for each special leave of absence that is approved~~

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~~whether such leave shall be with or without pay, full or partial.~~

(Source: Repealed by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.700 Failure to Return ~~from~~From Leave of Absence
EMERGENCY

Failure to return from a leave of absence, extend the leave or voluntarily terminate employment within ~~five (5)~~ working days after the expiration or termination date shall be considered grounds for disciplinary action, up to and including discharge for job abandonment in accordance with Section 420.1000(f).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.715 Disaster Services Leave with Pay
EMERGENCY

In accordance with the Disaster Service Volunteer Leave Act (5 ILCS 335/), a permanent employee who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act, the Emergency Management Assistance Compact Act, or other applicable administrative rules, may be granted leave with pay for up to 20 working days in any 12 month period for disasters in Illinois. The leave may be granted upon request of the American Red Cross and approval of the Director of Personnel. Proper documentation to support the request for leave must be submitted prior to the approval of the leave. Disasters must be designated at a Level III or above in the American National Red Cross Regulations and Procedures. A Disaster Services Leave with pay shall not be unreasonably denied for services related to a disaster within the United States or its territories. No temporary or emergency employees shall be granted this leave.

(Source: Added by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.720 Leave ~~for~~For Annual Military Reserve Training or Special Duty
EMERGENCY

- a) Any ~~full-time~~ employee who is a member of a reserve component of the Armed

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Services, the Illinois National Guard or the Illinois Naval Militia, shall be allowed annual leave with pay for one full pay period during any one State fiscal year and such additions or ~~extensions~~ ~~extentions~~ to fulfill the military reserve obligation. ~~These~~ ~~Such~~ leaves will be granted without loss of seniority or other accrued benefits.

- b) In the case of an emergency call-up (or order to State active duty) by the Governor, the leave shall be granted for the duration of ~~the said~~ emergency with pay and without loss of seniority or other accrued benefit. Military earnings for the emergency call-up paid under ~~the Military Code of Illinois [20 ILCS 1805]"AN ACT to establish a Military and Naval code for the State of Illinois and to establish in the Executive Branch of the State Government a principal department which shall be known as the Military and Naval Department, State of Illinois and to repeal an Act therein named"~~ (Ill. Rev. Stat. 1985, ch. 129, pars. 220.01 et seq.) must be submitted and assigned to the employing department, and the employing department shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the employing department shall return the difference to the employee.
- c) To be eligible for military reserve leave or emergency call-up pay, the employee must provide the employing department with a certificate, ~~requiring the military reserve or emergency call-up duty,~~ from the commanding officer of his/her unit ~~prior to commencement of the duty~~ ~~that the leave taken was for either such purpose.~~
- d) Any ~~full-time~~ employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from State employment for any period actively spent in ~~such~~ military service, including basic training and special or advanced training, whether or not within the State, and whether or not voluntary.
- e) During ~~such~~ basic training and up to 60 days of special or advanced training, if ~~the~~ ~~such~~ employee's compensation for military activities is less than his/her compensation as a State employee, he/she shall receive his/her regular compensation as a State employee minus the amount of his/her base pay for military activities. During ~~this~~ ~~such~~ training, the employee's seniority and other benefits shall continue to accrue.

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(Source: Added by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.740 Leave to Take Exempt Position (~~Repealed~~)
EMERGENCY

~~The Director of Personnel may approve leaves of absence for certified employees who accept appointment in a position which is exempt for Jurisdiction B of the Merit Employment Code. Such leaves of absence may be for a period of one year or less and may be extended for additional one year periods. At the expiration thereof, an employee shall be restored to the same or similar position upon making application to the employing department with continuous service including the period of such leave.~~

(Source: Repealed by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.760 Non-service Connected Disability Leave
EMERGENCY

- a) Employees who are unable to perform a substantial portion of their regularly assigned duties due to temporary physical or mental disability shall, upon request, be granted a leave for the duration of ~~the~~such disability. Up to 12 weeks out of any 12 month period for a disability leave may be concurrently designated under FMLA.
- b) In granting ~~this~~such leave or use of sick leave as provided in Section 420.610, the department shall apply the following standards:
 - 1) A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee ~~that~~which constitute a significant portion of the employee's time or ~~that~~which constitute the ~~differentiating~~ factors differentiating which identify that particular position from other positions, provided the balance of duties can be reassigned by the department;
 - 2) A request for disability leave shall be in writing, except when the department is advised by other appropriate means of the employee's disability. ~~in which~~ In this event, the employee's signature is not required;

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- 3) Except for service connected disability as provided in Section 420.630, the employee shall have exhausted available sick leave provided under Section 420.610 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose, but is not required to do so;
 - 4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] (Ill. Rev. Stat. 1985, ch. 111, pars. 4401 et seq.) or under similar laws of Illinois or of other states or countries, or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means. ~~such~~ The verification shall show the diagnosis, prognosis and expected duration of the disability ~~and; such verification~~ shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;
 - 5) As soon as an employee becomes aware of an impending period of disability, ~~the such~~ employee shall notify the appropriate supervisor ~~of such disability~~ and provide a written statement by the attending physician of the approximate length of time the employee will be unable to perform ~~their~~ regularly assigned duties;
 - 6) If the department has reason to believe that the employee is able or unable to perform a substantial portion of ~~their such employee's~~ regularly assigned duties, it may seek and rely upon the decision of an impartial physician ~~or psychologist~~ or other specialist licensed pursuant to the Medical Practice Act [225 ILCS 60] of 1987 (P.A. 85-4 effective May 22, 1987), in the field of the alleged disability chosen by agreement of the parties, or in the absence of such agreement, upon the decision of an impartial physician ~~or psychologist~~ or other ~~licensed~~ specialist licensed pursuant to the Medical Practice Act ~~who is an employee of the Illinois Secretary of State and~~ who is selected by the Director of Personnel.
- c) Failure of an employee to provide verification of continued disability upon reasonable request shall, on due notice, cause termination of ~~the such~~ leave.
 - d) An employee's disability leave shall terminate when ~~the said~~ employee is no longer temporarily disabled from performing ~~such employee's~~ regularly assigned

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duties.

