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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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

Issue #	Rules Due Date	Date of Issue
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012
20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012

24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
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46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Proposed Action:
310.50	Amendment
310.500	Amendment
310.APPENDIX A TABLE D	Amendment
310.APPENDIX A TABLE E	Amendment
310.APPENDIX A TABLE F	Amendment
310.APPENDIX A TABLE L	Amendment
310.APPENDIX A TABLE X	Amendment
310.APPENDIX B TABLE X	Amendment

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

5) A Complete Description of the Subjects and Issues Involved: In Sections 310.50 and 310.500, the definition of Option is updated.

In Section 310.Appendix A Table D, the Highway Maintainer title's new hire rates are corrected for those hired between November 1, 2009 and December 31, 2009 or hired between January 1, 2010 and June 30, 2010.

In Section 310.Appendix A Table E, the Highway Maintainer title's new hire rates are corrected for those hired between November 1, 2009 and December 31, 2009 or hired between January 1, 2010 and June 30, 2010.

In Section 310.Appendix A Table F, the Highway Maintainer title's new hire rates are corrected for those hired between November 1, 2009 and December 31, 2009 or hired between January 1, 2010 and June 30, 2010.

In Section 310.Appendix A Table L, the effective date of the rate assigned to the positions allocated to the Boiler Safety Specialist title in the Northern Region is updated based on the notification from the Illinois Department of Labor in which the rate remained the same.

In Section 310.Appendix A Table X and in the title table, the first listing of the Public Service Administrator Option 8I Department of Natural Resources is removed. Also in

the title table, add the Option 4 positions at the Departments of Public Health, Human Services and Commerce and Economic Opportunity, and Environmental Protection Agency to the positions allocated to the Senior Public Service Administrator (SPSA) title assigned to pay grade RC-063-26 effective June 20, 2011. That same date, the Illinois Labor Relations Board (ILRB) issued a Certification of Representative (Case No. S-RC-09-180) assigning the SPSA title Option 4 positions at the Departments of Public Health, Human Services and Commerce and Economic Opportunity and Environmental Protection Agency to the American Federation of State, County and Municipal Employees (AFSCME) RC-063 bargaining unit with several position numbers excluded. The addition to the title table of Section 310.Appendix B Table X reflects the Memorandum of Understanding between the State of Illinois and AFSCME signed August 24, 2011.

In Section 310.Appendix B Table X and in the title table, the first listing of the Public Service Administrator Option 8I Department of Natural Resources is removed. Also in the title table, add the Option 8S, which is Special License - Social Worker/Clinical Social Worker, Departments of Human Services and Veterans' Affairs to the other positions with options and allocated to the Public Service Administrator (PSA) title assigned to pay grade RC-063-24. The peremptory amendment will be filed shortly with changes to Section 310.Appendix A Table X reflecting the Memorandum of Understanding (MOU) between the State of Illinois and AFSCME signed February 9, 2012. The agreement is for the PSA title Option 8S positions at the Departments of Human Services and Veterans' Affairs. The Pay Plan Codes B and Q pay grade RC-063-24 are assigned to the positions effective June 28, 2011. The Note following the title table is updated with the options reflected in the title table. Also in the title table, add the SPSA title Option 4 positions at the Departments of Public Health, Human Services and Commerce and Economic Opportunity, and Environmental Protection Agency and the Options 8E and 8H assigned to pay grade RC-063-26.

6) Published studies or reports, and sources of underlying data used to compose this rulemaking: There are 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 other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Ill. Reg. Citation
310.47	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705, April 8, 2011

310.410	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE N	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE S	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE X	Amendment	35 Ill. Reg. 19885, December 23, 2011

11) 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.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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Manager
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Division of Technical Services and Agency Training and Development
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Department of Central Management Services
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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: None, these are unexpected changes.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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 (Repealed)
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 (Repealed)
310.240 Daily or Hourly Rate Conversion
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310.260 Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310.270 Legislated Rate
310.280 Designated Rate
310.290 Out-of-State Rate (Repealed)
310.295 Foreign Service Rate (Repealed)
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
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310.415 Merit Compensation Salary Range Assignments
310.420 Objectives
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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 Equivalents
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)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

Section
310.600 Jurisdiction

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310.610 Pay Schedules
310.620 In-Hiring Rate
310.630 Definitions
310.640 Increases in Pay
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310.TABLE C RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D HR-001 (Teamsters Local #700)
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)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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; peremptory 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; peremptory 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; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory 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; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory 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; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory 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; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory 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; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory 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; peremptory 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; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455,

effective March 12, 1990; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory 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; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory 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; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory 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; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory 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; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory 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; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; 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 September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory 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; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory 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; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory 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; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory

amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory 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; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory 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; 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; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory

amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; peremptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; peremptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; peremptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; peremptory amendment at 35 Ill. Reg.

19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.50 Definitions

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee

during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Option" – The denotation of directly-related education, experience and/or knowledge, skills and abilities required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification~~and Senior Public Service Administrator classifications~~ and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
2C	=	Economist
3	=	Management Information System/Data Processing/Telecommunications
3J	=	Java Application Developer
3N	=	Wide Area Networks
4	=	Physical Sciences/Environment
6	=	Health and Human Services
6B	=	Day Care Quality Assurance
6C	=	Health Statistics
6D	=	Health Promotion/Disease Prevention
6E	=	Laboratory Specialist
6F	=	Infectious Disease

6G = Disaster/Emergency Medical Services
7 = Law Enforcement/Correctional
8A = Special License − Architect License
8B = Special License − Boiler Inspector License
8C = Special License − Certified Public Accountant/Certified Internal Auditor
8D = Special License − Federal Communications Commission License/National Association of Business and Educational Radio
8E = Special License − Engineer (Professional)
8F = Special License − Federal Aviation Administration Medical Certificate/First Class
8G = Special License − Clinical Professional Counselor
8H = Special License − Environmental Health Practitioner
8I = Special License − Professional Land Surveyor License
8J = Special License − Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
8K = Special License − Licensed Psychologist
8L = Special License − Law License
8N = Special License − Registered Nurse License
8O = Special License − Occupational Therapist License
8P = Special License − Pharmacist License
8Q = Special License − Religious Ordination by Recognized Commission
8R = Special License − Dental Hygienist
8S = Special License − Social Worker/Clinical Social Worker
8T = Special License − Administrative Certificate issued by the Illinois State Board of Education
8U = Special License − Physical Therapist License
8V = Special License − Audiologist License
8W = Special License − Speech-Language Pathologist License
8X = Special License − Blaster Certificate
8Y = Special License − Plumbing License
8Z = Special License − Special Metrologist Training
9G = Special License − Registered Professional Geologist License
9T = Teamster Management Information Systems, effective December 30, 2009 through February 1, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

The following options are for the Senior Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/ Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
3	=	Management Information System/Data Processing/Telecommunications
4	=	Physical Sciences/Environment
5	=	Agriculture/Conservation
6	=	Health and Human Services
7	=	Law Enforcement/Correctional
8A	=	Special License – Architect License
8B	=	Special License – Boiler Inspector License
8C	=	Special License – Certified Public Accountant/Certified Internal Auditor/Certified Information Systems Auditor
8D	=	Special License – Dental License
8E	=	Special License – Engineer (Professional)
8F	=	Special License – Clinical Professional Counseling
8G	=	Special License – Geologist License
8H	=	Special License – Environmental Health Practitioner
8I	=	Special License – Illinois Auctioneer License
8K	=	Special License – Licensed Psychologist
8L	=	Special License – Law License (Illinois)
8M	=	Special License – Veterinary Medicine License
8N	=	Special License – Nurse (Registered II) License
8O	=	Special License – Occupational Therapist License
8P	=	Special License – Pharmacist License
8Q	=	Special License – Nursing Home Administration License
8R	=	Special License – Real Estate Brokers License
8S	=	Special License – Social Worker/Clinical Social Worker
8T	=	Special License – Illinois Teaching Certificate (Type 75)/General Administrative Certificate (Type 61) issued by the Illinois State Board of Education
8Z	=	Special License – Certified Real Estate Appraisal License

Other classification titles contain an option and the option also may denote differences in the distinguishing features of work indicated in the classification specification. The classification titles containing an option are:

Children and Family Service Intern, Option 1
Children and Family Service Intern, Option 2
Health Services Investigator I, Option A – General
Health Services Investigator I, Option B − Controlled Substance Inspector
Health Services Investigator II, Option A – General
Health Services Investigator II, Option B − Controlled Substance Inspector
Health Services Investigator II, Option C – Pharmacy
Health Services Investigator II, Option D − Pharmacy/Controlled Substance Inspector
Juvenile Justice Youth and Family Specialist Option 1
Juvenile Justice Youth and Family Specialist Option 2
Medical Administrator I Option C
Medical Administrator I Option D
Medical Administrator II Option C
Medical Administrator II Option D
Physician Specialist − Option A
Physician Specialist − Option B
Physician Specialist − Option C
Physician Specialist − Option D
Physician Specialist − Option E
Research Fellow, Option B

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

B = Negotiated regular pension formula rate for the State of Illinois

E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois

J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey

L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois

M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired

N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf

O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt

P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois

Q = Negotiated alternative pension formula rate for the State of Illinois

S = Negotiated maximum-security institution rate for the State of Illinois

U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" − The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.500 Definitions

The following are definitions of certain terms and are for purposes of clarification as they affect the Merit Compensation System only.

"Adjustment in Salary" − A change in salary occasioned by previously committederror or oversight, or required in the best interest of the agency or the state as defined in Sections 310.470 and 310.480.

"Base Salary" − The dollar amount of pay of an employee as determined under the provisions of the Merit Compensation System. Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Creditable Service" − All service in full or regularly scheduled part-time pay

status beginning with the date of initial employment or the effective date of the last in-range or promotional salary increase. Reevaluations (Sections 310.460(c) and 310.480(d)), reallocations (Sections 310.460(b) and 310.480(b)), adjustments (Sections 310.470, 310.480(e) and 310.495(c)) and interim assignments (Section 310.490(p)) shall not change the creditable service date.

"Comparable Classes" − Two or more classes that are in the same salary range.

"Demotion" − The assignment for cause of an employee to a vacant position in a class in a lower salary range than the former class.

"Differential" − The additional compensation added to the base salary of an employee resulting from conditions of employment imposed during the normal schedule of work.

"Entrance Base Salary" − The initial base salary assigned to an employee upon entering State service.

"Maximum Rate of Pay" − The highest rate of pay for a given salary range.

"Minimum Rate of Pay" − The lowest rate of pay for a given salary range. Normally the minimum rate of pay represents the salary to be paid a qualified employee who is appointed to a position in a class assigned to a given salary range.

"Option" − The denotation of directly-related education, experience and/or knowledge, skills and abilities required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification~~and Senior Public Service Administrator classifications~~ and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
2C	=	Economist

3	=	Management Information System/Data Processing/ Telecommunications
3J	=	Java Application Developer
3N	=	Wide Area Networks
4	=	Physical Sciences/Environment
6	=	Health and Human Services
6B	=	Day Care Quality Assurance
6C	=	Health Statistics
6D	=	Health Promotion/Disease Prevention
6E	=	Laboratory Specialist
6F	=	Infectious Disease
6G	=	Disaster/Emergency Medical Services
7	=	Law Enforcement/Correctional
8A	=	Special License − Architect License
8B	=	Special License − Boiler Inspector License
8C	=	Special License − Certified Public Accountant/Certified Internal Auditor
8D	=	Special License − Federal Communications Commission License/National Association of Business and Educational Radio
8E	=	Special License − Engineer (Professional)
8F	=	Special License − Federal Aviation Administration Medical Certificate/First Class
8G	=	Special License − Clinical Professional Counselor
8H	=	Special License − Environmental Health Practitioner
8I	=	Special License − Professional Land Surveyor License
8J	=	Special License − Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
8K	=	Special License − Licensed Psychologist
8L	=	Special License − Law License
8N	=	Special License − Registered Nurse License
8O	=	Special License − Occupational Therapist License
8P	=	Special License − Pharmacist License
8Q	=	Special License − Religious Ordination by Recognized Commission
8R	=	Special License − Dental Hygienist
8S	=	Special License − Social Worker/Clinical Social Worker
8T	=	Special License − Administrative Certificate issued by

		the Illinois State Board of Education
8U	=	Special License − Physical Therapist License
8V	=	Special License − Audiologist License
8W	=	Special License − Speech-Language Pathologist License
8X	=	Special License − Blaster Certificate
8Y	=	Special License − Plumbing License
8Z	=	Special License − Special Metrologist Training
9G	=	Special License − Registered Professional Geologist License

The following options are for the Senior Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/ Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
3	=	Management Information System/Data Processing/Telecommunications
4	=	Physical Sciences/Environment
5	=	Agriculture/Conservation
6	=	Health and Human Services
7	=	Law Enforcement/Correctional
8A	=	Special License – Architect License
8B	=	Special License – Boiler Inspector License
8C	=	Special License – Certified Public Accountant/Certified Internal Auditor/Certified Information Systems Auditor
8D	=	Special License – Dental License
8E	=	Special License – Engineer (Professional)
8F	=	Special License – Clinical Professional Counseling
8G	=	Special License – Geologist License
8H	=	Special License – Environmental Health Practitioner
8I	=	Special License – Illinois Auctioneer License
8K	=	Special License – Licensed Psychologist
8L	=	Special License – Law License (Illinois)

8M	=	Special License – Veterinary Medicine License
8N	=	Special License – Nurse (Registered II) License
8O	=	Special License – Occupational Therapist License
8P	=	Special License – Pharmacist License
8Q	=	Special License – Nursing Home Administration License
8R	=	Special License – Real Estate Brokers License
8S	=	Special License – Social Worker/Clinical Social Worker
8T	=	Special License – Illinois Teaching Certificate (Type 75)/General Administrative Certificate (Type 61) issued by the Illinois State Board of Education
8Z	=	Special License – Certified Real Estate Appraisal License

Other classification titles contain an option and the option also may denote differences in the distinguishing features of work indicated in the classification specification. The classification titles containing an option are:

Children and Family Service Intern, Option 1
Children and Family Service Intern, Option 2
Health Services Investigator I, Option A – General
Health Services Investigator I, Option B − Controlled Substance Inspector
Health Services Investigator II, Option A – General
Health Services Investigator II, Option B − Controlled Substance Inspector
Health Services Investigator II, Option C – Pharmacy
Health Services Investigator II, Option D − Pharmacy/Controlled Substance Inspector
Juvenile Justice Youth and Family Specialist Option 1
Juvenile Justice Youth and Family Specialist Option 2
Medical Administrator I Option C
Medical Administrator I Option D
Medical Administrator II Option C
Medical Administrator II Option D
Physician Specialist − Option A
Physician Specialist − Option B
Physician Specialist − Option C
Physician Specialist − Option D
Physician Specialist − Option E
Research Fellow, Option B

"Performance Review" − The required review of an employee's on-the-job performance as measured by a specific set of criteria.

"Performance Review Date" − The date on which the annual merit increase and bonus shall be made effective if a performance review indicates it is appropriate. Actual performance review procedures are to be completed prior to the effective date of any recommendation to allow sufficient time for the records to be processed by the originating agency.

"Promotion" − The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher salary range than the former class.

"Reallocation" − The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" − The assignment of a different salary range to a class of positions based upon a change in relation to other classes or to the labor market.

"Salary Range" − The dollar values encompassed by the minimum and maximum rates of pay of a salary range assigned to a class title.

"Transfer" − The assignment of an employee to a vacant position in a class having the same salary range.

"Work Year" − That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE D HR-001 (Teamsters Local #700)

Full Scale Rates

Title	Title Code	Bargaining Unit	Pay Plan Code	Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3664.00	January 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3738.00	July 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3850.00	January 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3964.00	July 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4083.00	January 1, 2012
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4205.00	June 30, 2012

NOTE: Snowbirds are all seasonal, full-time Highway Maintainers whose primary function is snow removal.