- 1) Employees are no longer temporarily disabled when they are able to perform their regularly assigned duties upon advice of the appropriate authority ~~(i.e., including the~~ attending physician, an impartial physician, ~~a psychologist or other such~~ authority).
- 2) An employee is no longer temporarily disabled when ~~he/she is~~ found to be permanently disabled and unable to perform a substantial or significant portion of ~~his/her~~ their regularly assigned duties by the appropriate authority, or in the absence of ~~that~~ such authority, by the attending physician.
- 3) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director of Personnel may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with ~~subsection Section 420.760(b)(6)~~ above.
- e) An employee who returns from a disability leave shall have ~~the~~ such rights ~~as~~ set forth in Section 420.680.
- f) An employee who is on disability leave while in temporary or emergency status, except if ~~that~~ such status results from a leave of absence to accept ~~a temporary or emergency~~ such position, shall be eligible for ~~disability~~ such leave for the balance of ~~the~~ such appointment and shall earn or accrue no other benefit arising from this Part.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.770 Attendance in Court**EMERGENCY**

- a) Any permanent employee called for jury duty or subpoenaed by any legislative, judicial or administrative tribunal ~~for purposes other than personal private litigation~~, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall

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submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect to fulfill ~~the~~~~such~~ call or subpoena on accrued time off ~~or~~~~and~~ personal leave and retain the full amount received for ~~the~~~~such~~ service.

- b) Emergency or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received ~~therefor~~.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.800 Vacation**EMERGENCY**

- a) Eligibility:
- 1) ~~All employees in pay status~~ ~~Employees, except emergency and temporary,~~ shall earn vacation time. Employees in emergency or temporary status shall not earn vacation time unless on leave of absence to accept an emergency or temporary appointment. ~~No employee on leave of absence may earn vacation time except when the leave was for the purpose of accepting a temporary working assignment in another class.~~
 - 2) Eligible employees shall earn vacation time in accordance with the following schedule:
 - A) From the date of hire until the completion of 5 years of continuous service – 10 work days per year of employment.
 - B) From the completion of 5 years of continuous service until the completion of 9 years of continuous service – 15 work days per year of employment.
 - C) From the completion of 9 years of continuous service until the completion of 14 years of continuous service – 17 work days per year of employment.
 - D) From the completion of 14 years of continuous service until the

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completion of 19 years of continuous service – 20 work days per year of employment.

E) From the completion of 19 years of continuous service until the completion of 25 years of continuous service – 22 work days per year of employment.

F) From the completion of 25 years of continuous service until the completion of 30 years of continuous service – 25 work days per year of employment.

G) From the completion of 30 years of continuous service – 30 work days per year of employment.

3) Vacation time may be taken in a minimal initial increment ~~increments~~ of one hour not less than ½ day at a time, at any time after it is earned. In conjunction with the first one hour increment, vacation time may be taken in additional 15 minute increments. Earned vacation Vacation time may be taken any time after the initial 6 month probationary period and shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.

4) Vacation time earned, except by ~~part-time and~~ intermittent and permanent part-time employees, shall be computed in work ~~hours~~ days. After an employee's earned vacation time has been so computed, if there remains a fractional balance ~~of ½ of a work day or less, the employee shall be deemed to have~~ earned vacation time will be rounded to the nearest quarter hour, of ½ of a work day in lieu of the fractional balance; if there remains a fractional balance of more than ½ of a work day, the employee shall be deemed to have earned a full work day of vacation time in lieu of a fractional balance.

5) Prorated Vacation for Intermittent and Permanent Part-Time Employees: Intermittent and permanent part-time employees shall earn vacation in accordance with the schedule set forth in subsection (a)(2) on a prorated hourly basis determined by a ratio, the numerator of which shall be the hours in pay status each month and the denominator of which shall be the normal working hours for that month. Vacation computed on an hourly basis may be used in hourly increments.

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- ~~6)5)~~ Computation of vacation time of employees who have interrupted ~~continuous~~ service qualifying for credit as defined in Section 420.340, shall be determined as though all previous ~~state~~ service ~~which qualified for earning of vacation benefits~~ is continuous with present service.
- ~~b)~~ ~~Prorated Vacation For Part Time and Intermittent Employees: Permanent part-time and intermittent employees shall earn vacation in accordance with the schedule set forth in Section 420.800(a) on a prorated hourly basis determined by a ratio, the numerator of which shall be the hours in pay status each month and the denominator of which shall be normal working hours that month. Vacation computed on an hourly basis may be used in hourly increments.~~
- ~~b)e)~~ Vacation Schedule and Loss of Earned Vacation: In establishing vacation schedules, the department shall consider both the employee's preference and the operating needs of the department. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which ~~it such vacation time~~ was earned. If an employee does not request and take accrued vacation within ~~the such~~ 24 month period, vacation earned during ~~that such~~ calendar year ~~may shall~~ be lost.
- ~~c)d)~~ Vacation Scheduling:
- 1) All eligible employees shall request the scheduling of vacation time at least ~~two (2)~~ weeks in advance, or in accordance with the scheduling provisions ~~established~~ determined by their department director. Supervisors shall grant ~~such~~ requested times unless a bona fide work-related reason exists for denial ~~thereof~~.
 - 2) When two or more employees simultaneously request the same vacation period and not all of them can be excused for the same period, the request of the employee with the greatest amount of continuous service ~~seniority~~ shall be honored.
- ~~d)e)~~ Vacation - Unit Closing: The Department of Personnel may suspend the operation of any work unit or position, workload permitting, for the purpose of vacation.
- ~~e)f)~~ Vacation Benefits on Death of Employee:

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- 1) Upon the death of an employee, the person or persons specified in Section 14a of the State Finance Act "An Act in relation to State finance" [30 ILCS 105/14a] (Ill. Rev. Stat. 1985, ch. 127, par. 150a), approved June 10, 1919, as amended, shall be entitled to receive, from the appropriation for personal services ~~theretofore~~ available for payment of the employee's compensation, ~~the such~~ sum for any accrued vacation period to which the employee was entitled at the time of death.
- 2) ~~That~~ Such sum shall be computed by multiplying the employee's daily (hourly) rate by the number of days (hours) of accrued vacation due.