Title	Title Code	Bargaining Unit	Pay Plan Code	July 1, 2011		January 1, 2012	
				Mo.	Hr.	Mo.	Hr.
Building Services Worker	05616	HR-001	B	3725	21.41	3781	21.73
Elevator Operator	13500	HR-001	B	3802	21.85	3859	22.18
Elevator Operator – Assistant Starter	13500	HR-001	B	3851	22.13	3909	22.47
Elevator Operator – Starter	13500	HR-001	B	3875	22.27	3933	22.60
Grounds Supervisor	17549	HR-001	B	5644	32.44	5729	32.93
Grounds Supervisor (Chicago Read)	17549	HR-001	B	5849	33.61	5937	34.12
Grounds Supervisor (Supervising Tractor Trailer Drivers)	17549	HR-001	B	6129	35.22	6221	35.75
Heavy Construction Equipment Operator	18465	HR-001	Q	5983	34.39	6073	34.90
Heavy Construction Equipment Operator (Bridge Crew)	18465	HR-001	Q	6069	34.88	6160	35.40

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Highway Maintainer and Highway Maintainer (Tractor Mower)	18639	HR-001	Q	5859	33.67	5947	34.18
Highway Maintainer (Bridge Crew)	18639	HR-001	Q	5949	34.19	6038	34.70
Highway Maintainer (Drill Rig)	18639	HR-001	Q	5983	34.39	6073	34.90
Highway Maintainer (Emergency Patrol)	18639	HR-001	Q	5985	34.40	6075	34.91
Highway Maintenance Lead Worker	18659	HR-001	Q	6022	34.61	6112	35.13
Highway Maintenance Lead Worker (Bridge Crew)	18659	HR-001	Q	6107	35.10	6199	35.63
Highway Maintenance Lead Worker (Emergency Patrol)	18659	HR-001	Q	6145	35.32	6237	35.84
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	HR-001	Q	6083	34.96	6174	35.48
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	HR-001	Q	6168	35.45	6261	35.98
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol)	18659	HR-001	Q	6207	35.67	6300	36.21
Laborer (Maintenance)	23080	HR-001	B	5672	32.60	5757	33.09
Maintenance Equipment Operator	25020	HR-001	B	5786	33.25	5873	33.75
Maintenance Equipment Operator (Dispatcher)	25020	HR-001	B	5998	34.47	6088	34.99
Maintenance Equipment Operator (Tractor Trailer)	25020	HR-001	B	5815	33.42	5902	33.92
Maintenance Worker (not DOT, Chicago Read or DHS forensic)	25500	HR-001	B	5606	32.22	5690	32.70
Maintenance Worker (Chicago Read)	25500	HR-001	B	5786	33.25	5873	33.75
Maintenance Worker (DHS, forensic)	25500	HR-001	Q	5859	33.67	5947	34.18
Maintenance Worker (DOT, not Emergency Patrol)	25500	HR-001	B	5718	32.86	5804	33.36
Maintenance Worker (DOT, Emergency Patrol)	25500	HR-001	B	5839	33.56	5927	34.06

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Power Shovel Operator (Maintenance)	33360	HR-001	B	6069	34.88	6160	35.40

New Hire Rates

Title	Title Code	Bargaining Unit	Pay Plan Code
Highway Maintainer	18639	HR-001	Q

Highway Maintainer and Highway Maintainer (Tractor Mower)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5566	31.99	Full Scale					
(1/1/08-6/30/08)	5566	31.99			5650	32.47	Full Scale	
(7/1/08-12/31/08)	5273	30.30	5566	31.99	5650	32.47		
(1/1/09-6/30/09)	5273	30.30			5352	30.76	5650	32.47
(7/1/09-10/31/09)	4980	28.62	5273	30.30	5352	30.76		
(11/1/09-12/31/09)	4687	26.94	4980	28.62	5055	29.05	~~5352~~	~~30.76~~
(1/1/10-6/30/10)	4687	26.94			4758 ~~5055~~	27.34~~29.05~~	5055	29.05
(7/1/10-12/31/10)	4394	25.25	4687	26.94	4758	27.34		
(1/1/11-6/30/11)	4394	25.25			4460	25.63	4758	27.34
(7/1/11-12/31/11)	4394	25.25			4460	25.63		
(1/1/12-6/30/12)					4460	25.63		

Highway Maintainer (Bridge Crew)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5652	32.48	Full Scale					
(1/1/08-6/30/08)	5652	32.48			5736	32.97	Full Scale	

(7/1/08-12/31/08)	5354	30.77	5652	32.48	5736	32.97		
(1/1/09-6/30/09)	5354	30.77			5434	31.23	5736	32.97
(7/1/09-10/31/09)	5057	29.06	5354	30.77	5434	31.23		
(11/1/09-12/31/09)	4759	27.35	5057	29.06	5132	29.49	~~5434~~	~~31.23~~
(1/1/10-6/30/10)	4759	27.35			4830~~5132~~	27.76~~29.49~~	5132	29.49
(7/1/10-12/31/10)	4462	25.64	4759	27.35	4830	27.76		
(1/1/11-6/30/11)	4462	25.64			4529	26.03	4830	27.76
(7/1/11-12/31/11)	4462	25.64			4529	26.03		
(1/1/12-6/30/12)					4529	26.03		

Highway Maintainer (Drill Rig)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5684	32.67	Full Scale					
(1/1/08-6/30/08)	5684	32.67			5769	33.16	Full Scale	
(7/1/08-12/31/08)	5385	30.95	5684	32.67	5769	33.16		
(1/1/09-6/30/09)	5385	30.95			5466	31.41	5769	33.16
(7/1/09-10/31/09)	5086	29.23	5385	30.95	5466	31.41		
(11/1/09-12/31/09)	4786	27.51	5086	29.23	5162	29.67	~~5466~~	~~31.41~~
(1/1/10-6/30/10)	4786	27.51			4858~~5162~~	27.92~~29.67~~	5162	29.67
(7/1/10-12/31/10)	4487	25.79	4786	27.51	4858	27.92		
(1/1/11-6/30/11)	4487	25.79			4555	26.18	4858	27.92
(7/1/11-12/31/11)	4487	25.79			4555	26.18		
(1/1/12-6/30/12)					4555	26.18		

Highway Maintainer (Emergency Patrol)

New Hire	July 1, 2011	On employee's "new hire" anniversary July-December 2011	January 1, 2012	On employee's "new hire" anniversary January-June 2012

Between the Dates	**Mo.**	**Hr.**	**Mo.**	**Hr.**	**Mo.**	**Hr.**	**Mo.**	**Hr.**
(7/1/07-12/31/07)	5686	32.68	Full Scale					
(1/1/08-6/30/08)	5686	32.68			5771	33.17	Full Scale	
(7/1/08-12/31/08)	5387	30.96	5686	32.68	5771	33.17		
(1/1/09-6/30/09)	5387	30.96			5468	31.43	5771	33.17
(7/1/09-10/31/09)	5087	29.24	5387	30.96	5468	31.43		
(11/1/09-12/31/09)	4788	27.52	5087	29.24	5164	29.68	~~5468~~	~~31.43~~
(1/1/10-6/30/10)	4788	27.52			4860 ~~5164~~	27.93 ~~29.68~~	5164	29.68
(7/1/10-12/31/10)	4489	25.80	4788	27.52	4860	27.93		
(1/1/11-6/30/11)	4489	25.80			4556	26.18	4860	27.93
(7/1/11-12/31/11)	4489	25.80			4556	26.18		
(1/1/12-6/30/12)					4556	26.18		

Effective July 1, 2011, the clothing allowance for Lead Workers, Lead Lead Workers, Heavy Construction Equipment Operator, Highway Maintainers, and Maintenance Workers (Illinois Department of Transportation) employees increases to $200.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE E RC-020 (Teamsters Local #330)

Full Scale Rates

Title	Title Code	Bargaining Unit	Pay Plan Code	Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3664.00	January 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3738.00	July 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3850.00	January 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3964.00	July 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4083.00	January 1, 2012
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4205.00	June 30, 2012

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NOTE: Snowbirds are all, except those in Kankakee County, seasonal, full-time Highway Maintainers whose primary function is snow removal.

Title	Title Code	Bargaining Unit	Pay Plan Code	July 1, 2011		January 1, 2012	
				Mo.	Hr.	Mo.	Hr.
Bridge Mechanic	05310	RC-020	Q	5901	33.91	5990	34.43
Bridge Tender	05320	RC-020	B	5579	32.06	5663	32.55
Heavy Construction Equipment Operator	18465	RC-020	Q	5983	34.39	6073	34.90
Heavy Construction Equipment Operator (Bridge Crew)	18465	RC-020	Q	6069	34.88	6160	35.40
Highway Maintainer	18639	RC-020	Q	5859	33.67	5947	34.18
Highway Maintainer (Bridge Crew)	18639	RC-020	Q	5949	34.19	6038	34.70
Highway Maintainer (Drill Rig)	18639	RC-020	Q	5983	34.39	6073	34.90
Highway Maintenance Lead Worker	18659	RC-020	Q	6022	34.61	6112	35.13
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-020	Q	6107	35.10	6199	35.63

Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-020	Q	6083	34.96	6174	35.48
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-020	Q	6168	35.45	6261	35.98
Labor Maintenance Lead Worker	22809	RC-020	B	5741	32.99	5827	33.49
Laborer (Maintenance)	23080	RC-020	B	5672	32.60	5757	33.09
Maintenance Equipment Operator	25020	RC-020	B	5786	33.25	5873	33.75
Maintenance Equipment Operator	25020	RC-020	Q	5983	34.39	6073	34.90
Maintenance Worker (DHS)	25500	RC-020	B	5792	33.29	5879	33.79
Maintenance Worker (DOT, not Emergency Patrol)	25500	RC-020	B	5718	32.86	5804	33.36
Power Shovel Operator (Maintenance)	33360	RC-020	Q	5983	34.39	6073	34.90
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	RC-020	Q	6069	34.88	6160	35.40
Silk Screen Operator	41020	RC-020	B	5910	33.97	5999	34.48

New Hire Rates

Title	Title Code	Bargaining Unit	Pay Plan Code
Highway Maintainer	18639	RC-020	Q

Highway Maintainer

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5566	31.99	Full Scale					
(1/1/08-6/30/08)	5566	31.99			5650	32.47	Full Scale	
(7/1/08-12/31/08)	5273	30.30	5566	31.99	5650	32.47		
(1/1/09-6/30/09)	5273	30.30			5352	30.76	5650	32.47

(7/1/09-10/31/09)	4980	28.62	5273	30.30	5352	30.76		
(11/1/09-12/31/09)	4687	26.94	4980	28.62	5055	29.05	~~5352~~	~~30.76~~
(1/1/10-6/30/10)	4687	26.94			4758 ~~5055~~	27.34 ~~29.05~~	5055	29.05
(7/1/10-12/31/10)	4394	25.25	4687	26.94	4758	27.34		
(1/1/11-6/30/11)	4394	25.25			4460	25.63	4758	27.34
(7/1/11-12/31/11)	4394	25.25			4460	25.63		
(1/1/12-6/30/12)					4460	25.63		

Highway Maintainer (Bridge Crew)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5652	32.48	Full Scale					
(1/1/08-6/30/08)	5652	32.48			5736	32.97	Full Scale	
(7/1/08-12/31/08)	5354	30.77	5652	32.48	5736	32.97		
(1/1/09-6/30/09)	5354	30.77			5434	31.23	5736	32.97
(7/1/09-10/31/09)	5057	29.06	5354	30.77	5434	31.23		
(11/1/09-12/31/09)	4759	27.35	5057	29.06	5132	29.49	~~5434~~	~~31.23~~
(1/1/10-6/30/10)	4759	27.35			4830 ~~5132~~	27.76 ~~29.49~~	5132	29.49
(7/1/10-12/31/10)	4462	25.64	4759	27.35	4830	27.76		
(1/1/11-6/30/11)	4462	25.64			4529	26.03	4830	27.76
(7/1/11-12/31/11)	4462	25.64			4529	26.03		
(1/1/12-6/30/12)					4529	26.03		

Highway Maintainer (Drill Rig)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5684	32.67	Full Scale					

(1/1/08-6/30/08)	5684	32.67			5769	33.16	Full Scale	
(7/1/08-12/31/08)	5385	30.95	5684	32.67	5769	33.16		
(1/1/09-6/30/09)	5385	30.95			5466	31.41	5769	33.16
(7/1/09-10/31/09)	5086	29.23	5385	30.95	5466	31.41		
(11/1/09-12/31/09)	4786	27.51	5086	29.23	5162	29.67	~~5466~~	~~31.41~~
(1/1/10-6/30/10)	4786	27.51			4858 ~~5162~~	27.92 ~~29.67~~	5162	29.67
(7/1/10-12/31/10)	4487	25.79	4786	27.51	4858	27.92		
(1/1/11-6/30/11)	4487	25.79			4555	26.18	4858	27.92
(7/1/11-12/31/11)	4487	25.79			4555	26.18		
(1/1/12-6/30/12)					4555	26.18		

Effective July 1, 2011, the clothing allowance for Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Silk Screen Operators, and Bridge Mechanics employees increases to $200. Effective July 1, 2011, the clothing allowance for all other titles increases to $100.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE F RC-019 (Teamsters Local #25)

Full Scale Rates

Title	Title Code	Bargaining Unit	Pay Plan Code	Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3664.00	January 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3738.00	July 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3850.00	January 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3964.00	July 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4083.00	January 1, 2012
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4205.00	June 30, 2012

NOTE: Snowbirds are all seasonal, salaried, full-time Highway Maintainers whose primary function is snow removal.

Title	Title Code	Bargaining Unit	Pay Plan Code	July 1, 2011		January 1, 2012	
				Mo.	Hr.	Mo.	Hr.
Bridge Mechanic	05310	RC-019	Q	5894	33.87	5982	34.38
Bridge Tender	05320	RC-019	B	5930	34.08	6018	34.59
Deck Hand	11500	RC-019	B	5694	32.72	5782	33.23
Ferry Operator I	14801	RC-019	B	5930	34.08	6018	34.59
Ferry Operator II	14802	RC-019	B	5982	34.38	6070	34.89
Highway Maintainer	18639	RC-019	Q	5859	33.67	5947	34.18
Highway Maintainer (Bridge Crew)	18639	RC-019	Q	5934	34.10	6022	34.61
Highway Maintainer (Drill Rig)	18639	RC-019	Q	5964	34.28	6052	34.78
Highway Maintainer (Emergency Patrol)	18639	RC-019	Q	5966	34.29	6054	34.79
Highway Maintenance	18659	RC-019	Q	5997	34.47	6085	34.97

Lead Worker							
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-019	Q	6071	34.89	6159	35.40
Highway Maintenance Lead Worker (Emergency Patrol)	18659	RC-019	Q	6104	35.08	6192	35.59
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-019	Q	6050	34.77	6138	35.28
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-019	Q	6124	35.20	6212	35.70
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol)	18659	RC-019	Q	6129	35.22	6217	35.73
Janitor I (Including Office of Administration)	21951	RC-019	B	5486	31.53	5574	32.03
Janitor II (Including Office of Administration)	21952	RC-019	B	5519	31.72	5607	32.22
Labor Maintenance Lead Worker	22809	RC-019	B	5756	33.08	5844	33.59
Laborer (Maintenance)	23080	RC-019	B	5697	32.74	5785	33.25
Maintenance Equipment Operator	25020	RC-019	B	5794	33.30	5882	33.80
Maintenance Equipment Operator	25020	RC-019	Q	5964	34.28	6052	34.78
Maintenance Equipment Operator	25020	RC-019	S	6017	34.58	6105	35.09
Maintenance Equipment Operator (DHS, forensic)	25020	RC-019	Q	5859	33.67	5947	34.18
Maintenance Worker	25500	RC-019	B	5735	32.96	5823	33.47
Maintenance Worker	25500	RC-019	Q	5800	33.33	5888	33.84
Power Shovel Operator (Maintenance)	33360	RC-019	B	5898	33.90	5986	34.40

Power Shovel Operator (Maintenance)	33360	RC-019	Q	5964	34.28	6052	34.78
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	RC-019	Q	6039	34.71	6127	35.21
Security Guard I	39851	RC-019	B	5515	31.70	5603	32.20
Security Guard II	39852	RC-019	B	5565	31.98	5653	32.49
Silk Screen Operator	41020	RC-019	B	5903	33.93	5991	34.43