~~f)g)~~ Payment in Lieu of Vacation:

- 1) Upon separation of employment by means of resignation, retirement, indeterminate layoff, or discharge, and if the employee is not employed in another position in ~~State~~ state service within 4 calendar days of ~~such~~ separation, an employee is entitled to be paid for any vacation earned but not taken or forfeited pursuant to subsection Section 420.800(b) or the Secretary of State Pay Plan(e). No other payment in lieu of vacation shall be made except as provided by subsection Section 420.800(e)(f).
- 2) The payment provided in subsection ~~(f)(1) above~~ shall not be deemed to extend the effective date of ~~separation~~ termination by the number of days represented by ~~the said~~ payment.
- 3) The payment provided in subsection ~~(f)(1) above~~ shall be computed by multiplying the number of ~~days~~ (hours) of accumulated vacation by the employee's ~~daily~~ (hourly) rate or as determined with Section 420.330 (Intermittents).
- 4) The payment provided in this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.810 Work Schedules

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EMERGENCY

Work Schedules: Each ~~operating director regional and/or local manager~~ shall ~~establish~~ ~~schedules~~ ~~prepare a schedule~~ of working hours and work days ~~for his /her department pertaining to the work unit.~~ ~~No schedules of less than 37½ hours per week shall be approved as a regular workweek.~~ ~~The~~ ~~Such~~ ~~schedules~~ ~~schedule~~ shall set out starting and quitting times, break times, lunch times and the work days that apply to the employees within the area of supervision. Work schedules shall be submitted to the Director of Personnel for approval. ~~Upon approval, the schedules shall be posted and complied with by all of the employees within the work unit.~~

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.820 Overtime**EMERGENCY**

- a) Overtime: For those positions approved by ~~the Director of Personnel~~ and designated on lists maintained by the Director of Personnel, authorized work in excess of an approved work schedule shall be overtime. ~~The~~ ~~Such~~ work may be compensated for in cash or compensatory time as determined by the department, provided ~~the such~~ designation is in accordance with the Fair Labor Standard Act (29 ~~USC~~ ~~U.S.C.~~ 201 et seq.), ~~as amended~~. Overtime work shall be distributed as equitably as possible among qualified employees competent to perform the services required when overtime is required, and employees shall be given as much advance notice as possible. Except ~~as where~~ required by law, time spent in travel shall not be considered as overtime.
- b) Compensatory Time: An employee's overtime accumulation shall be liquidated by the utilization of compensatory time off, when ~~such utilization is~~ practical. Where the approved work schedule is less than a ~~forty~~ (40) hour work week, overtime shall be compensated at a straight time rate. Work in excess of a ~~forty~~ (40) hour work week shall be compensated at time and one-half.
- c) Compensatory Time Schedule: ~~Any compensatory~~ ~~Compensatory~~ time ~~accumulated~~ shall be scheduled ~~upon the consideration of the~~ ~~at the~~ employee's preference ~~and operational needs of the department, but within the fiscal year that it is earned.~~ ~~However, compensatory time earned in the last quarter of the fiscal year must be used by the end of the first quarter of the next fiscal year.~~ ~~excepting in those circumstances where, with reasonable certainty, such absence would be~~

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~~harmful to the operation of the work unit.~~

- d) Overtime Compensation in Cash: Compensatory time not used within the fiscal year, except for time carried over in accordance with subsection (c), may be liquidated in cash. Whenever it is not practical to liquidate an employee's overtime with compensatory time off, the employee shall be reimbursed in cash. ~~The~~Such payment shall be ~~paid~~ at a straight time rate for work in excess of the approved work schedule but less than a ~~forty (40)~~ hour work week. Work in excess of a ~~forty (40)~~ hour work week shall be paid at time and one-half.
- e) ~~Overtime—Accumulation: All employee overtime compensation shall be liquidated within ninety (90) calendar days of its accumulation.~~
- e)f) Overtime Payable Upon Death: Upon the death of an employee, the person or persons specified in Section 14a of the State Finance Act "~~An Act in relation to State finance,~~" (Ill. Rev. Stat. 1985, ch. 127, par. 150a), as now or hereafter ~~amended,~~ shall be entitled to receive from the appropriation for personal services ~~theretofore~~ available for payment of the employee's compensation ~~the such~~ sum for accrued overtime ~~thats~~ would have been paid or allowed to ~~the such~~ employee had the employee survived.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.825 Temporary Assignment (Repealed)
EMERGENCY

- a) ~~Definition: Temporary Assignment is to direct an employee in a specific position to perform the duties or responsibilities of another position which is equal to or higher than the classification to which the employee is incumbent. This directive must be written, approved by the Director of Personnel, and acknowledged by the employee.~~
- b) ~~Application: This Section does not apply to any assignment of less than thirty (30) calendar days.~~
- e) ~~Filling of Temporary Assignments: Temporary assignments may be granted for the following reasons:~~

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- 1) ~~While the operating department posts and/or fills a vacant position.~~
- 2) ~~While an absent regular incumbent is utilizing extended sick leave.~~
- 3) ~~While an absent regular incumbent is on a leave of absence.~~
- 4) ~~While an absent regular incumbent is utilizing extended vacation time.~~
- d) ~~Length of Temporary Assignment: Temporary assignments shall not exceed six (6) months, except for those made in accordance with Section 420.415(e), which may be extended for good cause by the department for additional time periods with the Director of Personnel's approval and the employee's written consent.~~
- e) ~~Identifying Temporary Assignments: The operating department will attempt to assign temporary assignment to the employees in the next lower or equivalent classification and to equitably distribute such assignments on a rotating basis giving due consideration to seniority and the operating needs of the department.~~
- f) ~~Eligibility for Temporary Assignment: To be eligible for temporary assignment pay, employees must be directed to perform the duty or duties which distinguish the higher level position classification and/or be held accountable for the responsibility of the assigned position classification.~~
- g) ~~Temporary Assignment Pay Equal Classification: Employees temporarily assigned to position classifications in equal pay grades or rates to their permanent position classifications shall be paid their appropriate permanent position classification rate in accordance with the Pay Plan.~~
- h) ~~Temporary Assignment Pay Higher Classification: Employees temporarily assigned to position classifications having higher pay grades or rates than their permanent position classification, shall be paid as if they had received promotions into such higher pay grades in accordance with the Pay Plan.~~
- i) ~~Termination of Temporary Assignment: Employees' pay shall return to the appropriate permanent rate when the temporary assignment has ended.~~
- j) ~~Indefinite Assignments: Temporary job assignments shall not be of indefinite duration and shall not be considered the permanent position of the employee assigned; therefore, temporary assignment duties shall not be the subject of an~~

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~~allocation appeal.~~

(Source: Repealed by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.830 Holidays**EMERGENCY**

- a) Authorized Holidays: All scheduled employees shall have time off, with full salary payment, on the following holidays or dates when such holidays are observed:

New Year's Day

Martin Luther King Day

Lincoln's Birthday

Presidents' Day

~~Washington's Birthday~~

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day (which shall include the Friday immediately following)

Christmas Day

General Election Day (on which Members of the House of Representatives are elected)

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and any additional days proclaimed as holidays or nonworking days by the Governor or the Secretary of State of the State of Illinois or by the President of the United States.

- b) Holiday Observance: Subject to any applicable ~~federal~~Federal or State laws, when employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following 12 ~~twelve~~-month period at a time convenient to the employee and consistent with the department's operating needs.
- c) Holiday During Vacation: When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, the employee's account will not be charged for accrued vacation time for that day. ~~an extra day shall be added to the employee's vacation.~~
- d) Eligibility ~~for~~For Holiday Pay: To be eligible for holiday pay, the employee shall be in pay status for the total scheduled hours on ~~work~~ the employee's last scheduled work day before the holiday and first scheduled work day after the holiday unless absence on either or both of these work days is for good cause and approved by the department. Dock in pay approved in accordance with FMLA shall be deemed the same as pay status for purposes of this Section. ~~Intermittent employees are eligible for holiday pay under conditions stated in Section 420.330(b)(5).~~
- e) Holidays - Regional or Special: The Secretary or the Director of Personnel may grant employees full or partial days off with pay to meet the unique needs of any region or area within the ~~State~~state. Special ~~Such special~~ time off shall not accrue to any other employee in any other region or area of the ~~State~~state. The Secretary or the Director of Personnel may grant employees full or partial days off with pay to meet the special needs of the Office of the Secretary of State.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.835 Notification of Absence
EMERGENCY

An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for 5 consecutive work days without reporting to the department may be cause for discharge.

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(Source: Added by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

SUBPART E: GENERAL PROVISIONS

Section 420.1000 Records**EMERGENCY**

- a) Performance Records:
- 1) Performance records shall constitute all material in an employee's official personnel file that, in the judgment of the Director of Personnel, is relevant to determining the appropriateness of proposed or recommended personnel transactions.
 - 2) Performance records shall be considered by the Director of Personnel in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.
- b)a) Public Records: Except as otherwise provided in this Section, the Freedom of Information Act [5 ILCS 140], the Personnel Records Review Act [820 ILCS 40] or other laws, all records of the Department of Personnel, including eligible lists, shall be public records and shall be available for inspection on request submitted to the Director of Personnel.
- c)b) Time and Manner of Inspection:
- 1) The records of the Department of Personnel shall be available for inspection during regularly scheduled hours of work. Such records may be inspected only in the presence of an authorized employee of the Department of Personnel.
 - 2) ~~In the event the working conditions or the number of persons inspecting such records or the volume of records to be inspected interfere with the operations of the Department of Personnel, the Director of Personnel may schedule appointments for the inspection of such records.~~
- d)e) Employee Roster Files: The Director of Personnel shall establish and maintain official personnel files for employees subject to the Code showing the name,

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~~gender~~sex, county of residence, date of birth, date of original appointment to service, date of promotions, demotions, transfers, and other transactions, present position title, status, salary, and the operating department ~~to which~~wherein the employee is assigned.

- ~~e)~~ Confidential Records: The following records of the Department of Personnel shall be confidential and not available for public inspection:
- 1) Personal history ~~and the official personnel file~~ of ~~an~~ employee. ~~However, the~~The employee or authorized agent may inspect the employee's personal history and ~~official~~ personnel file.;
 - 2) Reports of medical, psychological and psychiatric examinations. ~~However, employees~~Employees may inspect ~~such~~reports pertaining to themselves.
 - 3) All parts of ~~examinations~~examination. ~~However, an~~An employee or applicant may inspect ~~his/her~~their own answer sheet.
 - 4) The identity, complete questionnaire, and other documents related to salary surveys. ~~Results of salary surveys shall be confidential.~~
 - 5) No records of personnel transactions including requisitions and referrals will be made available until ~~the~~such transactions have been completed. ~~No personal history contained on the transactions shall be available for public inspection.~~
 - 6) Information concerning criminal convictions of applicants or employees, except as needed for purposes set forth in Section 420.300(~~lm~~).
 - 7) ~~All documentation in files pertaining to selection and appointment of new employees or movement of current employees to other positions.~~
- ~~f)~~ Attendance Records: Each operating department shall maintain accurate, daily attendance records. ~~Employees shall have the right to review their attendance record on file in their operating department.~~
- f) ~~Notification of Absence: An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for five (5) consecutive work days without reporting to the department may be cause for discharge.~~