New Hire Rates

Title	Title Code	Bargaining Unit	Pay Plan Code
Highway Maintainer	18639	RC-019	Q

Highway Maintainer and Highway Maintainer (Tractor Mower)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5566	31.99	Full Scale					
(1/1/08-6/30/08)	5566	31.99			5650	32.47	Full Scale	
(7/1/08-12/31/08)	5273	30.30	5566	31.99	5650	32.47		
(1/1/09-6/30/09)	5273	30.30			5352	30.76	5650	32.47
(7/1/09-10/31/09)	4980	28.62	5273	30.30	5352	30.76		
(11/1/09-12/31/09)	4687	26.94	4980	28.62	5055	29.05	~~5352~~	~~30.76~~
(1/1/10-6/30/10)	4687	26.94			4758 ~~5055~~	27.34~~29.05~~	5055	29.05
(7/1/10-12/31/10)	4394	25.25	4687	26.94	4758	27.34		
(1/1/11-6/30/11)	4394	25.25			4460	25.63	4758	27.34
(7/1/11-12/31/11)	4394	25.25			4460	25.63		
(1/1/12-6/30/12)					4460	25.63		

Highway Maintainer (Bridge Crew)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5637	32.40	Full Scale					
(1/1/08-6/30/08)	5637	32.40			5721	32.88	Full Scale	
(7/1/08-12/31/08)	5341	30.70	5637	32.40	5721	32.88		
(1/1/09-6/30/09)	5341	30.70			5420	31.15	5721	32.88
(7/1/09-10/31/09)	5044	28.99	5341	30.70	5420	31.15		
(11/1/09-12/31/09)	4747	27.28	5044	28.99	5119	29.42	~~5420~~	~~31.15~~
(1/1/10-6/30/10)	4747	27.28			4818 ~~5119~~	27.69~~29.42~~	5119	29.42
(7/1/10-12/31/10)	4451	25.58	4747	27.28	4818	27.69		
(1/1/11-6/30/11)	4451	25.58			4517	25.96	4818	27.69
(7/1/11-12/31/11)	4451	25.58			4517	25.96		
(1/1/12-6/30/12)					4517	25.96		

Highway Maintainer (Drill Rig)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5666	32.56	Full Scale					
(1/1/08-6/30/08)	5666	32.56			5749	33.04	Full Scale	
(7/1/08-12/31/08)	5368	30.85	5666	32.56	5749	33.04		
(1/1/09-6/30/09)	5368	30.85			5447	31.30	5749	33.04
(7/1/09-10/31/09)	5069	29.13	5368	30.85	5447	31.30		
(11/1/09-12/31/09)	4771	27.42	5069	29.13	5144	29.56	~~5447~~	~~31.30~~
(1/1/10-6/30/10)	4771	27.42			4842~~5144~~	27.83~~29.5~~6	5144	29.56
(7/1/10-12/31/10)	4473	25.71	4771	27.42	4842	27.83		
(1/1/11-6/30/11)	4473	25.71			4539	26.09	4842	27.83
(7/1/11-12/31/11)	4473	25.71			4539	26.09		
(1/1/12-6/30/12)					4539	26.09		

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Highway Maintainer (Emergency Patrol)

New Hire	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
Between the Dates	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5668	32.57	Full Scale					
(1/1/08-6/30/08)	5668	32.57			5751	33.05	Full Scale	
(7/1/08-12/31/08)	5369	30.86	5668	32.57	5751	33.05		
(1/1/09-6/30/09)	5369	30.86			5449	31.32	5751	33.05
(7/1/09-10/31/09)	5071	29.14	5369	30.86	5449	31.32		
(11/1/09-12/31/09)	4773	27.43	5071	29.14	5146	29.57	~~5449~~	~~31.32~~
(1/1/10-6/30/10)	4773	27.43			4843~~5146~~	27.83~~29.57~~	5146	29.57
(7/1/10-12/31/10)	4475	25.72	4773	27.43	4843	27.83		
(1/1/11-6/30/11)	4475	25.72			4541	26.10	4843	27.83
(7/1/11-12/31/11)	4475	25.72			4541	26.10		
(1/1/12-6/30/12)					4541	26.10		

Effective July 1, 2011, the clothing allowance for Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Deck Hands and Power Shovel Operator Maintenance employees increases to $200. Effective July 1, 2011, the clothing allowance for all other titles increases to $100.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE L RC-008 (Boilermakers)

Title	Title Code	Region	Effective Date	Monthly Salary
Boiler Safety Specialist	04910	Northern	January 1, 2012~~July 1, 2011~~	7863.06
Boiler Safety Specialist	04910	Central	January 1, 2009	6183.96
Boiler Safety Specialist	04910	Southern	January 1, 2009	5700.24

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

Effective January 1, 2011, employees newly hired into positions allocated to the Boiler Safety Specialist title at the Department of Human Services receive the negotiated regular pension formula rate for the State of Illinois. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE X RC-063 (Professional Employees, AFSCME)

Title	Title Code	Bargaining Unit	Pay Grade
Actuary III	00203	RC-063	26
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
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
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	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
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
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
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
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
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
Occupational Therapist Supervisor	29910	RC-063	21
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
Public Service Administrator, Option 8D	37015	RC-063	23
~~Public Service Administrator, Option 8I Department of Natural Resources~~	~~37015~~	~~RC-063~~	~~22~~
Public Service Administrator, Option 8P Department of Human Services	37015	RC-063	26
Public Service Administrator, Option 8U Department of Human Services	37015	RC-063	21
Public Service Administrator, Options 1, 3, 4, 6E, 7 (Criminal Justice Information Authority), 8A (Department of Public Health), 8E, 8N, and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Options 4 Departments of Public Health, Human Services and Commerce and Economic Opportunity and Environmental Protection Agency, 8E and 8H	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	19
Social Worker III	41413	RC-063	20
Social Worker IV	41414	RC-063	22
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8T; 8U; and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated pay grade have the Options 8E, 8H and 8P. See the definition of option in Section 310.50.

Effective July 1, 2011
Bargaining Unit: RC-063

For employees who by May 1, 2011
do not submit for retirement prior to January 1, 2012

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
14	B	3729	3871	4022	4199	4351	4517	4780	4971
14	Q	3888	4036	4201	4382	4547	4721	4996	5194
14	S	3960	4116	4276	4461	4627	4802	5075	5275
15	B	3878	4049	4216	4380	4559	4729	5013	5212
15	Q	4046	4223	4399	4577	4766	4942	5237	5448
15	S	4121	4302	4477	4658	4847	5021	5319	5531
16	B	4059	4240	4429	4611	4805	4997	5292	5503
16	Q	4235	4429	4629	4822	5020	5221	5532	5755
16	S	4317	4508	4710	4905	5101	5304	5609	5833
17	B	4253	4448	4653	4851	5048	5252	5564	5787
17	Q	4437	4650	4864	5066	5272	5489	5814	6049
17	S	4518	4732	4946	5151	5354	5567	5900	6134
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401
18	S	4753	4984	5212	5447	5666	5891	6233	6484
19	B	4716	4957	5191	5430	5661	5897	6256	6506

19	Q	4929	5182	5421	5680	5916	6165	6536	6798
19	S	5012	5263	5505	5760	5999	6246	6616	6881
20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
20	S	5291	5552	5807	6079	6338	6599	6994	7274
21	B	5262	5534	5801	6071	6347	6612	7025	7305
21	Q	5500	5784	6061	6345	6635	6913	7341	7635
21	S	5581	5862	6140	6428	6715	6991	7423	7719
22	B	5563	5854	6138	6430	6727	7006	7443	7741
22	Q	5812	6118	6418	6718	7029	7325	7778	8087
22	S	5897	6195	6498	6798	7111	7408	7860	8174
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23	S	6250	6575	6909	7232	7561	7886	8376	8709
24	B	6281	6614	6963	7294	7633	7975	8477	8815
24	Q	6565	6916	7275	7626	7973	8335	8859	9214
24	S	6647	6993	7353	7704	8057	8418	8938	9296
25	B	6695	7060	7433	7804	8174	8547	9095	9459
25	Q	6994	7379	7764	8158	8546	8932	9505	9886
25	S	7077	7459	7846	8235	8623	9010	9585	9971
26	B	7143	7535	7936	8336	8725	9117	9705	10093
26	Q	7488	7894	8312	8732	9141	9549	10167	10574
26	S	7558	7969	8393	8816	9227	9641	10268	10678
27	B	7627	8042	8466	8894	9312	9730	10358	10773
27	Q	7971	8405	8847	9300	9734	10171	10828	11261

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

**For employees who by May 1, 2011
submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
14	B	3802	3947	4101	4282	4437	4605	4873	5069
14	Q	3964	4115	4284	4468	4636	4813	5094	5296
14	S	4037	4196	4360	4549	4717	4896	5174	5379
15	B	3954	4129	4298	4466	4649	4821	5112	5314
15	Q	4126	4306	4486	4666	4860	5039	5339	5555
15	S	4202	4387	4565	4750	4942	5120	5424	5640
16	B	4138	4323	4516	4702	4899	5095	5396	5611
16	Q	4318	4516	4720	4916	5119	5324	5641	5868
16	S	4401	4597	4803	5001	5201	5408	5719	5948
17	B	4337	4535	4744	4946	5147	5355	5673	5901
17	Q	4524	4741	4960	5166	5376	5596	5928	6167
17	S	4606	4825	5043	5252	5459	5676	6015	6255
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
18	S	4846	5081	5314	5554	5777	6006	6355	6611
19	B	4809	5054	5293	5537	5772	6012	6378	6633
19	Q	5025	5283	5528	5792	6032	6286	6664	6932
19	S	5111	5366	5613	5873	6116	6369	6745	7016
20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
20	S	5394	5661	5921	6198	6463	6729	7131	7416
21	B	5365	5642	5914	6190	6472	6741	7162	7448

21	Q	5608	5898	6180	6470	6765	7048	7485	7784
21	S	5691	5977	6261	6554	6846	7128	7568	7871
22	B	5672	5969	6259	6556	6859	7144	7589	7893
22	Q	5926	6238	6544	6849	7167	7468	7930	8245
22	S	6012	6317	6626	6932	7251	7554	8014	8335
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23	S	6372	6704	7045	7374	7710	8040	8540	8880
24	B	6404	6743	7099	7437	7782	8132	8643	8988
24	Q	6693	7051	7417	7775	8130	8499	9032	9394
24	S	6778	7130	7497	7855	8215	8583	9114	9479
25	B	6827	7199	7578	7957	8335	8714	9274	9645
25	Q	7131	7523	7916	8318	8713	9107	9692	10080
25	S	7216	7606	8000	8397	8792	9186	9773	10166
26	B	7283	7682	8091	8500	8896	9296	9896	10291
26	Q	7635	8049	8475	8903	9320	9736	10367	10782
26	S	7706	8126	8557	8989	9408	9830	10470	10888
27	B	7776	8199	8632	9069	9494	9921	10561	10984
27	Q	8128	8570	9021	9483	9925	10371	11041	11482

Effective January 1, 2012
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
14	B	3776	3919	4072	4251	4405	4573	4840	5033
14	Q	3937	4086	4254	4437	4604	4780	5058	5259

14	S	4010	4167	4329	4517	4685	4862	5138	5341
15	B	3926	4100	4269	4435	4616	4788	5076	5277
15	Q	4097	4276	4454	4634	4826	5004	5302	5516
15	S	4173	4356	4533	4716	4908	5084	5385	5600
16	B	4110	4293	4484	4669	4865	5059	5358	5572
16	Q	4288	4484	4687	4882	5083	5286	5601	5827
16	S	4371	4564	4769	4966	5165	5370	5679	5906
17	B	4306	4504	4711	4912	5111	5318	5634	5859
17	Q	4492	4708	4925	5129	5338	5558	5887	6125
17	S	4574	4791	5008	5215	5421	5637	5974	6211
18	B	4532	4750	4971	5198	5409	5626	5961	6201
18	Q	4733	4968	5197	5433	5655	5880	6233	6481
18	S	4812	5046	5277	5515	5737	5965	6311	6565
19	B	4775	5019	5256	5498	5732	5971	6334	6587
19	Q	4991	5247	5489	5751	5990	6242	6618	6883
19	S	5075	5329	5574	5832	6074	6324	6699	6967
20	B	5045	5301	5546	5811	6064	6315	6698	6966
20	Q	5273	5538	5800	6075	6336	6599	7003	7282
20	S	5357	5621	5880	6155	6417	6681	7081	7365
21	B	5328	5603	5874	6147	6426	6695	7113	7396
21	Q	5569	5856	6137	6424	6718	6999	7433	7730
21	S	5651	5935	6217	6508	6799	7078	7516	7815
22	B	5633	5927	6215	6510	6811	7094	7536	7838
22	Q	5885	6194	6498	6802	7117	7417	7875	8188
22	S	5971	6272	6579	6883	7200	7501	7958	8276
23	B	5975	6292	6615	6928	7246	7561	8039	8361

23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23	S	6328	6657	6995	7322	7656	7985	8481	8818
24	B	6360	6697	7050	7385	7728	8075	8583	8925
24	Q	6647	7002	7366	7721	8073	8439	8970	9329
24	S	6730	7080	7445	7800	8158	8523	9050	9412
25	B	6779	7148	7526	7902	8276	8654	9209	9577
25	Q	7081	7471	7861	8260	8653	9044	9624	10010
25	S	7165	7552	7944	8338	8731	9123	9705	10096
26	B	7232	7629	8035	8440	8834	9231	9826	10219
26	Q	7582	7993	8416	8841	9255	9668	10294	10706
26	S	7652	8069	8498	8926	9342	9762	10396	10811
27	B	7722	8143	8572	9005	9428	9852	10487	10908
27	Q	8071	8510	8958	9416	9856	10298	10963	11402

Effective February 1, 2012
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
14	B	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	4016	4168	4339	4526	4696	4876	5159	5364
14	S	4090	4250	4416	4607	4779	4959	5241	5448
15	B	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	4179	4362	4543	4727	4923	5104	5408	5626
15	S	4256	4443	4624	4810	5006	5186	5493	5712
16	B	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	4374	4574	4781	4980	5185	5392	5713	5944

16	S	4458	4655	4864	5065	5268	5477	5793	6024
17	B	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	5091	5352	5599	5866	6110	6367	6750	7021
19	S	5177	5436	5685	5949	6195	6450	6833	7106
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
20	S	5464	5733	5998	6278	6545	6815	7223	7512
21	B	5435	5715	5991	6270	6555	6829	7255	7544
21	Q	5680	5973	6260	6552	6852	7139	7582	7885
21	S	5764	6054	6341	6638	6935	7220	7666	7971
22	B	5746	6046	6339	6640	6947	7236	7687	7995
22	Q	6003	6318	6628	6938	7259	7565	8033	8352
22	S	6090	6397	6711	7021	7344	7651	8117	8442
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23	S	6455	6790	7135	7468	7809	8145	8651	8994
24	B	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6865	7222	7594	7956	8321	8693	9231	9600
25	B	6915	7291	7677	8060	8442	8827	9393	9769

25	Q	7223	7620	8018	8425	8826	9225	9816	10210
25	S	7308	7703	8103	8505	8906	9305	9899	10298
26	B	7377	7782	8196	8609	9011	9416	10023	10423
26	Q	7734	8153	8584	9018	9440	9861	10500	10920
26	S	7805	8230	8668	9105	9529	9957	10604	11027
27	B	7876	8306	8743	9185	9617	10049	10697	11126
27	Q	8232	8680	9137	9604	10053	10504	11182	11630

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX B Frozen Negotiated-Rates-of-Pay

Section 310.TABLE X Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME)

Title	Title Code	Bargaining Unit	Pay Grade
Actuary III	00203	RC-063	26
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
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
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	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
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
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
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
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
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
Occupational Therapist Supervisor	29910	RC-063	21
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
Public Service Administrator, Option 8D	37015	RC-063	23
~~Public Service Administrator, Option 8I Department of Natural Resources~~	~~37015~~	~~RC-063~~	~~22~~
Public Service Administrator, Option 8P Department of Human Services	37015	RC-063	26
Public Service Administrator, Option 8U Department of Human Services	37015	RC-063	21
Public Service Administrator, Options 1, 3, 4, 6E, 7 (Criminal Justice Information Authority), 8A (Department of Public Health), 8E, 8N, 8S Departments of Human Services and Veterans' Affairs and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Option 4 Departments of Public Health, Human Services and Commerce and Economic Opportunity and Environmental Protection Agency, 8E and 8H	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	19
Social Worker III	41413	RC-063	20
Social Worker IV	41414	RC-063	22
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the frozen negotiated RC-063 pay grade have the following options: 1; 3; 4; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8S; 8T; 8U; and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to the frozen negotiated pay grade have the OptionsOption 4, 8E, 8H and 8P. See the definition of option in Section 310.50.

Effective July 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
14	B	3656	3795	3943	4117	4266	4428	4686	4874
14	Q	3812	3957	4119	4296	4458	4628	4898	5092
14	S	3882	4035	4192	4374	4536	4708	4975	5172
15	B	3802	3970	4133	4294	4470	4636	4915	5110
15	Q	3967	4140	4313	4487	4673	4845	5134	5341
15	S	4040	4218	4389	4567	4752	4923	5215	5423
16	B	3979	4157	4342	4521	4711	4899	5188	5395
16	Q	4152	4342	4538	4727	4922	5119	5424	5642
16	S	4232	4420	4618	4809	5001	5200	5499	5719
17	B	4170	4361	4562	4756	4949	5149	5455	5674
17	Q	4350	4559	4769	4967	5169	5381	5700	5930
17	S	4429	4639	4849	5050	5249	5458	5784	6014
18	B	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4583	4811	5032	5261	5475	5693	6035	6275
18	S	4660	4886	5110	5340	5555	5775	6111	6357
19	B	4624	4860	5089	5324	5550	5781	6133	6378
19	Q	4832	5080	5315	5569	5800	6044	6408	6665

19	S	4914	5160	5397	5647	5881	6124	6486	6746
20	B	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	5106	5363	5616	5882	6135	6390	6781	7051
20	S	5187	5443	5693	5960	6214	6470	6857	7131
21	B	5159	5425	5687	5952	6223	6482	6887	7162
21	Q	5392	5671	5942	6221	6505	6777	7197	7485
21	S	5472	5747	6020	6302	6583	6854	7277	7568
22	B	5454	5739	6018	6304	6595	6869	7297	7589
22	Q	5698	5998	6292	6586	6891	7181	7625	7928
22	S	5781	6074	6371	6665	6972	7263	7706	8014
23	B	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	6050	6369	6695	7009	7334	7653	8131	8456
23	S	6127	6446	6774	7090	7413	7731	8212	8538
24	B	6158	6484	6826	7151	7483	7819	8311	8642
24	Q	6436	6780	7132	7476	7817	8172	8685	9033
24	S	6517	6856	7209	7553	7899	8253	8763	9114
25	B	6564	6922	7287	7651	8014	8379	8917	9274
25	Q	6857	7234	7612	7998	8378	8757	9319	9692
25	S	6938	7313	7692	8074	8454	8833	9397	9775
26	B	7003	7387	7780	8173	8554	8938	9515	9895
26	Q	7341	7739	8149	8561	8962	9362	9968	10367
26	S	7410	7813	8228	8643	9046	9452	10067	10469
27	B	7477	7884	8300	8720	9129	9539	10155	10562
27	Q	7815	8240	8674	9118	9543	9972	10616	11040

(Source: Amended at 36 Ill. Reg. _____, effective _____)

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement

2) Code Citation: 44 Ill. Adm. Code 4

3)

Section Numbers:	Proposed Action:
4.1	Amendment
4.3	Amendment
4.8	Amendment
4.10	Amendment
4.13	New
4.14	New
4.15	Amendment
4.25	Amendment
4.525	Amendment
4.530	New
4.1005	Amendment
4.1010	Repeal
4.1011	Repeal
4.1030	Repeal
4.1060	New
4.1080	Repeal
4.1501	Amendment
4.1510	Amendment
4.1515	New
4.1525	Amendment
4.1545	Repeal
4.1550	Amendment
4.1560	New
4.1580	Amendment
4.1585	New
4.1595	New
4.2005	Amendment
4.2010	Amendment
4.2012	Amendment
4.2013	New
4.2015	Amendment
4.2020	Amendment

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4.2025	Amendment
4.2030	Amendment
4.2035	Amendment
4.2036	Amendment
4.2037	Amendment
4.2038	Amendment
4.2039	New
4.2040	Amendment
4.2043	Amendment
4.2044	Amendment
4.2045	Amendment
4.2046	Amendment
4.2047	Amendment
4.2050	Amendment
4.2055	Amendment
4.2060	Amendment
4.2065	New
4.2080	Amendment
4.2084	New
4.2086	New
4.2560	Amendment
4.2570	Amendment
4.3005	Amendment
4.4005	Amendment
4.4010	Amendment
4.4015	Amendment
4.4020	Amendment
4.4025	Amendment
4.4030	Amendment
4.4035	Amendment
4.4042	New
4.4044	New
4.4510	Amendment
4.4515	New
4.4520	New
4.4525	New
4.4526	New
4.4530	Amendment

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4.4535	Amendment
4.4540	Amendment
4.4545	Amendment
4.4550	New
4.4555	New
4.4557	New
4.4570	Amendment
4.4575	New
4.4578	New
4.4579	New
4.5002	New
4.5005	New
4.5009	New
4.5010	New
4.5011	New
4.5012	New
4.5013	Amendment
4.5014	New
4.5015	New
4.5016	New
4.5020	Amendment
4.5021	New
4.5023	Amendment
4.5030	Amendment
4.5035	Amendment
4.5036	New
4.5037	New
4.5038	New
4.5039	New
4.5055	New
4.5325	Amendment
4.5400	New
4.5420	New
4.5440	New
4.5460	New
4.5520	Repeal
4.5530	Repeal
4.5540	Repeal

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4.5550	Amendment
4.5560	New
4.5620	New
4.5700	New
4.5710	New
4.5720	New
4.5730	New
4.5740	New
4.6500	Repeal
4.6510	Repeal
4.7000	Amendment
4.7005	Repeal
4.7010	Amendment
4.7015	Amendment
4.7020	Amendment

4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]

5) A Complete Description of the Subjects and Issues Involved: In PA 96-795 (SB 51), the Illinois Procurement Code was amended, transferring oversight for procurement to independent Chief Procurement Officers appointed by the Executive Ethics Commission and confirmed by the Senate. The legislation further established independent State Purchasing Officers and Procurement Compliance Monitors.

The proposed amendments implement the changes of PA 96-795 for the Chief Procurement Office for Public Institutions of Higher Education, define terms, outline the structure and procurement authority oversight of the CPO and SPO, and provide direction to universities on procurement matters. The proposed amendments specify required documentation of procurement actions, specify publication requirements, provide minimum periods of public notice for solicitations, provide instruction on source selection and contract formation, provide requirements for pre-solicitation assistance, specify requirements for sole source procurements, limit the scope of emergency purchases, specify the requirements for an extension of an emergency purchase, provide requirements for professional artistic procurements, limit duration of contracts, provide requirements for disclosure of subcontractors, provide requirements for vendor registration with the State Board of Elections, provide for debarment and suspension of contractors, and provide procedures for hearings and decisions of hearings.

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6) Published studies or reports, and sources of underlying data used to compose this rulemaking: The Chief Procurement Office for Public Institutions of Higher Education relied on PA 96-795 to compose the rulemaking. Copies are available for review with the Chief Procurement Office for Public Institutions of Higher Education at 401 S. Spring, Room 522 Stratton Office Building, Springfield, Illinois 62706.

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 other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect or create or expand a State mandate under the State Mandates Act.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Chief Procurement Office for Public Institutions of Higher Education 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]. Written comments may be submitted within 45 days after the date of publication in the *Illinois Register* to:

Shirley Webb
Rules Coordinator
Chief Procurement Office for Public Institutions of Higher Education
401 S. Spring Street
Room 522 Stratton Office Building
Springfield, IL 62706

217/558-2247
shirley.j.webb@illinois.gov

In addition, the Chief Procurement Office for Public Institutions of Higher Education will hold public hearings to facilitate the submission of views and comments that might not otherwise be submitted. These hearings will be open to the public and recorded by stenographic or mechanical means with at least one agency representative present during

the hearing who is qualified to respond to general questions from the public regarding the CPO's proposed rules and the rulemaking process.

March 26, 2012
9:30 a.m. – 11:30 a.m.
Room N-505 Michael A. Bilandic Building
160 North LaSalle Street
Chicago, IL 60601

March 29, 2012
9:30 a.m. – 11:30 a.m.
Illinois State Museum
Auditorium
502 South Spring Street
Springfield, IL 62706

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The 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 Chief Procurement Office for Public Institutions of Higher Education at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-20]. These entities shall indicate their status as a small business, small municipality, or not-for-profit corporation as part of any written comments they submit to the Chief Procurement Office for Public Institutions of Higher Education.

B) Reporting, bookkeeping or other procedures required for compliance: Businesses interested in contracting with the State will be required to meet enhanced financial disclosure requirements and to annually recertify compliance documents. Businesses having contracts or proposing to do business with the State of Illinois will be required to provide conflict of interest disclosures, financial interest disclosures and sign certifications. Businesses are also required to obtain a Department of Human Rights Number and register with the State Board of

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Elections. Requirements for contract execution prior to when deliverables may begin will also impact these organizations.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER II: CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

PART 4
CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION STANDARD PROCUREMENT

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4.3 Authority
4.5 Policy
4.8 Implementation of This Part
4.10 Application
4.13 Additional Exemptions Applicable to Higher Education
4.14 Certification, Hearing and Registration Waivers Applicable to Higher Education
4.15 Definition of Terms Used in This Part
4.25 Property Rights

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section
4.525 Rules
4.530 Policies and Procedures

SUBPART C: PROCUREMENT AUTHORITY

Section
4.1005 Procurement Authority ~~of State Purchasing Officers~~
4.1010 Appointment of State Purchasing Officers (Repealed)
4.1011 Procurement Authority of the CPO (Repealed)
4.1030 Other Procurement Authority of the Universities (Repealed)
4.1060 Delegation
4.1080 Illinois Mathematics and Science Academy (Repealed)

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SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section
4.1501 ~~Higher Education Volume of~~ Illinois Procurement Bulletin – Higher Education
4.1510 Publication of Higher Education Bulletin
4.1515 Registration
4.1525 Bulletin Content
4.1545 Supplemental Notice (Repealed)
4.1550 Error in Notice
4.1560 Alternate and Supplemental Notice
4.1580 Direct Solicitation
4.1585 Notice Time
4.1595 Availability of Solicitation Document

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section
4.2005 General Provisions
4.2010 Competitive Sealed Bidding
4.2012 Multi-Step Sealed Bidding
4.2013 Reverse Auctions
4.2015 Competitive Sealed Proposals
4.2020 Small Purchases
4.2025 Sole Economically Feasible Source Procurement
4.2030 Emergency Procurements
4.2035 Competitive Selection Procedures for Professional and Artistic Services
4.2036 Other Methods of Source Selection
4.2037 Tie Bids and Proposals
4.2038 Modification or Withdrawal of Bids or Proposals~~; Mistakes~~
4.2039 Mistakes
4.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section
4.2043 Suppliers
4.2044 Vendor List~~/Required Use~~
4.2045 Vendor Prequalification

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4.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
4.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section
4.2050 Specifications and Samples

SUBPART I: CONTRACTS~~CONTRACT TYPE~~

Section
4.2055 Types of Contracts

~~SUBPART J: DURATION OF CONTRACTS~~

~~Section~~
4.2060 Duration of Contracts − General
4.2065 Cancellation of Contracts

SUBPART J~~K~~: PROCUREMENT FILES

Section
4.2080 Public Procurement File~~Written Determinations; Other Procurement Records~~
4.2084 Record Retention
4.2086 Filing with the Comptroller

SUBPART K~~L~~: ~~CONTRACT~~ WORKING CONDITIONS

Section
4.2560 Prevailing Wage
4.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L~~M~~: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

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Section
4.3005 Construction and Construction Related Professional Services

SUBPART M~~N~~: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
4.4005 Real Property Leases and Capital Improvement Leases~~Applicability~~
4.4010 Authority
4.4015 Method of Source Selection
4.4020 Request for Information-Real Property and Capital Improvement Leases
4.4025 Lease Requirements
4.4030 Purchase Option
4.4035 Rent Without Occupancy
4.4040 Local Site Preferences
4.4042 Historic Area Preference
4.4044 Emergency Lease Procurement

SUBPART N~~O~~: PREFERENCES

Section
4.4505 Procurement Preferences
4.4510 Resident Bidder~~Vendor~~ Preference
4.4515 Soybean Oil-Based Ink
4.4520 Recycled Materials
4.4525 Recyclable Paper
4.4526 Environmentally Preferable Procurement
4.4530 Correctional Industries
4.4535 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities ~~Sheltered Workshops for the Disabled~~
4.4540 Gas Mileage and Flex-Fuel Requirements
4.4545 Small Business
4.4550 Illinois Agricultural Products
4.4555 Corn-Based Plastic Products
4.4557 Disabled Veterans
4.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
4.4575 Domestic Products

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4.4578 Bio-Based Products
4.4579 Notice of Preferences

SUBPART O~~P~~: ETHICS

Section
4.5002 Continuing Disclosures; False Certification
5.5005 Bribery
4.5009 Felons
4.5010 Prohibited Bidders and Contractors
4.5011 Debt Delinquency
4.5012 Collection and Remittance of Illinois Use Tax
4.5013 Conflicts of Interest Prohibited by the Code
4.5014 Environmental Protection Act Violations
4.5015 Lead Poisoning Prevention Act Violations
4.5016 Negotiations for Future Employment
4.5020 Exemptions
4.5021 Bond Issuances
4.5023 Other Conflicts of Interest
4.5030 Revolving Door Prohibition
4.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
4.5036 Disclosure of Business in Iran
4.5037 Vendor Registration, Certification and Prohibition on Political Contributions
4.5038 Lobbying Restrictions
4.5039 Procurement Communication Reporting Requirement
4.5055 Supply Inventory

SUBPART P~~Q~~: CONCESSIONS

Section
4.5325 ~~Granting of~~ Concessions~~/Reporting~~

SUBPART Q~~R~~: COOPERATIVE PURCHASING
~~COMPLAINTS, PROTESTS AND REMEDIES~~

Section
4.5400 General
4.5420 Governmental Joint Purchasing Act Contracts

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4.5440 Other Joint Purchasing
4.5460 No Agency Relationship

SUBPART R: PROTESTS

Section
4.5520 Suspension (Repealed)
4.5530 Cancellation of Contracts (Repealed)
4.5540 Violation of Statute or Rule (Repealed)
4.5550 Protests

SUBPART S: SUSPENSION AND DEBARMENT
~~GOVERNMENTAL JOINT PURCHASING~~

Section
4.5560 Suspension and Debarment

SUBPART T: VIOLATION OF STATUE OR RULE

Section
4.5620 Violation of Statue or Rule

SUBPART U: HEARING PROCEDURES

Section
4.5700 General
4.5710 Informal Process
4.5720 Hearing Officers
4.5730 Notice of Hearing
4.5740 Written Comments and Oral Testimony
4.6500 General (Repealed)
4.6510 No Agency Relationship (Repealed)

SUBPART V~~T~~: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
4.7000 Severability
4.7005 Supply Inventory (Repealed)

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4.7010 University Furnished Property
4.7015 Inspections
4.7020 Taxes, Licenses, Assessments and Royalties~~Record Retention~~
4.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 13905, effective July 1, 1998, for a maximum of 150 days; amended by emergency rulemaking at 22 Ill. Reg. 19096, effective October 1, 1998, for a period to expire November 27, 1998; adopted at 22 Ill. Reg. 20964, effective November 20, 1998; amended at 32 Ill. Reg. 16388, effective September 24, 2008; recodified, pursuant to PA 96-795, from 44 Ill. Adm. Code 526 to 44 Ill. Adm. Code 4 at 35 Ill. Reg. 10151; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 4.1 Title

This Part may be cited as the ~~Chief Procurement Officer for Public Institutions of~~ Higher Education Standard Procurement Rules.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.3 Authority

This Part is promulgated by the Chief Procurement Officer for Public Institutions of Higher Education (CPO-HE) ~~and applies to the following higher education governing Boards of the State of Illinois: the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Western Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Northern Illinois University and the Board of Trustees of Illinois State University (hereinafter sometimes referred to individually as "University," "State University," or "Public University" and collectively as "Universities," "State Universities," or "Public Universities")~~ in accordance with the provisions of the Illinois Procurement Code (~~the~~ Code) [30 ILCS 500]. This Part may be amended in accordance with the Code and the Illinois Administrative Procedure Act [5 ILCS 100/5].