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- ~~g)~~ ~~Review of Attendance Records: Employees shall have the right to review their attendance record on file in their operating department.~~
- ~~g)h)~~ Undated Forms: No supervisor or other person in a position of authority shall demand or request that an employee sign an undated resignation or any blank form. No employee shall be required to sign ~~a blank~~ ~~such~~ form. Any ~~such~~ demand to sign an undated resignation or blank form shall entitle the employee to immediate appeal to the Director of Personnel.
- ~~h)i)~~ Incomplete Forms: Any information placed on a form or any modification or alteration of existing information made on a form subsequent to having been signed by an employee shall be null and void insofar as it may affect the employee, the employee's position or condition of employment. Any employee required to sign any form prepared pursuant to this Part shall, upon request, be given a copy of the form ~~it~~ ~~after~~ ~~at the time~~ the employee's signature is affixed.
- i) Reason for Separation: Employees resigning from employment with the Office of the Secretary of State must set forth their reasons for resignation in writing. The document effecting a resignation shall contain or have attached the basis for the separation, including signature and effective date. Failure to include the basis for separation, however, shall not affect the ability to accept and process the separation request.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.1010 Benefits**EMERGENCY**

- a) Portability of Certain Benefits: Sick and vacation leave earned but not taken by employees in the course of State employment not subject to the Merit Employment Code shall be deemed to have been earned by them at the time they become subject to the Code such jurisdiction to the extent the such benefits are provided and would have been earned under this Part hereunder.
- b) Repayment of Benefit Time: Unless otherwise provided by law, employees who return to employment in any capacity with the Office of the Secretary of State within 30 days after separation of previous employment must, as a condition of

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their new employment, repay the lump sum amount paid for accrued vacation, overtime and sick leave within 30 days after the new employment commences. The amount repaid shall be deposited into the fund from which the payment was made or the General Revenue Fund. Upon repayment, the accrued time shall be credited to the account of the employee.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.1020 Prohibition of Discrimination
EMERGENCY

- a) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, because of age, disability, gender, marital status, national origin, political affiliation, race, religion, sexual orientation, membership in or activity on behalf of employee labor organizations, or any other nonmerit factor is prohibited. The Director of Personnel will use bona fide occupational qualifications for consistency purposes in making employment decisions.
- b) Any applicant or employee who feels adversely affected in employment because of discrimination shall have resort to the grievance procedure established in Section 420.600.

(Source: Added by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

Section 420.1030 Other Provisions
EMERGENCY

- a) ~~Effective Date of Rules: This Part and amendments thereto shall become effective upon filing with the Secretary of State, Administrative Code Unit, in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.) unless a later date is required by statute or is specified within the rule.~~
- b) ~~Savings Clause: If any Section or part of any Section of this Part shall be held invalid, the remaining provisions of this Part shall have, and be given, full force and effect as completely as if the invalidated part had not been included therein.~~

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- e) Interpretation and Application of Rules: The Director of Personnel shall determine the proper interpretation and application of each provision of this Part~~rule of the Department of Personnel~~. The decision of the Director of Personnel as to the proper interpretation or application of any such rule shall be final and binding upon all departments and employees affected ~~thereby~~ unless or until modified or reversed by the Merit Commission or the courts. All departments and employees shall comply with the Director of Personnel's decision in the absence of a written opinion of the Attorney General or a written directive of the Merit Commission declaring the Director of Personnel's decision to be unlawful.
- d) Prohibition of Discrimination:
- 1) ~~Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction because of religion, race, national origin, sex, age, handicap or any other nonmerit factor is prohibited except where such may be a bona fide job qualification.~~
 - 2) ~~Any applicant or employee who feels adversely affected in employment because of such discrimination shall have resort to the grievance procedure hereunder.~~
- b)e) Policy: The Director of Personnel shall promulgate ~~such~~ policy ~~as is~~ necessary to obtain compliance with this Part and with the Code.
- f) ~~Retroactivity: This Part shall not be retroactive beyond the date of its effectiveness excepting as herein expressly stated.~~

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE X Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table X to reflect the Memoranda of Understanding (MOU) between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that was signed February 5, 2008. The MOU assigns the Public Service Administrator title positions with the examining options 3, 4, and 6E to the RC-063 bargaining unit and pay grade RC-063-24 effective May 9, 2007. The examining options 3, 4, and 6E refer to Management Information Systems/Data Processing/Telecommunications, Physical Sciences/Environment, and Laboratory Specialist, respectively. Positions within the Public Service Administrator title positions with the examining options 3 were excluded from the bargaining unit by the Illinois Labor Relations Board so that the title retains its broad-banded range assignment.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 6) Effective Date: February 13, 2008
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table X, the Public Service Administrator, its title code 37015, bargaining unit RC-063 and pay grade 24 are added to the title table.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: February 13, 2008
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes

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- 12) Are there any other proposed rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

The full text of the Preemptory Amendments begins on the next page:

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NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic

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	Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at

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16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996;

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peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective

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September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective

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November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22

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Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
<u>Public Service Administrator</u>	<u>37015</u>	<u>RC-063</u>	<u>24</u>
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24

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Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

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Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654

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22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	Q	5846	6022	6204	6454	6805	7165	7528	7880	8232	8765	9116
26	S	5903	6079	6262	6516	6870	7235	7600	7954	8312	8851	9205

Effective January 1, 2008
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109

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16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777

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25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	Q	6021	6203	6390	6648	7009	7380	7754	8116	8479	9028	9389
26	S	6080	6261	6450	6711	7076	7452	7828	8193	8561	9117	9481

(Source: Peremptory Amendment at 32 Ill. Reg. 3095, effective February 13, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULES

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

Code Citation: 89 Ill. Adm. Code 147

Section Numbers: 147.150 147.200
147.175 147.TABLE A

Date Related Proposed Rulemaking Published 1/11/08
in Illinois Register: 32 Ill. Reg. 300

Date Emergency Rule Published in the 1/11/08
Illinois Register: 32 Ill. Reg. 415

At its meeting on February 13, 2008, the Joint Committee on Administrative Rules voted to object to and suspend the Department of Healthcare and Family Services' emergency rule titled Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147; 32 Ill. Reg. 415) and to notify the Secretary of State of the Suspension of the emergency rule. The reason for the Objection and Suspension is as follows:

No emergency exists requiring the adoption of rules in less time than is required under general rulemaking procedures in Section 5-40 of the Illinois Administrative Procedure Act. Adoption of this policy through an emergency rule circumvents the public comment period and is not in the public interest.

The suspended emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as these suspended rules.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
ADOPTED RULE

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Organization and Public Information

Code Citation: 2 Ill. Adm. Code 1700

Section Number: 1700.10

Date Originally Published in the Illinois Register: 12/21/07
31 Ill. Reg. 16734

At its meeting on February 13, 2008, the Joint Committee on Administrative Rules objected to the Illinois Commerce Commission's adopted rules titled Organization and Public Information (2 Ill. Adm. Code 1700; 31 Ill. Reg. 16734) because the rulemaking has insufficient standards governing the Commission's use of discretion in denying or granting requests to speak, in violation of Section 5-20 of the Illinois Administrative Procedure Act.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Services

Code Citation: 89 Ill. Adm. Code 148

Section Number: 148.130

Date Originally Published in the Illinois Register: 1/11/08
32 Ill. Reg. 518

At its meeting on February 13, 2008, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services' rules titled "Hospital Services" (89 Ill. Adm. Code 148; 32 Ill. Reg. 518) because the Department filed an improper public notice. Fiscal impacts presented in the notice and the emergency rule are inconsistent.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Reimbursement Changes

Code Citation: 89 Ill. Adm. Code 152

Section Numbers: 152.150
152.200

Date Originally Published in the Illinois Register: 1/11/08
32 Ill. Reg. 529

At its meeting on February 13, 2008, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services' rules titled "Hospital Reimbursement Changes" (89 Ill. Adm. Code 152; 32 Ill. Reg. 529) because the Department filed an improper public notice. Fiscal impacts presented in the notice and the emergency rule are inconsistent.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY

- 1) Heading of Part: Supplemental Reports for Accident and Health Insurers
- 2) Code Citation: 50 Ill. Adm. Code 937
- 3)

<u>Section Numbers:</u>	<u>Action</u>
937.10	Objection/Prohibition
937.20	Objection/Prohibition
937.30	Objection/Prohibition
937.40	Objection/Prohibition
937.50	Objection/Prohibition
937.EXHIBIT A	Objection/Prohibition
937.EXHIBIT B	Objection/Prohibition
937.EXHIBIT C	Objection/Prohibition
- 4) Notice of Proposal published in Illinois Register: 7/27/07
31 Ill. Reg. 10546
- 5) Date JCAR issued Statement of Objection and Filing Prohibition: 10/10/07
- 6) Summary of Action taken by the Agency: DFPR disagreed with JCAR's statement of Objection, that the rulemaking lacked specific statutory authority, and refused to withdraw or modify the rulemaking.
- 7) JCAR Action: At its February 13, 2008 meeting, JCAR voted to publish a Notice of Failure to Remedy because the Department's response does not remedy JCAR's Objection.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 12, 2008 through February 19, 2008 and have been scheduled for review by the Committee at its March 11, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
3/30/08	<u>Department of Financial and Professional Regulation, Custody Agreements (50 Ill. Adm. Code 807)</u>	8/24/07 31 Ill. Reg. 12264	3/11/08

PROCLAMATIONS

**2008-16 (Revised)
Entrepreneurship Week**

- WHEREAS, entrepreneurship is vital to Illinois' growth and prosperity; and
- WHEREAS, most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs and small businesses; and
- WHEREAS, more than 70 percent of young Americans envision starting a business or doing something entrepreneurial as adults; and
- WHEREAS, since taking office in 2003, my administration has made an unprecedented commitment to nurturing our entrepreneurs, opening up 19 entrepreneurship centers throughout Illinois to turn promising ideas into promising companies and new jobs; and
- WHEREAS, over the past five years, our investments in the Illinois Entrepreneurship Network have helped small companies generate almost \$3.3 billion in government contracts and international sales and secure almost \$674.3 million in financing; and
- WHEREAS, a broad coalition of partner organizations in Illinois and throughout the United States is actively engaged in enhancing entrepreneurial opportunities through collaboration and cooperation with the national Consortium for Entrepreneurship Education; and
- WHEREAS, encouraging youth to be excited about entrepreneurship and working to expand the knowledge, skills and attitudes of Illinois' youth and adults to be successful entrepreneurs are crucial to the long-term growth of local communities, Illinois and the United States; and
- WHEREAS, Illinois' Career and Technical Student Organizations offer an array of programs, activities and competitive events focused on entrepreneurship; and
- WHEREAS, in 1988 the Illinois General Assembly created the Illinois Institute for Entrepreneurship Education to promote entrepreneurship as a viable career option, and to educate and aid the public in economic development; and
- WHEREAS, in 2006 the United States House of Representatives established National Entrepreneurship Week to support the goals and ideals of entrepreneurship in America; and

PROCLAMATIONS

WHEREAS, National Entrepreneurship Week provides an opportunity to focus on the innovative ways in which entrepreneurship education can bring together the core academic, technical and problem solving skills essential for future entrepreneurs and successful workers in future workplaces:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 23 through March 1, 2008 as **ENTREPRENEURSHIP WEEK** in Illinois.

Issued by the Governor January 22, 2008

Filed by the Secretary of State February 15, 2008

2008-48**Staff Sgt. Robert J. Wilson**

WHEREAS, on Saturday, January 26, Army Staff Sergeant Robert J. Wilson from Boynton Beach, Florida was killed at age 28 of wounds from an explosive device that detonated while he was on foot patrol in Baghdad, Iraq; and

WHEREAS, Staff Sgt. Wilson was born in Taylorville, Illinois and attended high school there for one year before enlisting in the Army three months after the attacks of September 11, 2001; and

WHEREAS, Staff Sgt. Wilson was assigned to the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team of the 101st Airborne Division (Air Assault) at Fort Campbell in Kentucky; and

WHEREAS, during his six-year military career, Staff Sgt. Wilson received a number of awards, including a Global War on Terrorism Service Medal; and

WHEREAS, a funeral will be held on Wednesday, February 13 for Staff Sgt. Wilson, who is survived by his father, Willie Wilson, and his mother and stepfather, Peggy and Kevin Habian:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on February 11, 2008 until sunset on February 13, 2008 in honor and remembrance of Staff Sgt. Wilson, whose selfless service and sacrifice is an inspiration.