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.8 Implementation of This Part

a) This Part establishes rules necessary and appropriate to implement the authorities granted by the Code relating to the procurement, management and control of supplies, services, real estate and capital improvement leases, and, as applicable, construction and concessions, and necessary rulemaking under the authority of the Code.

b) Section 10-20 of the Code creates four Chief Procurement Officers: one for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board; one for procurements for all construction, construction-related services, operation of any facility, and the provision of any construction or construction-related services or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation; one for all procurement actions made by a public institution of higher education; and one for all other procurements. For ~~the~~ purposes of this Part, any reference to Chief Procurement Officer~~, CPO~~ or CPO-HE~~HED~~ means the Independent Chief Procurement Officer for Public Institutions of Higher Education ~~as defined in Section 1-15.15(3) of the Code~~ unless the context indicates otherwise. This Part applies to all procurement actions and procurement rulemaking under the jurisdiction of the CPO-HE and any State Purchasing Officer (SPO) appointed by the CPO-HE.

c) This Part is intended to make procurement actions of the public universities uniform and consistent among and within the universities under the jurisdiction of the CPO-HE in order to facilitate participation in procurements, encourage competition, and ensure that procurements are conducted in a fair and open manner. Implementation by and within the universities ~~Universities~~ shall be consistent with this Part. Operational interpretations are to be made in a flexible manner designed to secure the universities' ~~Universities'~~ needs and protect the ~~Universities'~~ interests of the universities and the State of Illinois.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.10 Application

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~~a) The Code and this Part apply to those procurements for which the vendors were first solicited on or after July 1, 1998.~~

~~b) Procurements for which vendors were first solicited on or before June 30, 1998, shall be conducted pursuant to legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such procurements shall not be impaired.~~

~~c) A solicitation occurs on or before June 30, 1998, as follows:~~

~~1) When advertising was required in the Official State Newspaper, the first advertisement must have run no later than June 30, 1998.~~

~~2) When advertising was not required:~~

~~A) if the procurement was advertised, even though advertising was not required, the first advertisement must have run no later than June 30, 1998;~~

~~B) if the procurement was by direct solicitation by mail, the solicitation must have been postmarked or placed in the control of a private carrier no later than June 30, 1998;~~

~~C) if the procurement was by direct solicitation by facsimile transmission, the facsimile transmission must show a transmission date no later than June 30, 1998;~~

~~D) if the procurement was solicited in-person or by telephone, the solicitation must have occurred no later than June 30, 1998, and the University officer or employee who made the solicitation must state in writing when the procurement was discussed, and must name the party with whom the discussion took place.~~

~~3) In all circumstances, the solicitations must be for the procurement of particular needs. A general discussion to determine if there is any interest on the part of a University in the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or~~

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services, is not considered a solicitation.

d)*The Code* and this Part *do not apply to:*

a1) *contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in* thethis *Code*. (Forfor purposes of this subsection (a)(d)(1), "governmental bodies" includes the State universities Universities and their governing boards, community colleges and their governing boards and school districts. This provision applies to contracts between governmental entities; it does not allow State universities to utilize contracts established by other governmental entities);

b2) *grants (except for the filing requirements of Section 20-80 of the Code)*;

c3) *purchase of care;*

d4) *hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;*

e5) *collective bargaining contracts;*

f6) *purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 7 days after the deed is recorded in the county of jurisdiction* (This applies to purchases whether outright or by means of an installment purchase. The exercise of an option to purchase in a real estate lease is exempt, but the underlying lease is not exempt from this Part). *The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract*; or

g7) *contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to the Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.*contracts are approved by the chief legal counsel to the University, or his or her designee, as provided in

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~~Section 1-10(b)(7) of the Code.~~ Anticipated litigation is that which a university~~University~~ may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, the retention of counsel, investigators, expert witnesses and court reporters. This Section is applicable to equipment or services necessary in the furtherance of covert activities lawfully conducted by a university.

h) *Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university;*

i) *Procurement expenditures by the Illinois Conservation Foundation when only private funds are used;*

j) Procurement expenditures by the Illinois Health Information Exchange Authority involving private funds from the Health Information Exchange Fund. "Private funds" means gifts, donations, and private grants [30 ILCS 500/1-10(b)].

k) The *Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act* [20 ILCS 3855] *and Section 16-111.5 of the Public Utilities Act* [220 ILCS 5]. [30 ILCS 500/1-10(c)]

l) *Except for Section 20-160 and Article 50 of* the *Code, and as expressly required by Section 9.1 of the Illinois Lottery Law* [20 ILCS 1605], *the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.* [30 ILCS 500/1-10(d)]

m) The *Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act, as required in Section 9-220(h-3) of the Public Utilities Act, including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.* [30 ILCS 500/1-10(e)]

n) The *Code does not apply to the process used by the Illinois Power Agency to retain a mediator to mediate sourcing agreement disputes between gas utilities and the clean coal SNG brownfield facility, as defined in Section 1-10 of the Illinois Power Agency Act, as required under Section 9-220(h-1) of the Public Utilities Act* [30 ILCS 500/1-10(f)].

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.13 Additional Exemptions Applicable to Higher Education

a) These additional exemptions *apply to public institutions of higher education, regardless of the source of the funds with which contracts are paid, except as provided in this Section.*

b) *Except as provided in this Section,* the *Code shall not apply to procurements made by or on behalf of public institutions of higher education for any of the following:*

1) *Memberships in professional, academic, or athletic organizations on behalf of a public institution of higher education, an employee of a public institution of higher education, or a student at a public institution of higher education.*

2) *Procurement expenditures for events or activities paid for exclusively by revenues generated by the event or activity, gifts or donations for the event or activity, private grants, or any combination thereof.*

3) *Procurement expenditures for events or activities for which the use of specific vendors is mandated or identified by the sponsor of the event or activity, provided that the sponsor is providing a majority of the funding for the event or activity.*

4) *Procurement expenditures necessary to provide artistic or musical services, performances, or productions held at a venue operated by a public institution of higher education.*

5) *Procurement expenditures for periodicals and books*, including online periodicals and books *procured for use by a university library or academic department, except for expenditures related to procuring textbooks for student use or materials for resale or rental.*

c) *Notice of each contract entered into by a public institution of higher education that is related to the procurement of goods and services identified in* subsection (b) *shall be published in the Bulletin within 14 days after contract execution. The CPO-HE shall prescribe the form and content of the notice.*

d) *Each public institution of higher education shall provide the CPO-HE, on a monthly basis, in the form and content prescribed by the CPO-HE, a report of contracts that are related to the procurement of goods and services identified in subsection (b).* The CPO-HE may structure the required Bulletin publication to serve as the mandatory report. *At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the CPO-HE immediately upon request.*

e) *The CPO-HE shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the CPO-HE.* [30 ILCS 500/1-13]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.14 Certification, Hearing and Registration Waivers Applicable to Higher Education

a) Procurements made by or on behalf of public institutions of higher education for any of the following shall be made in accordance with the requirements of the Code to the extent practical as provided in this subsection:

1) *Contracts with a foreign entity necessary for research or educational activities, provided that the foreign entity either does not maintain an office in the United States or is the sole source of the service or product.*

2) *Procurements of FDA-regulated goods, products, and services necessary for the delivery of care and treatment at medical, dental, or veterinary teaching facilities utilized by the University of Illinois or Southern Illinois University.*

3) *Contracts for programming and broadcast license rights for university-operated radio and television stations.*

4) *Procurements required for fulfillment of a grant.*

b) *Upon the written request of a public institution of higher education, the CPO-HE may waive registration, certification, and* sole source and emergency extension *hearing requirements of* the *Code if, based on the item to be procured or the terms of a grant, compliance is impractical.*

1) *The public institution of higher education shall provide the CPO-HE with specific reasons for the waiver, including the necessity of contracting with a particular vendor, and shall certify* and provide documentation *that an effort was made in good faith to comply with the provisions of* the *Code.*

2) *The CPO-HE shall provide written justification for any waivers. Notice of each waiver made under this subsection (b) shall be published in the Bulletin within 14 days after contract execution. The CPO-HE shall prescribe the form and content of the notice.*

3) *By November 1 of each year, the CPO-HE shall file a report with the General Assembly identifying each contract approved with waivers and providing the justification given for any waivers for each of those contracts.*

c) *Notwithstanding this Section, a waiver of the registration requirements of Section 20-160 does not permit a business entity and any affiliated entities or affiliated persons to make campaign contributions if otherwise prohibited by Section 50-37. The total amount of contracts awarded in accordance with this Section shall be included in determining the aggregate amount of contracts or pending bids of a business entity and any affiliated entities or affiliated persons.*

d) *Notwithstanding Section 50-10.5(e) of* the *Code, the CPO-HE, with the approval of the Executive Ethics Commission, may permit a public institution of higher education to accept a bid or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid or contract, provided that the bid or contract is essential to research administered by the public institution of higher education and it is in the best interest of the public institution of higher education to accept the bid or contract. For purposes of this subsection, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business. The Executive Ethics Commission may promulgate rules and regulations for the implementation and administration of the provisions of this subsection (d).* [30 ILCS 500/1-13]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.15 Definition of Terms Used in This Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined in this Section~~below~~, and each term listed in this Section shall have the meaning set forth ~~below~~ unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" − A written modification to a contract provision, as permitted by the original contract. These modifications shall alter the performance and completion of the contract, including, but not limited to, such matters as extra work and increases or decreases in quantities of goods not included within the scope of the original contract.

"Award" – The determination that a particular vendor has been selected from among other potential vendors to enter into negotiations for the purpose of finalizing a contract.

"Best Interest of the State" – For purposes of this Part, best interest of the State also includes best interest of the procuring university.

"Bid" − The response to an Invitation for Bids.

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"Bidder" − Any person who submits a bid. A person or entity (other than an individual acting as a sole proprietor) may qualify as a bidder only if the person or entity is a legal entity authorized to do business in Illinois prior to submitting the bid.

"Brand Name or Equal Specification" − A specification that uses one or more manufacturers' names or catalogue numbers to describe the standard of quality, performance and other characteristics needed to meet university ~~University~~ requirements~~,~~ and that allows the submission of equivalent products.

"Brand Name Specification" − A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Building Services" – Repairs to or maintenance of the structure, but does not include janitorial, window washing services, or servies provided by university employees.

"Bulletin" or "Higher Education Bulletin" – The volume of the Illinois Procurement Bulletin assigned to the CPO-HE, unless the context clearly means the volume of another CPO or the Illinois Procurement Bulletin generally.

"Chief Procurement Officer" or "CPO-HE" – The Chief Procurement Officer for Public Institutions of Higher Education, as created by Section 10-20(3) of the Code, or a designee.

"Code" − The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right granted by a license, lease or other agreement to use State property, whether tangible or intangible. Also includes the right to engage in a certain activity on the lessor's property (e.g., a refreshment or parking concession).

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist a university in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a university. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

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"Contract" − *All types of State agreements, including change orders and renewals, regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases of real property, whether the State is lessor or lessee, or capital improvements, and including master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders.* [30 ILCS 500/1-15.30] The term "contract" includes, but is not limited to purchase, installment purchase, lease and rental contracts. The term contract, as used in the Code and this Part, does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, and for which there is no authorized competition, bonds or contracts relating to bonds issued by or on behalf of a State agency when the contractor or vendor is neither selected nor paid by the State agency.

"Contractor" or "Vendor" − The terms contractor and vendor are used interchangeably for the purposes of the Code and this Part. When appropriate, the term shall also include subcontractors.

"Day" − Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State or university ~~University~~ holiday, as applicable, in which event the period shall run to the end of the next business day.

"Designee" – A person or category of persons identified by the CPO-HE or a SPO, in writing, to assist with the procurement process. A designee acts under procurement authority of the CPO-HE or SPO and has the responsibility for taking procurement actions in accordance with applicable laws, rules and policies.

"Domestic Product" – A product that meets the requirements of the Procurement of Domestic Products Act [30 ILCS 5/7].

"Grant" –*Means the furnishing by the State of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of* the *State agency making the grant, whether in the form*

of goods, services, or construction. A contract that results from such an award is not a grant and is subject to the *Code.* [30 ILCS 500/1-15.42] When a grantor provides a grant or award to a university that authorizes or allows the university to award subgrants or subawards, the subgrant or subaward shall also be deemed a grant that is made by the university as agent of the grantor; or, for purposes of Section 4.13-5 of this Part, *non-appropriated funding provided by a federal or private entity to support a project or program administered by a public institution of higher education and any non-appropriated funding provided to a sub-recipient of the grant.*[30 ILCS 500/1-13]

"Grounds Services" – Lawn care, landscaping, and snow and ice removal services.

"Invitation for Bids" or "IFB" − *The process by which a purchasing agency~~University~~ requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45]

"Items" − Anything that may be procured under the ~~this~~ Code and this Part.

"Natural Resources Services" – Services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, assisting in the operation of tree nurseries, fish hatcheries, game farms and sanctuaries; cleaning and maintenance of specialized facilities; repairing fences and building cages; mowing; and trail and ancillary facility repair.

"Offer" or "Proposal" – The response to a Request for Proposal or Request for Information for real estate or capital improvement leases.

"Offeror" or "Respondent" – A person who responds to a Request for Proposal or Request for Information for real estate or capital improvement leases. A person or entity (other than an individual acting as a sole proprietor) may qualify as an offeror only if the person or entity is a legal entity authorized to do business in Illinois prior to submitting the offer.

"Person" – *Any business, public or private corporation, partnership, individual, union, committee, club, unincorporated association or other organization or*

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group of individuals, or other legal entity. [30 ILCS 500/1-15.55]

"Procurement Compliance Monitor" or "PCM" – Persons appointed by the Executive Ethics Commission under Section 1-50 of the Code.

"Procurement Officer" − The Chief Procurement Officer ~~(CPO)~~ or appropriate State Purchasing Officer ~~(SPO)~~ who is responsible for~~conducts~~ the particular procurement action~~, or a designee of either~~.

"Procurement Policy Board" or "PPB" – The body created by Section 5-5 of the Code.

"Proposal" or "Offer" − The response to a Request for Proposals or Request for Information for real estate or capital improvement leases.

"Protest Review Office" – The office of the person designated in the solicitation document to whom protests must be directed. This person will respond to or coordinate the response to the protest.

"Purchase of Care" − *A contract with a person for the furnishing of medical, educational, psychiatric, vocational, rehabilitation, social, or human services directly to a recipient of a State aid program* [30 ILCS 500/1-15.68]~~ or including a recipient of services from a University medical, educational, psychiatric, vocational, rehabilitation, social, or human services program~~. Purchase of care includes~~ services provided or arranged to be provided by a vendor in conjunction with the purchase of care. Such services may include~~ limited administrative services of patient recordkeeping and tracking and ~~management services, enrollment, health education, grievance procedures,~~ case management~~, utilization review, quality assurance, peer review, or marketing~~. Recipient of a State aid program includes applicants for a State aid program.

"Purchasing Agency" – *A State agency that enters into a contract at the direction of a State Purchasing Officer authorized by a Chief Procurement Officer or* at the direction of *a Chief Procurement Officer.* [30 ILCS 500/1-15.70]

"Qualified Products List" − An approved list of supplies~~, services, or construction items~~ described by model or catalogue numbers that, prior to competitive solicitation, the State~~University~~ has determined will meet the applicable

specification requirements.

"Request for Information" or "RFI" – The process of requesting information from interested parties to aid the State in decision making. This type of RFI is not a procurement method and will not result in a participant receiving a contract.

"Request for Information for Real Property or Capital Improvement Leases" or "RFI-Real Property Leases" – The process of seeking proposals for leases of real property or capital improvements as outlined under Article 40 of the Code.

"Request for Proposals" or "RFP" − *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75]

"Requesting Agency" – The agency that requests that the CPO-HE or SPO conduct a procurement for its use. All procurements reserved to the CPO-HE that have not been delegated must be initiated by a purchase request.

"Responsible Bidder" or "Responsible Offeror" − *A person who has the capability in all respects to perform fully the contract requirements and* who has *the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid or proposal is submitted for a State contract.* [30 ILCS 500/1-15.80]~~In the context of procurement procedures, the apparent ability to undertake and complete successfully the requirements of a contract.~~

"Responsive Bidder" − *A person who has submitted a bid that conforms in all material respects to the Invitation for Bids.* [30 ILCS 500/1-15.85]~~In the context of procurement procedures, the compliance in all meaningful, material respects with the procurement solicitation.~~

"Responsive Offeror" – A person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"Scoring Tool" – The document used by the individuals evaluating the responses to a solicitation to show whether or how well the responses met requirements set forth in the solicitation.

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"Services" − *The furnishing of labor, time~~,~~ or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance* and its financing. [30 ILCS 500/1-15.90]

"Site Technician Services – These services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, the maintenance of the site, including operating small farm-type equipment and trucks that do not require a Class C or D driver's license.