Issued by the Governor February 7, 2008

Filed by the Secretary of State February 15, 2008

PROCLAMATIONS

2008-49**Specialist Matthew F. Straughter**

- WHEREAS, on Thursday, January 31, Missouri Army National Guard Specialist Matthew F. Straughter from Belleville, Illinois was killed at age 27 from wounds suffered when his vehicle was struck by a rocket-propelled grenade; and
- WHEREAS, Spc. Straughter joined the Missouri Army National Guard while living in St. Charles, Missouri and was assigned to the 1138th Engineer Company of the 35th Engineer Brigade at Fort Leonard Wood; and
- WHEREAS, Spc. Straughter's unit found improvised explosive devices and maintained traffic flow along military supply routes; and
- WHEREAS, from November 2006 to June 2007, Spc. Straughter served on Operation Jump Start, the border security mission in Arizona; and
- WHEREAS, a funeral will be held on Monday, February 11 for Spc. Straughter, who is survived by his wife Thelma and their five children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on February 9, 2008 until sunset on February 11, 2008 in honor and remembrance of Spc. Straughter, whose selfless service and sacrifice is an inspiration.

Issued by the Governor February 8, 2008

Filed by the Secretary of State February 15, 2008

2008-50**Cptn. David E. Schultz**

- WHEREAS, on Thursday, January 31, Army Captain David E. Schultz from Blue Island, Illinois was killed at age 25 from wounds suffered when the Convoy Support Center at Scania, Iraq was attacked by indirect enemy fire; and
- WHEREAS, Captain Schultz graduated from Eisenhower High School and excelled on the school's football and baseball teams. During his senior year, he started as a defensive lineman despite being undersized; and

PROCLAMATIONS

WHEREAS, in 2005 Captain Schultz graduated from Northern Illinois University and joined the Army that same year. He was assigned to the 82nd Airborne Division at Fort Bragg in North Carolina; and

WHEREAS, a funeral will be held on Wednesday, February 13 for Captain Schultz, who is survived by his wife Sabrina and parents David and Marjorie:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on February 11, 2008 until sunset on February 13, 2008 in honor and remembrance of Captain Schultz, whose selfless service and sacrifice is an inspiration.

Issued by the Governor February 8, 2008

Filed by the Secretary of State February 15, 2008

2008-51**4-H Day**

WHEREAS, in the late 1890's and early 1900's, 4-H programs began to form across the United States to provide the youth of our country with a strong agricultural education; and

WHEREAS, throughout the years, the overall objectives of 4-H have remained the same: the development of youth as individuals and as responsible and productive citizens; and

WHEREAS, the 4-H program makes an effort to complement the formal education, experiences, and skills that young people have already acquired through their homes, schools, and religious organizations, with action-oriented and practical educational experiences; and

WHEREAS, more than 25,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories that help youth practice skills they need today and will continue to use in the future; and

WHEREAS, today, 4-H is the largest youth organization in the State of Illinois, challenging nearly 300,000 Illinois youth and adults with unique "hands on" learning each year; and

WHEREAS, on April 8, 2008, nearly 800 Illinois 4-H members and leaders and their parents will attend Legislative Connection XII, an all-day event geared towards educating

PROCLAMATIONS

4-H youth on the legislative process and raising awareness among lawmakers of the impact 4-H programs have on the lives of Illinois youth, their families and the communities in which they live:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 8, 2008 as **4-H DAY** in Illinois in recognition of the rich traditions of Illinois 4-H clubs and the outstanding accomplishments of 4-H members and leaders in Illinois.

Issued by the Governor February 13, 2008

Filed by the Secretary of State February 15, 2008

2008-52**Chicago Latino Film Festival Days**

WHEREAS, 2008 marks the 24th annual Chicago Latino Film Festival presented by the International Latino Cultural Center of Chicago (ILCC); and

WHEREAS, the ILCC is a Pan-Latino multi-arts organization dedicated to developing, promoting, and increasing awareness of Latino cultures among Latinos and others communities through a wide variety of art forms and education; and

WHEREAS, the ILCC has screened more than 1000 films and videos, including many award-winners that otherwise would have never been shown in Chicago; sponsored workshops and discussions with over 600 visiting filmmakers; and hosted more than 100 foreign journalists; and

WHEREAS, each year, the ILCC produces the two-week Festival in the spring, screening more than 100 of the best Latin American and Iberian feature length, documentary, and short films from over 20 nations. Over 20 years, attendance for the film festival has grown from 500 people to more than 35,000; and

WHEREAS, this year, ILCC will celebrate the Chicago Latino Film Festival from April 4 to April 16:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4 – 16, 2008 as **CHICAGO LATINO FILM FESTIVAL DAYS** in Illinois in celebration of the International Latino Cultural Center of Chicago's 24th Chicago Latino Film Festival, which has become an annual tradition anticipated by citizens from all around the state.