"Solicitation" – The document (e.g., IFB, RFP or RFI-Real Property Lease) posted to the Procurement Bulletin requesting interested parties to submit a response for evaluation by the State. A request for information to determine if there is any interest on the part of a university in the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or services, is not considered a solicitation.

"Specification for a Common or General Use Item" − A specification that has been developed and approved for repeated use in procurements.

"Specifications" – *Any description, provision or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing or preparing a supply, service, professional or artistic service, construction, or other item for delivery*. [30 ILCS 500/1-15.95]~~Any description of the physical, functional, or performance characteristics, or of the nature of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.~~

"State" – As appropriate, collectively or individually, the State of Illinois, a State agency as defined in this Section, and all officers and employees of the foregoing.

"State Agency" – Generally, *all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the*

jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code [40 ILCS 5] *or to the University of Illinois Foundation. "State agency" does not include units of local government, school districts, community colleges under the Public Community College Act* [110 ILCS 805], *and the Illinois Comprehensive Health Insurance Board.* [30 ILCS 500/1-15.100] For purposes of this Part, State agency means only State universities that are under the jurisdiction of the CPO-HE, unless the context indicates otherwise.

"State Purchasing Officer" or "SPO" – The entity created by Section 1-15.105 of the Code.

"State Witness" – An employee of the State, designated by the CPO-HE or SPO of procuring agency, to observe the opening of bids or sealed proposals.

"Subcontract" – *A contract between a person and* another *person who has or is seeking a contract subject to* the *Code, pursuant to which the subcontractor provides to the contractor or another subcontractor some or all of the goods, services, property, remuneration, or other forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency.* [30 ILCS 500/1-15.107]

"Subcontractor" – *A person or entity who enters into a contractual agreement with a total value of $25,000 or more with a person or entity who has or is seeking a contract subject to the Code pursuant to which the person or entity provides some or all of the goods, services, property, remuneration or other forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract.* [30 ILCS 500/1-15.108]

"Subfactor" – A subset of a main evaluation factor. Main evaluation factors are identified in the solicitation.

"Supplies" – *All personal property, including, but not limited to, equipment, materials, printing and insurance and the financing of those supplies.* [30 ILCS

500/1-15.110]

"University" – The colleges, universities and institutions under the jurisdiction of the governing boards identified in the definition of "state agency" pursuant to Section 1-15.100 of the Code.

"Unsolicited Bid" or "Unsolicited Offer" or "Unsolicited Proposal" − Any bid, offer or proposal other than one submitted in response to a solicitation.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.25 Property Rights

No person shall have any right to a specific contract with the State unless that person has a contract that has been signed by an officer or employee of the purchasing agency with appropriate signature authority. The State shall be under no obligation to issue an award or execute a contract. [30 ILCS 500/1-25] No person who participates in a procurement action has any right to an award or subsequent contract. No notice of award can be issued and no contract can be executed without the appropriate determination of all necessary State parties. Receipt of a solicitation or other~~an Invitation for Bids or other~~ procurement documents~~document~~, or submission of any response to a solicitation or other procurement request, solicited or otherwise,~~thereto or other offer,~~ confers no right to receive an award or contract, nor does it obligate the State ~~a University~~ in any manner.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section 4.525 Rules

a) Procurement under the jurisdiction of the CPO-HE or an appointed SPO shall be conducted in accordance with the Code and this Part, except as provided in this Section.

b) If legislation or court decision invalidates any Section of this Part or requires a different interpretation, the rules will be implemented in accordance with the legislation or court decision.~~A University may propose changes to this Part for consideration by the Universities and the CPO. Changes agreed upon by the~~

~~Universities and approved by the CPO will be proposed by the CPO in a rulemaking under the Administrative Procedure Act.~~

c) All proposed rules will be submitted to the Procurement Policy Board (PPB~~Board~~) ~~before or~~ during the public comment period established under the Illinois Administrative Procedure Act [5 ILCS 100]. Rulemaking, except for emergency rulemaking, shall be scheduled ~~so as~~ to allow the PPB~~the Board~~ at least 30 days to provide comments.

d) Emergency rules will be submitted to the PPB~~the Board~~ for review and comment with as much notice as is reasonably possible. A copy of the adopted emergency rules shall be provided to the PPB~~the Board~~. The Board shall be given opportunity to comment on rules proposed to replace the emergency rules.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.530 Policies and Procedures

a) The CPO-HE may issue policies and procedures to further implement the Code and this Part. Policies and procedures shall be maintained in a structured format. The CPO-HE shall periodically review policies and procedures and determine if any should be issued as an administrative rule.

b) The CPO-HE shall notify the PPB of changes to policies or new policies. The CPO-HE may give notice by including the PPB on standard distribution list.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART C: PROCUREMENT AUTHORITY

Section 4.1005 Procurement Authority ~~of State Purchasing Officers~~

a) The Chief Procurement Officers appointed by the Executive Ethics Commission will exercise the procurement authority created by the Code for the benefit of the State of Illinois and the State agencies under the jurisdiction of each CPO. The Executive Ethics Commission may appoint a temporary acting CPO to act in the absence of any CPO, such as during illness, vacation or other extended leave.

b) The CPOs' procurement authority extends to supplies, services, construction not under the jurisdiction of the Capital Development Board or the Department of Transportation, real estate leases and all other categories of need subject to the Code. The authority extends to all aspects of the procurement process, including, without limitation, pre-solicitation activities, solicitation preparation, source selection, evaluation, award, contracts, dispute resolution and records.

c) Any reference in the Code or this Part directing or authorizing a university to take procurement action is subject to the overall procurement authority of the CPO-HE and SPO as set forth in the Code and this Part.

d) The CPO-HE exercises procurement authority through one or more SPOs or temporary acting SPOs and university and other staff assigned to the procurement function. The CPO-HE may assign a SPO to one or more universities or may make assignments on a functional basis. The CPO-HE may appoint a temporary acting SPO with limited authority to act with an appointed SPO. In the absence of an appointed SPO, the CPO-HE may exercise the procurement authority of a SPO or may appoint a temporary acting SPO. Unless the Code or this Part prohibits a designee from performing a procurement action, the CPO-HE may delegate procurement action to a SPO or to a university. The CPO-HE may reserve certain procurement activities to the CPO-HE and reserves the right to review and modify or overturn any action of a SPO or any other designee.

e) A SPO will exercise procurement authority in accordance with direction and limitations established by the CPO-HE. The SPO will act primarily to review, authorize and approve university procurement actions. The CPO-HE, in consultation with a representative of the several universities, will determine and identify, in writing, procurement activities that must be conducted by the CPO-HE or a SPO and those that may be delegated to the universities. Activities not reserved to the CPO-HE or SPO will be conducted by the university staff with CPO-HE/SPO oversight.

f) Each university must provide an appropriate number of qualified staff and related resources to meet the procurement needs of the university. University staff remain university employees at all times, including while acting under authority of the CPO-HE.

g) The university is responsible for determining the need for a particular

procurement. If the SPO or CPO-HE has a question regarding the need for a particular procurement, the SPO or CPO-HE may require a signed statement from a university official outside the procurement office confirming that the proposed procurement for the stated need is in the best interest of the university.

h) University procurement staff are responsible for:

1) ensuring that all procurement activities, including those submitted to the SPO or CPO-HE for review, authorization or approval, are in accordance with the Code, this Part, other applicable laws and rules, the policy direction of the CPO-HE and internal policies of the university; and

2) obtaining all State and university approvals applicable to the particular stage of the procurement process.

i) The CPO-HE and, pursuant to Section 10-10 of the Code, the SPO at the direction of the CPO-HE *shall enter into contracts for a purchasing agency*. In addition to this authority, the CPO-HE may authorize a university to enter into contracts without specific approval or signature of the CPO-HE or SPO.

1) The CPO-HE shall determine in writing which contracts must be signed or approved by the CPO-HE or SPO. These signature authorities may be modified or revoked at any time by the CPO-HE or the SPO, when appropriate. In the absence of written direction, the university shall enter into contracts for its needs.

2) Any written determination regarding signature authorization by the CPO-HE or SPO shall be maintained by the CPO-HE and distributed to the SPO, university head, university purchasing director and the State Comptroller.

3) Because all fiscal authority for the universities is vested in their governing boards under their organizing statutes, only those contracts signed in accordance with board of trustees procedures are valid obligations of a university. If the CPO-HE or SPO signs or approves a contract, the university must also sign in order for the contract to be legally binding on the university. The university may decline to sign a contract even if signed and approved by the CPO-HE or SPO.

4) If the CPO-HE or SPO signs or approves a contract for a university, in no event shall the CPO-HE or SPO assume any responsibility or obligation under the contract, financial or otherwise, to any party or person.

j) Procurement Compliance Monitors (PCMs)

1) PCMs have roles and responsibilities established in Section 10-15 of the Code. This includes monitoring procurement actions of the universities, having access to records and systems, and attending any procurement meeting.

2) Each univeristy shall recognize these statutory roles and shall cooperate with PCMs in the conduct of their actions. Cooperation includes providing prior notice of, and access to, all procurement meetings and access to all procurement related records in whatever format they may exist, including documents, databases and systems. Failure to cooperate and resolve issues may be reported to the chief executive officer of the university and in certain cases may require reporting to the Office of the Executive Inspector General.

3) Should a PCM request review of a contract before final execution, the univeristy shall not execute the contract until approved by the SPO after consultation with the PCM and the university.

~~The State Purchasing Officers (SPOs) appointed under Section 4.1010 shall exercise the procurement authority created by the Code for their respective Universities except as otherwise provided by the Code. Each SPO shall have authority to make procurements for the use of his or her employing University in accordance with the Code, this Part and the policies and procedures of the University. An SPO may appoint designees to assist in the performance of the duties and responsibilities of SPO. When an SPO activity is mentioned in a rule, the activity may be conducted by an SPO or a designee of an SPO unless the rule states that the authority to conduct such activity may not be delegated to an SPO designee.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.1010 Appointment of State Purchasing Officers (Repealed)

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~~The executive head of each University shall recommend to the CPO one or more of the University's employees for appointment as a State Purchasing Officer (SPO). Upon appointment of the recommended employee or employees by the CPO, each named employee shall be an SPO for the University. In the absence of any appointed SPO, the CPO may exercise the procurement authority of an SPO on behalf of the University.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.1011 Procurement Authority of the CPO (Repealed)

~~The CPO shall have the procurement authority set forth in the Code. The CPO may appoint designees, including designees within the individual Universities, to assist in the performance of the duties and responsibilities of the CPO. When a CPO activity is mentioned in a rule, the activity may be conducted by the CPO or a designee of the CPO unless the rule states that the authority to conduct such activity may not be delegated to a CPO designee. CPO designees are not authorized to appoint subdesignees.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.1030 Other Procurement Authority of the Universities (Repealed)

~~a) Each University under the authority of the CPO retains for itself the authority to make procurements under the jurisdiction of the Chief Procurement Officer for Capital Development Board (CPO-CDB), the Chief Procurement Office for Department of Transportation (CPO-DOT) and the Chief Procurement Office for General Services (CPO-GS) in accordance with the Code, the rules adopted by those entities, and other applicable statutes and rules governing such procurements.~~

~~b) Each University retains for itself the authority to make procurements that are exempt from the application of the Code.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.1060 Delegation

a) Procurement actions not reserved in writing by the CPO-HE or delegated to a SPO shall be conducted by the university.

b) The CPO-HE may delegate to any SPO or, in consultation with a university, to a university authority to conduct certain procurement actions or functions. The CPO-HE may also delegate to any SPO the CPO-HE's authority to conduct on behalf of the CPO-HE specific procurements or classes of procurements for multiple university use. A SPO may request that the CPO-HE delegate further authority to that SPO. The SPO and university delegated authority shall remain subject to the authority of the CPO-HE and SPO as applicable.

c) Any exercise of delegated authority shall be in accordance with the Code and this Part.

d) Delegations shall be in writing and shall specify:

1) the action or function authorized or not authorized;

2) any limits or restrictions on the exercise of the delegated authority;

3) whether the authority may be further delegated;

4) the duration of the delegation; and

5) any reporting requirements.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.1080 Illinois Mathematics and Science Academy (Repealed)

~~As authorized in 44 Ill. Adm. Code 1.1080, the Illinois Mathematics and Science Academy and its SPO may procure supplies and services for the operation of the Academy through the CPO-HED. All such procurement for the Academy shall be made in accordance with the requirements of this Part 4.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

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Section 4.1501 ~~Higher Education Volume of~~Illinois Procurement Bulletin – Higher Education

a) The Illinois Procurement Bulletin consists of four volumes, one for each of the Chief Procurement Officers designated in the Code. Each volume ~~The Higher Education Volume of the Illinois Procurement Bulletin (Higher Education Bulletin)~~ will contain ~~procurement~~ information relating to procurements under the authority ~~responsibility~~ of the appropriate CPO~~-HED~~. References in this Part to Bulletin means the Higher Education volume unless the context indicates a different meaning.

b) The CPO-HE publishes and determines the content, design, form and function of the Illinois Procurement Bulletin – Higher Education Volume.

c) The CPO-HE may, through agreement with one or more other Chief Procurement Officers, publish the Higher Education volume of the Bulletin jointly with one or more other volumes of the Illinois Procurement Bulletin.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.1510 Publication of Higher Education Bulletin

The CPO-HE will publish the Bulletin in electronic form at least one time per month and may update the Bulletin as needed. A link to the Bulletin can be found on the CPO-HE website at http://www2.illinois.gov/cpo/HigherEd.~~The Higher Education Bulletin will be published electronically and will be updated at least once per month and may be updated as frequently as daily. In the event a fee is charged for subscriptions to the Higher Education Bulletin, free access to the information published in the Higher Education Bulletin will be made available at public libraries or other sites open to the general public. The Higher Education Bulletin will also provide users with information on accessing~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.1515 Registration

Prospective vendors and other interested parties must complete the Bulletin registration screens in order to download solicitations and other procurement-related documents.

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(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.1525 Bulletin Content

a) The Bulletin will contain all content required by the Code. The Bulletin may include reference information of general interest (e.g., how to access the other volumes of the Illinois Procurement Bulletin, notice of new legislation, announcements and determinations) and may serve as the CPO-HE's website.

b) Notice of each procurement shall contain at least the following information:

1) the name of the purchasing university;

2) a brief purchase description;

3) a procurement reference number, if used;

4) the date the procurement is first offered (procurements that require notice shall not be distributed to vendors prior to the date the notice is first published in the Bulletin);

5) the date, time and location for making submissions;

6) the method of source selection;

7) the name of the State Purchasing Officer and university buyer in charge;

8) instructions on how to obtain a comprehensive purchase description and any disclosure and contract forms;

9) encouragement to prospective vendors to hire qualified veterans; and

10) encouragement to prospective vendors to hire qualified Illinois minorities, women, persons with disabilities and residents discharged from any Illinois adult correctional center.

c) Notice of each contract let or awarded that was subject of a notice in subsection (b) shall be placed in the Bulletin and shall be immediately issued electronically

to those bidders or offerors submitting responses to the solicitation. Bidders and offerors must register (see Section 4.1515) and sign up for email notices. Should the Bulletin fail to send notice to bidders or offerors submitting responses to the solicitation, the time for filing a bid protest will be extended up to 5 business days. This notice shall contain at least the following information:

1) all the information published in subsection (b);

2) the name of the vendor selected for award;

3) the contract price;

4) the number of unsuccessful responsive vendors;

5) for each vendor who submitted a response, including the awarded vendor:

A) the vendor's name;

B) the bid amount;

C) the percentage of disadvantaged business utilization plan;

D) the percentage of business enterprise program utilization plan;

6) the total number of veteran owned small businesses and the number of service-disabled veteran-owned small businesses that submitted bids; and

7) other disclosures required to be published in the Bulletin.