Issued by the Governor February 13, 2008

Filed by the Secretary of State February 15, 2008

PROCLAMATIONS

2008-53**Days to Commemorate the Honorable Adeline Geo-Karis**

- WHEREAS, former State Senator Adeline Geo-Karis, a loyal and dedicated public servant to Illinois, passed away on Sunday, February 10. She was 89; and
- WHEREAS, born on March 29, 1918 in Greece, The Honorable Adeline Geo-Karis moved to America at the age of four with her parents. After graduating from Austin High School in 1936 and Herzl Junior College two years later, she attended Northwestern University and then the DePaul University College of Law, where she was the only woman in her class; and
- WHEREAS, in the 1940s, The Honorable Adeline Geo-Karis enlisted in the United States Naval Reserves and rose to the rank of Lieutenant Commander before retiring with a top secret security clearance. She also served as a Justice of the Peace and later as an assistant state's attorney in Lake County; and
- WHEREAS, after an unsuccessful bid for Congress in 1962, The Honorable Adeline Geo-Karis was elected to four terms in the Illinois House of Representatives before she won election in 1979 to the Illinois Senate, where she was known for her no-nonsense attitude and her ability to work across party lines; and
- WHEREAS, known to her constituents simply as "Geo", they continued sending The Honorable Adeline Geo-Karis back to Springfield, and even elected her as Mayor of Zion in 1987, until she retired from the state legislature in 2006; and
- WHEREAS, not only was she the first woman elected to the state legislature from Lake County, The Honorable Adeline Geo-Karis was also the first woman to become dean of the Senate and the first woman to serve in the Senate leadership as assistant majority leader, a post she held from 1993 to 2003; and
- WHEREAS, over the course of her life, The Honorable Adeline Geo-Karis made Illinois a better place and has left behind a legacy that will continue to resonate in the state for many years to come. She will be deeply missed by all who had the opportunity to know her; and
- WHEREAS, funeral services for The Honorable Adeline Geo-Karis, who was preceded in death by two brothers and a sister, will be held Saturday, February 16:

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THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 15-16, 2008 as **DAYS TO COMMEMORATE THE HONORABLE ADELINE GEO-KARIS** in Illinois, and order all state facilities to fly flags at half-mast from sunrise February 15, 2008 until sunset on February 16, 2008.

Issued by the Governor February 14, 2008

Filed by the Secretary of State February 15, 2008

2008-54**Cisco Networking Academy Day**

- WHEREAS, for the past decade, the Cisco Networking Academy has been educating the architects of the networked economy and continues to develop innovative education initiatives that provide information technology skills to students to improve their career and economic opportunities; and
- WHEREAS, there are more than 8,700 local academies in more than 160 countries worldwide, helping more than 700,000 students annually to acquire the skills to compete in the 21st century economy; and
- WHEREAS, Illinois has over 80 networking academies, creating opportunities and preparing over 5,700 of our students to innovate and lead economic development in Illinois; and
- WHEREAS, over the last decade, networking and information technology skills have become critical to competing in the global economy and the network is now a transparent resource in the way we live, work, learn and play; and
- WHEREAS, the Cisco Networking Academy is a proven model for public-private partnerships, seamless educational pathways from secondary to post-secondary and higher education, and technical education that prepares students with valuable IT and networking skills mapped to industry certifications and IT and networking career paths; and
- WHEREAS, Networking Academy programs are implemented in high schools, colleges, universities, technical and military schools, community-based organizations and government organizations; and
- WHEREAS, the curriculum of the Networking Academy combines the theory and practice of designing, developing and implementing the networks that underpin businesses and other organizations:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 12, 2008 as **CISCO NETWORKING ACADEMY DAY** in Illinois in celebration of the 10th anniversary of the Cisco Networking Academy.

Issued by the Governor February 14, 2008

Filed by the Secretary of State February 15, 2008

2008-55**Period of Mourning for NIU Victims**

- WHEREAS, yesterday afternoon, a gunman opened fire on the campus of Northern Illinois University (NIU) in DeKalb. More than 20 people were wounded, and multiple fatalities have been reported; and
- WHEREAS, this senseless act of violence comes less than a year after the deadliest campus shooting in U.S. history. Despite efforts made to prevent another tragedy like the one that occurred at Virginia Tech, it happened again right here in Illinois; and
- WHEREAS, all the victims are in my thoughts and prayers, and my heart goes out to the entire NIU community, the students, the faculty, the administration and their families; and
- WHEREAS, in the immediate aftermath of yesterday's shooting, I activated the State Emergency Operation Center to coordinate the State's assistance in responding. I also declared a state of emergency, which opens the disaster relief fund for local units of government and facilitates the Illinois Emergency Management Agency in providing assistance; and
- WHEREAS, the administration of NIU has cancelled all classes and events and closed all campuses until further notice. Students can go to any residence hall for counseling. They have also established the following hotlines for students and parents: (815) 753-1573; (815) 753-1574; (815) 753-1575; (815) 753-6143; (815) 753-6257; and (815) 753-9564; and
- WHEREAS, I want to thank everyone who has opened their hearts and reached out to lend a hand, and I especially want to commend all the emergency personnel who are working hard under extremely difficult circumstances to help the NIU community; and

PROCLAMATIONS

WHEREAS, in the days ahead, there will be many memorials and services to mark this terrible and tragic event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim a period of mourning for the NIU victims in Illinois, and order all state facilities to fly flags at half-staff until February 23, 2008.

Issued by the Governor February 15, 2008

Filed by the Secretary of State February 15, 2008

2008-56**American Ex-Prisoners of War Recognition Day**

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action while performing their duties; and

WHEREAS, despite strict rules and regulations set forth by international codes, American Prisoners of War have often suffered unconscionable treatment and many have died as a result of cruel and inhumane acts by their enemy captors; and

WHEREAS, it is exceedingly fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and

WHEREAS, these heroic soldiers have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies and in many unfortunate cases by giving the ultimate sacrifice:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2008 as **AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY** in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered while fighting to make America a better place for all to live.

Issued by the Governor February 15, 2008

Filed by the Secretary of State February 15, 2008

2008-47**GUBERNATORIAL PROCLAMATION**

On Thursday February 14, 2008 a campus shooting involving multiple victims occurred at Northern Illinois University in Dekalb. This incident required an extraordinary public safety

PROCLAMATIONS

response involving numerous law enforcement, fire departments, emergency management and other public safety agencies.

In the interest of aiding the people in the State of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that an emergency exists in DeKalb County, State of Illinois, pursuant to the provisions of the Illinois Emergency Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation will facilitate the Illinois Emergency Management Agency in providing assistance to local units of government in responding to and recovering from this event.

Dated: February 15, 2008

Issued: February 15, 2008

ILLINOIS ADMINISTRATIVE CODE

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