~~Invitations for Bid~~

~~Notice of each procurement request governed by the Code that must be conducted by competitive sealed bidding, including multi-step sealed bidding, competitive sealed proposals, or competitive selection procedures, shall be placed in the Bulletin in accordance with Section 15-25(a) of the Code.~~

~~b)~~ ~~Contracts Let or Awarded~~~~Notice of each contract awarded that was subject to a notice in subsection (a) shall be placed in the Bulletin in accordance with Section 15-25(b) of the Code.~~

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d) In addition to the notice requirements of subsection (c), the university shall post notice of the award on its website the next business day and may include a link to the Bulletin for the detailed information

e) Notice of each contract renewal shall be posted in the Bulletin within 10 business days after the determination by the university to renew the contract. The notice shall include all of the information required under subsection (b).

f~~e~~) ~~Emergency Procurement~~The following information~~Information~~ regarding emergency procurements shall be published in the Bulletin ~~in accordance with Section 15-25(c) and 20-30 of the Code and Section 4.2030(f)(3) of this Part.~~ within 3 business days after commencement of performance under the emergency contract:

1) name of the procuring university;

2) name of the vendor selected for award;

3) brief description of what services or supplies the vendor intends to provide;

4) total price (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);

5) reasons for using the emergency method of source selection;

6) name of the SPO and name of the university buyer in charge of the procurement; and

7) name of the university person who authorized the emergency contract action.

g) In addition to the requirements of subsection (g), notice of hearing to extend an emergency contract must be posted in the Bulletin at least 14 days prior to hearing.

h~~d~~) ~~Sole Source Procurements~~

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The following information~~Information~~ regarding sole source procurements shall be published in the Bulletin at least 14 days prior to the required public hearing: ~~in accordance with Section 20-25 of the Code and Section 4.2025 of this Part~~

1) name of the purchasing university;

2) name of the intended sole source vendor;

3) a description of what services or supplies the vendor intends to provide;

4) name of the SPO and university buyer in charge of the procurement;

5) the date, time and location of the public hearing; and

6) a completed sole source justification form as prescribed by the PPB.

i) Each university shall post in the Bulletin a copy of its annual report of utilization of businesses owned by minorities, females, and persons with disabilities. Posting is due within 10 days after the university submits its report to the Business Enterprise Council pursuant to Section 6(c) of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

j) The CPO-HE shall allow the universities to post in the Bulletin, at least annually, the reports of the granting of university concession required by Section 53-25 of the Code.

k) Notice of other matters shall be published as required by law or at the direction of the CPO-HE.

l) The CPO-HE may allow another CPO or another governmental entity to publish procurement related notices and other matters of public interest to the Bulletin.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.1545 Supplemental Notice (Repealed)

~~Universities may place advertisements in the Official State Newspaper selected by the Department of Central Management Services or other publications to supplement notice in the~~

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~~Higher Education Bulletin. Upon direction of the CPO, the Official State Newspaper may be used as a substitute for the hardcopy of the Bulletin in the event the hardcopy cannot be published.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.1550 Error in Notice

When a required publication contains an error, the error may be corrected by a single notice published in the ~~Higher Education~~ Bulletin within a reasonable time after the original publication.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.1560 Alternate and Supplemental Notice

a) If the elecronic Bulletin cannot be published, the CPO-HE may publish notice in one of the other CPO's Procurement Bulletins on an interim basis. If no electronic version of the Bulletin can be published, the CPO-HE may designate its website as its volume of the Bulletin. If necessary, the CPO-HE may designate the Official State Newspaper or other newspaper of general circulation as its volume of the Bulletin. All newspaper notices will be published in the Bulletin when it becomes available, but that publication will not extend any procurement-related timeframes.

b) Publication in the Bulletin may be supplemented by publication elsewhere at the discretion of the CPO-HE or SPO. Examples include publication in:

1) the Official State Newspaper;

2) a newspaper of general circulation;

3) a newspaper of local circulation in the area pertinent to the procurement;

4) industry media; or

5) agency website.

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(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.1580 Direct Solicitation

In addition to giving notice in the Bulletin, the ~~Universities~~ SPO may directly contact prospective vendors by providing copies of ~~Invitations for Bids, Requests for Proposals,~~solicitations or other procurement information. Direct solicitation may be oral or in writing, but ~~care should be taken to ensure that~~ all vendors ~~solicited in this manner~~ shall receive the same information as provided ~~to others~~in the Bulletin. No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.1585 Notice Time

Each solicitation shall be published in the Bulletin at least 14 days prior to the date set for opening, unless a shorter time is authorized by the Code or this Part.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.1595 Availability of Solicitation Document

Procurements that require notice shall not be distributed to vendors prior to the date the notice is first published in the Bulletin. A copy of the solicitation shall be made available for public inspection at the university procurement office. This copy shall be available as of the date and time the solicitation is published in the Bulletin.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 4.2005 General Provisions

a) Solicitation Response
A solicitation may contain forms that must be returned or may require compliance in a prescribed format. If a form or format is prescribed, prospective vendors shall submit as instructed.

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b~~a~~) Late Bids or Proposals, Late Withdrawals and Late Modifications

1) ~~Definition.~~ Any bid or proposal (include any modification, withdrawal or other procurement-related submission) received after the time and date for receipt, or at other than the specified location~~ even if on time~~, is late. A submission that is delivered to the wrong location but is subsequently delivered to the correct location by the date and time specified shall be considered. Staff at the delivery location shall not be responsible for ensuring subsequent delivery.~~Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late.~~

2) ~~Treatment.~~ No late submission~~bid or proposal~~ will be considered unless the SPO determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address). It is the responsibility of the bidder or offeror to ensure delivery~~see that the bid or proposal is delivered~~ at the time and to the place specified. Vendors submitting a late response will be notified and given the opportunity to retrieve the submission at their cost. Late submission not returned to the vendor will be destroyed after all related procurement activity is complete and the resulting contract has been executed.~~All bids or proposals received after the specified time will be marked "received too late for consideration", signed by the SPO and returned unopened. Late modifications and late withdrawals will be treated as set forth in Section 4.2038.~~

3) ~~Records.~~ Records shall be made and~~, in accordance with the State Records Act [5 ILCS 160],~~ kept for each late bid or proposal, late modification, or late withdrawal.

4) ~~Other Submissions.~~ Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.

c~~b~~) Extension of Solicitation Due Date~~Time~~
The SPO may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the university~~University~~.

d) Bid/Proposal Firm Time

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1) Unless otherwise provided in the solicitation, the vendor's bid/proposal must be kept firm for at least 30 days after the opening date.

2) After opening bids or proposals, the SPO may request bidders or offerors to extend the time during which the university may accept the bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.

~~2) After opening bids or proposals, the SPO may request bidders or offerors to extend the time during which the University may accept the bids or proposals, provided that, with regard to bids, no other change is permitted.~~

e~~c~~) Electronic and Fax~~Facsimile~~ Submissions

1) The solicitation~~Invitation for Bids or Request for Proposals~~ may state that electronic and fax~~facsimile machine~~ submissions will be considered if they are received at the designated location~~office~~ by the time and date set for receipt. Any required attachments will be submitted as stated in the solicitation~~IFB or RFP~~.

2) Electronic submissions authorized by specific language in the solicitation~~IFB or RFP~~ will be opened in accordance with electronic security measures in effect at the university~~University~~ at the time of opening. ~~Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.~~

3) Fax~~Facsimile~~ submissions authorized by specific language in the solicitation~~IFB or RFP~~ will be placed in a sealed container upon receipt and opened with~~as~~ other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.

f~~d~~) Only One Bid or Proposal Received
If only one bid or proposal is received, the SPO may~~an~~ award ~~may be made~~ to the single bidder or offeror if the SPO finds that the price submitted is fair and reasonable, and that ~~either~~ other prospective bidders or offerors had reasonable

opportunity to respond or there is not adequate time for resolicitation. Otherwise the SPO may cancel the procurement.~~:~~

~~1) new bids or offers may be solicited, including under sole source (Section 4.2025) or emergency (Section 4.2030) procedures; or~~

~~2) the procurement may be canceled.~~

g~~e~~) Alternate or Multiple Bids or Proposals

1) Alternate bids or proposals may be accepted if:

A) permitted by the solicitation and in accordance with instructions in the solicitation; or

B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 4.2025 (Sole Economically Feasible Source Procurement)~~ of this Part~~; or

C) the low bidder~~,~~ who has met all requirements of the solicitation~~,~~ has provided a lower cost alternative that meets all of the material requirements of the solicitation~~specifications~~.

2) Multiple bids or proposals may be accepted if~~:~~ ~~A)~~permitted by the solicitation and submitted in accordance with instructions in the solicitation.~~; or~~

~~B) only one vendor responded, then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.~~

h~~f~~) Multiple Items
A solicitation~~An Invitation for Bids or Request for Proposals~~ may call for pricing of multiple items of similar or related type. Award shall be as specified in the solicitation~~with award~~ based on an individual line item, a group total of certain items, a core list, a "market basket" of related items representative of the total requirement, a ~~or~~ grand total of all items, or other grouping method.

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i~~g~~) All or None Bids or Proposals
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

j~~h~~) Conditioning Bids or Proposals Upon Other Awards
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall be rejected.~~:~~

~~1) be rejected unless the vendor removes the condition; or~~

~~2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFB's or RFP's provided the University need not delay procurement actions to accommodate the vendor's all or none condition.~~

k~~i~~) Unsolicited Bids or Offers

~~1) Processing of Unsolicited Offers. The SPO may consider unsolicited offers.~~

~~2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the University.~~

~~3) Award.~~ An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part ~~except if that unsolicited offer meets the requirements for a small (Section 4.2020), sole source (Section 4.2025), or emergency (Section 4.2030) procurement~~.

l~~j~~) Clarification of Bids and Proposals
The SPO may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to ~~materially~~ change its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make changes~~for discussion~~ or for submission of best and final offers as authorized elsewhere in this Part.

m) Extension of Time on Indefinite Quantity Contracts

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The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the SPO determines in writing that it is not practical to award another contract at the time of the extension.

n~~k~~) Increase in Quantity on Definite Quantity Contracts~~Supplementary Purchases~~

1) This subsection (n) applies to~~For~~ procurements other than those for construction or construction-related professional services.~~, supplementary purchases will be permitted under the following conditions:~~ Within 90 days after awarding a definite quantity contract using~~When the University issues an award after following~~ the sealed bid or sealed proposal procedure, ~~it may, at any time within 90 days thereafter, issue~~ additional purchase orders, ~~or~~ contracts or amendments may be issued to the same vendor~~contractor or amendments to the original purchase order or contract for an additional quantity~~ at the same unit price and on the same terms and conditions~~,~~ if:

A) The vendor~~contractor~~ indicates that the additional purchase orders or contracts will be accepted if issued;~~.~~

B) The market price of the commodities, services~~,~~ or equipment in question has not gone down since the original purchase~~.~~; and

C) The additional quantity does not exceed 20% of the original definite quantity.~~The amount of the additional purchases is not of such magnitude as to constitute a substantial or material variation from the first purchase order or contract.~~

2) Notices of supplementary purchases in excess of the small purchase limits of Sections 20-20 and 35-35 of the Code shall be published in the ~~next available Higher Education~~ Bulletin.

3) The quantity may be increased by any percentage, provided the dollar value of the increase does not exceed the applicable small purchase (Section 4.2020) threshold.~~Supplementary purchases of construction or construction related professional services will be permitted as provided in Section 4.3005(e).~~

o~~l~~) Assignment, Novation or Change of Name

1) Assignment. No university~~University~~ contract is ~~transferable, or otherwise~~ assignable~~,~~ without the prior written consent of the CPO-HE or SPO, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. The~~. Assignment may require the execution of a contract with the assignee and in such cases the~~ assignee, except in the case of assignment of payment only, must meet all requirements for contracting with the State~~University~~. Any purported assignment without prior written consent shall be null and void.

2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:

A) the transferee assumes all of the transferor's obligations;

B) the transferee meets all requirements for contracting with the State;

C) the transferor waives all rights under the contract as against the State, and it is understood that the university does not waive any applicable right or remedy against the transferor unless expressly stated in the Novation Agreement; and

D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.

3~~2~~) Change of Name. A vendor may submit to the SPO a written request to change the name in which it holds a contract with the State~~University~~. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

p~~m~~) Contracting for Installment Purchase Payments, Including Interest
Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].

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q) Incorporation by Reference
A solicitation may incorporate documents by reference provided that the solicitation specifies where the documents can be obtained.

r~~n~~) Use of Source Selection Method that is Not Required
If a university~~University~~ uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), the university~~University~~ is ~~not~~ bound to ~~strict~~ compliance with the Code and rules governing the method of source selection used.

s) Vendor Signature
A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the SPO within the time specified by the SPO.

t~~o~~) Stringing
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited. Periodic purchases of similar supplies~~merchandise~~ from several different vendors~~manufacturers~~ to maintain inventory ~~for resale in a University retail operation~~ is not stringing unless the~~such~~ purchases are planned to avoid use of competitive procedures.

u~~p~~) Confidential Data
Vendors must clearly identify, by page and paragraph, any information submitted to the State claimed to be~~that is~~ exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] (FOIA) and must identify the specific Section of FOIA applicable to the claimed exemption and show how that Section applies to the information claimed to be exempt. Information submitted without a claim of exemption may be disclosed to the public without notice or permission. Information submitted with a claimed exemption may still be disclosed to the public if determined that the claimed exemption does not meet the requirements for withholding the information under FOIA. The CPO-HE shall attempt to provide reasonable notice and opportunity to object to the vendor prior to disclosure of any material claimed by the vendor to be exempt from FOIA.~~request special handling of that material.~~

v) Notice of Subcontractor
Any contract entered into under this Part shall state whether the services of a

subcontractor will be used. If, at any time during the term of the contract, a contractor adds or changes any subcontractors, the contractor shall promptly notify, in writing, the SPO of the names and addresses and the expected amount of money each new or replaced subcontractor will receive. The contractor shall provide the SPO with a copy of any subcontract with an annual value of more than $25,000 within 20 days after the execution of the State contract and after the execution of the subcontract.

1) For professional and artistic contracts, the contract shall state the names and addresses of all subcontractors and the expected amounts each will receive under the contract.

2) For contracts other than professional and artistic contracts, the contract shall include the names and addresses of all subcontractors known at the time of execution with an annual value of more than $25,000 and the expected amount of money each will receive under the contract.

w) Pre-Solicitation Assistance

1) *For purposes of this subsection* (w)*, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager or shareholder of a business.* [30 ILCS 500/50-10.5(e)]

2) Except as provided in subsection (w)(5), Section 50-10.5(e) of the Code prohibits any person or business from submitting a bid or proposal or entering into a contract if the person or business assisted a university in determining whether there was a need for a contract or assisted a university by reviewing, drafting or preparing any IFB, RFP or RFI or provided similar assistance.

3) Non-Prohibited Acts. This Section does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:

A) Initiated a communication to provide general information about products, services or industry best practices and, if applicable, that

communication is documented in accordance with Section 50-39 of the Code.

B) Responded to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, services or technologies.

C) Received or possessed written material obtained from a State employee from public sources, such as through an internet search, or literature packets obtained in conjunction with an event such as a trade show.

D) Provided, at the request of the State, general marketing material or makes a general sales presentation to show the person's qualifications or product capabilities. Material may be personalized for the procuring agency provided any personalization is obtained from publically available sources.

4) Prohibited Acts

A) Determination of Need. Any person or business who, at the request of the State or with the consent of the State, reviews or analyzes the State's assets, activities, documents, functions, organization, programs or anything of similar nature to aid in the determination of whether the State has a need for some good or service is prohibited from bidding on or receiving a contract to meet that need.

B) Preparation of Procurement Documents. A person or business is prohibited from bidding on a solicitation and from having a contract arising from any of the following activities if the person or business, at the request of the State or with the consent of the State, assisted in the preparation of procurement documents in any of the following ways:

i) Draft (writes or assists the State with writing all or part of the procurement document);

ii) Review (reads the document or comments on the procurement document);

iii) Prepare (any activity relating to organizing or distributing the documents, including through the Procurement Bulletin); or

iv) Provides similar assistance (e.g., conducting research or providing any advice used in drafting, reviewing or preparing procurement documents).

5) Exceptions. Any person or business who responds to an advertised request for information or other publically available opportunity to provide information related to the procurement need or to review drafts of all or part of proposed procurement documents shall not be disqualified by virtue of responding to the State's publically advertised request.

6) *Notwithstanding subsection (e) of Section 50-10.5 of the Code, the Chief Procurement Officer, with the approval of the Executive Ethics Commission, may permit a public institution of higher education to accept a bid* or proposal, *or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid*, proposal *or contract, provided that the bid*, proposal *or contract is essential to research administered by the public institution of higher education and it is in the best interest of the public institution of higher education to accept the bid*, proposal *or contract. For purposes of this subsection, "business" includes all individuals, with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business. The Executive Ethics Commission may promulgate rules and regulations of the implementation and administration of the provisions of this subsection.* [30 ILCS 500/1-13]

x) Pre-Submission Conference
A pre-submission conference may be conducted to enhance potential vendors' understanding of the procurement requirements. The pre-submission conference shall be announced as part of the solicitation notice. The conference may be

designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the solicitation has been issued to allow potential vendors to become familiar with it, but sufficiently before solicitation opening to allow consideration by vendors of conference results in preparing their responses. Supporting documentation of the conference shall be supplied to all prospective vendors known to have received a solicitation by posting the information on the Bulletin. Nothing stated at the pre-submission conference shall change the solicitation unless a change is made by written modification to the solicitation. Amendments shall be supplied to all those prospective vendors through posting on the Bulletin.

y) Federally Funded Purchases
For purchases funded in whole or in part by United States Government funds, the solicitation will identify the federal agency providing the funds, the name of the fund and contact information where interested parties can obtain requirements for contracting in relation to those funds.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2010 Competitive Sealed Bidding

a) Application
Competitive sealed bidding is the required method of source selection, except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.

b) Invitation for Bids

1) Use. An Invitation for Bids is used to initiate a competitive sealed bid procurement.

2) Content. An IFB~~Invitation for Bids~~ shall include, at a minimum, the following:

A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the location~~office~~ to which bids are to be delivered and the maximum time for bid acceptance by the

universityUniversity;

B) the purchase description, evaluation factors, delivery or performance schedule and such inspection and acceptance requirements as are not included in the purchase description; and

C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable and State mandated certifications.

3) Delivery-Related Costs. Unless otherwise provided in the solicitation, the bid price includes transportation, transit insurance, delivery, installation and any other costs.Incorporation by Reference. An Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.

c) Amendments to Invitations for Bids

1) Form. Amendments to IFBs shall be clearly identified and shall reference the portion of the IFB they amend.

2) Distribution. Amendments shall be made available to all prospective bidders known to have received an IFB through posting on the Bulletin.

3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit that preparation, the amendment shall extend the response time. If necessary, the response time may be extended by written announcement posted at the opening location or as announced at the scheduled opening time and confirmed in the amendment.

Bidding Time
Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.

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d) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received at the location designated in the IFB prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

~~Bidder Submissions~~

~~1) Bid Form. An Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.~~

~~2) Special envelope for sealed bids. A special envelope may be furnished for return of a sealed bid. If a special envelope is used, such envelope containing the bid will show the following information on the outside:~~

~~A) Address to which the bid is to be mailed or delivered.~~

~~B) Date and time of the bid opening.~~

~~C) Requisition or bid number or other project identification.~~

~~D) Complete name and address of bidder.~~

e) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be date and time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened for identification purposes or opened in error, the file shall state the reason for the breach.

2) Opening and Recording. Bids and modifications shall be opened publicly at the time, date and place designated in the IFB in the presence of a State witness. The person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the CPO-HE or SPO shall be recorded and read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

~~Contents of Bids~~

~~1) Period of firm bid. Unless otherwise provided in bid information, the price of each bid must be kept firm for at least 60 days after the bid opening date. A bidder may specify the price will remain firm for a longer period than required by the bid information or this Part. If the bidder has not specified an expiration date for the price, the price will continue to remain firm until the bidder gives notice of intent to terminate the price. After such notice, the University will have 10 days to accept the bid at the original bid price.~~

~~2) Maintenance and repair service. If the bid information specifies that maintenance or repair service must be provided by the successful bidder, each bidder will specify in the bid whether the service will be provided by the bidder or through an arrangement with another identified person or firm.~~

~~3) Contract pricing. The bid information should define whether prices cover transportation, transit insurance, delivery, installation, and any other costs.~~

~~4) Taxes, licenses, assessments and royalties.~~

~~A) The contractor shall pay all current and applicable city, county, State and federal taxes, licenses or assessments, including federal excise taxes, due on the performance of the contract, including, without thereby limiting the foregoing, those required by the Federal Insurance Contribution Act and the Federal and State Unemployment Tax Acts, together with all royalties due for any proprietary items. The contractor is exclusively liable for the payment of taxes to the respective governments. In the event said~~

~~taxes, licenses, assessments or royalties, or any part thereof, are in the first instance charged to the University, the contractor shall, upon timely demand of the University, pay the University the amount thereof, plus all penalties that may have accrued thereon.~~

~~B)~~ ~~The University is exempted by Section 3 of the Use Tax Act [35 ILCS 105/3] from paying any of the taxes imposed by that Act, and sales to the University are exempt by Section 2 of the Retailers' Occupation Tax Act [35 ILCS 120/2] from any of the taxes imposed by that Act. The Department of Revenue of the State of Illinois under Rule No. 15, issued August 9, 1961, has declared that sales of materials to construction contractors for conversion into real estate for schools or charities are not taxable retail sales. The SPO will furnish the vendor with an exemption certification statement upon request.~~

~~C)~~ ~~Federal excise tax. Bidders must not include in their prices any allowance for payment of federal excise tax, if the University is exempt from such taxes. If an order or contract is awarded for the purchase of an item that is subject to federal excise tax, the SPO will furnish the vendor with an exemption certificate upon request.~~

~~5)~~ ~~Federally financed purchases. For purchases financed in whole or in part by United States Government funds, the contractor and each subcontractor shall comply with all applicable federal statutes and regulations.~~

~~6)~~ ~~Bid Samples and Descriptive Literature.~~

~~A)~~ ~~Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.~~

~~B)~~ ~~Unsolicited bid samples or descriptive literature are submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids and may not be utilized by the vendor to contest a decision or understanding with the University.~~

f) Bid Evaluation and Award

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1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB, except as permitted in the Code and this Part. The IFB shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated on the basis of any requirements or criteria that are not disclosed in the IFB.

2) Responsibility. Responsibility of prospective vendors is covered by Section 4.2046 (Responsibility).

3) Responsiveness. A bid must conform in all material respects to the IFB.

A) Product or Service Acceptability. The IFB shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;

ii) examination of such elements as appearance, finish, taste or feel;

iii) other examinations to determine whether the product or service conforms to any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose or determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the IFB. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (f), bids will be

evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the IFB. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, administrative cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but, to the extent possible, the evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall treat all bids equitably. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for those items or terms is unbalanced when compared to other pricing in the bid.

5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

~~Public Notice~~

~~1) Publication. Every procurement for supplies and services that must be procured using an Invitation for Bids shall be publicized in the Higher Education Bulletin at least 14 days before the date set for bid opening (see Section 4.1510).~~

~~2) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection.~~

~~3) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained, generally describe what is needed and indicate the due date for bids. Where appropriate, the SPO may require payment of a fee or a deposit for supplying the Invitation for Bids.~~

g) Award to Other than Low Responsible and Responsive Bidder
The SPO, but not a designee, may authorize the State to award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. A description of the agency's

needs, a determination that the anticipated cost will be fair and reasonable, a listing of all responsible and responsive bidders, and the name of the bidder selected, pricing and the reasons for selecting this bidder instead of the low responsive and responsible bidder must be published in the Bulletin and notice shall be filed with the Legislative Audit Commission and the PPB. This information shall be made available for inspection by the public within 30 days after the agency's decision to award the contract.

~~Pre-Bid Conference~~
~~A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written modification to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.~~

h) Publicizing Award.

1) Bidders shall be notified of contract award. Notification shall be issued electronically and, additionally, may be in the form of a letter, purchase order or other clear communication. Notices of awards through the IFB process shall be published in the Bulletin prior to the execution of a contract. Failure to provide this notice to all bidders shall result in extending the time for filing a bid protest up to 5 business days. If the contract is awarded to other than the lowest bidder, the notice shall include an explanation of the award. Notice of the award shall be posted on the university's website the next business day. The winning bid shall be available for public inspection after award, along with a record of each unsuccessful bid.

2) The notice of award must include the information identified in Section 4.1525.

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~~Amendments to Invitations for Bids~~

~~1)~~ ~~Form. Amendments to Invitations for Bids shall be clearly identified and shall reference the portion of the IFB they amend.~~

~~2)~~ ~~Distribution. Except as provided in subsection (g) of this Section, amendments shall be made available to all prospective bidders known to have received an Invitation for Bids.~~

~~3)~~ ~~Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by facsimile transmission or telephone and confirmed in the amendment.~~

~~i)~~ ~~Pre-Opening Modification or Withdrawal of Bids~~

~~1)~~ ~~Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.~~

~~2)~~ ~~Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.~~

~~3)~~ ~~Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.~~

~~j)~~ ~~Receipt, Opening and Recording of Bids~~

~~1)~~ ~~Receipt. Upon its receipt, each bid and modification shall be date- and time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.~~

~~2)~~ ~~Opening and Recording.~~

~~A)~~ ~~Bids and modifications shall be opened publicly at the time, date~~

~~and place designated in the Invitation for Bids. Opening shall be witnessed by a University employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price and such other information as is deemed appropriate by the SPO, shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.~~

~~B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.~~

~~k) Bid Evaluation and Award~~

~~1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder.~~

~~2) Responsibility. Responsibility of prospective vendors is covered by Section 4.2046 (Responsibility) of this Part.~~

~~3) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.~~

~~A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:~~

~~i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;~~

~~ii) examination of such elements as appearance, finish, taste, or feel;~~

~~iii) other examinations to determine whether it conforms with any other purchase description requirements.~~

~~B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.~~

~~4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (k), bids will be evaluated to determine which bidder offers the lowest cost to the University in accordance with the evaluation criteria set forth in the Invitation for Bids. Examples of such criteria include, but are not limited to, transportation cost, administrative cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the University has available concerning future use and shall treat all bids equitably.~~

~~5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.~~

~~l) Documentation of Award~~
~~Following award, a record showing the successful bidder shall be made a part of the procurement file.~~

~~m) Award to Other Than Low Bidder~~
~~The SPO, but not a designee, may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the University's best interest. The name of the bidder selected, pricing and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.~~

~~n) Publicizing Award~~
~~The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order, or other clear communication. In~~

~~procurements over the small purchase limit set in Section 4.2020 (Small Purchases) of this Part, notice of award shall be published in the next available Bulletin. If the contract is awarded to other than the lowest bidder, the notice shall include an explanation of the award.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2012 Multi-Step Sealed Bidding

a) Definition
Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

b) Conditions for Use
The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:

1) to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and

2) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, when appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.

c) Pre-Submission Conference in Multi-Step Sealed Bidding
Prior to the submission or evaluation of unpriced technical offers, a pre-submission conference as contemplated by Section 4.2005(x) (Pre-Submission Conference) may be conducted by the SPO or designee.

d) Procedure for Phase One of Multi-Step Sealed Bidding

1) Form. Multi-step sealed bidding shall be initiated by the issuance of an

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Invitation for Bids in the form required by Section 4.2010 (Competitive Sealed Bidding), except as otherwise provided in this subsection (d). In addition to the requirements set forth in Section 4.2010, the multi-step IFB shall state:

A) that it is a multi-step sealed bid procurement, that only unpriced technical offers are requested, and that priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

B) the criteria to be used in the evaluation of the unpriced technical offers;

C) that the SPO or designee may conduct oral or written discussions of the unpriced technical offers; and

D) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the IFB.

2) Amendments to the IFB. After receipt of unpriced technical offers, amendments to the IFB shall be distributed only to bidders who submitted unpriced technical offers, and those bidders shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the SPO, a contemplated amendment will significantly change the nature of the procurement, the IFB may be canceled in accordance with Section 4.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals) and a new IFB issued.

3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be opened in the presence of at least one State witness. Technical offers shall not be disclosed to unauthorized persons.

4) Evaluation of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the IFB.

5) Unacceptable Unpriced Technical Offer. When the SPO determines a bidder's unpriced technical offer does not meet criteria, the offer shall be rejected.

e) Procedure for Phase Two

1) Initiation. Upon the completion of phase one, the SPO or designee shall either:

A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or

B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.

2) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement.

~~When it is considered impracticable to initially prepare a purchase description to support an award based on price, an Invitation for Bids may be issued requesting the submission of unpriced offers to be followed by an Invitation for Bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2013 Reverse Auctions

a) CPO-HE Authorization
A university may procure supplies or services (other than for professional and artistic services, telecommunications services, communication services, Internet services, and information services and construction services) through means of a reverse auction if the CPO-HE has made a determination that use of a reverse auction is in the best interests of the State. The CPO-HE shall publish in the Bulletin that bids will be received in an electronic auction manner as part of the notice of IFB.

b) Reverse Auction Process

The SPO or designee shall conduct a reverse auction through a two step IFB process consisting of bid prequalification and price submission.

1) Prequalification

A) An invitation to prequalify shall be issued requesting the submission of information addressing vendor qualifications and responsibility; addressing vendor specifications and/or samples; confirming acceptance of auction procedures; and requiring agreement to accept a contract using State contract terms and conditions if selected for award in the price only part of the process. No pricing information shall be submitted or considered in the prequalification step of the process.

B) The prequalification bids shall not be opened publicly, but the opening shall be recorded and witnessed by a State witness. Prequalification information will be evaluated on a pass/fail basis and vendors will be notified directly as to whether they met or did not meet the prequalification criteria.

2) Price

A) An IFB shall be sent to those vendors who passed prequalification. The response shall be limited to the submission of prices in the form specified in the IFB. The IFB shall establish any minimum bid increments.

B) Prices shall be submitted electronically. The SPO shall cause the prices to be displayed as submitted, but the prices as displayed will not identify the name of the vendor. Vendors may reduce their price at any time during the active period of the auction.

C) When the low price is substantially lower than other prices submitted, the SPO or designee may request that the bidder confirm the price and, if an error has occurred, may allow withdrawal in accordance with the Code and this Part.

c) Technical Difficulties

1) The auction time may be extended or rescheduled by the SPO or designee if technical difficulties at the State site do not allow the auction to be conducted as intended. Participants will be notified of an extension or a rescheduling.

2) If technical difficulties occur at a vendor site such that the vendor cannot electronically submit a price, the SPO may accept a fax and will then enter the price for the vendor. Faxed prices will not be accepted later than 5 minutes before the originally scheduled end of the auction or if the faxed prices are higher than the then-existing low price.

d) Reverse Auction Training
The SPO may provide instructions or training to prequalified vendors regarding auction procedures and technology.

e) Disclosure of Reverse Auction Information
After the end of the reverse auction, the names of those who participated in either step of the process shall be disclosed and the final price submitted by each participant.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.2015 Competitive Sealed Proposals

a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.

b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, must be procured pursuant to Section 4.2035 of this Part):

1) electronic data processing equipment, software and services;

2) telecommunications equipment, software and services;

3) consulting services;

4) employee benefits and management of those benefits; and

5) insurance and banking services.~~; and~~

~~6) public utility services not subject to tariff.~~

c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the SPO that competitive sealed bidding is either not practicable or advantageous. The Competitive Sealed Proposal method differs from competitive sealed bidding in two ways: it permits discussions with competing offerors and changes in their proposals, including price and it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract. Factors to be considered in determining whether competitive sealed bidding is either not practical or advantageous include:

1) When evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, when the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or when the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration;~~"Practicable" Distinguished From "Advantageous." As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the University's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the University's best interest. Before a procurement may be conducted by Competitive Sealed Proposals, the SPO shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the University.~~

2) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;~~General Discussion.~~

~~A) If competitive sealed bidding is not practicable or is not~~

~~advantageous, Competitive Sealed Proposals should be used.~~

~~B)~~ ~~The key element in determining whether use of a proposal is advantageous is the need for flexibility. The Competitive Sealed Proposal method differs from competitive sealed bidding in two important ways:~~

~~i)~~ ~~it permits discussions with competing offerors and changes in their proposals, including price; and~~

~~ii)~~ ~~it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.~~

~~C)~~ ~~Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.~~

3) whether offerors may need to be afforded the opportunity to revise their proposals, including price;~~When Competitive Sealed Bidding Is Not Practicable.~~
~~Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:~~

~~A)~~ ~~whether the contract needs to be other than a fixed-price type;~~

~~B)~~ ~~whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;~~

~~C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;~~

~~D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality and contractual factors in order to determine the most advantageous offering to the University. Quality factors include technical and performance capability and the content of the technical proposal; and~~

~~E) whether the primary consideration in determining award may not be price.~~

4) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal;

5) whether the primary consideration in determining award may not be price; and

6) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State.

~~When Competitive Sealed Bidding Is Not Advantageous.~~

~~A determination may be made to use Competitive Sealed Proposals if it is determined that it is not advantageous to the University, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:~~

~~A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the University; and~~

~~B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.~~

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d) Content of the Request for Proposals
The RFP~~Request for Proposals~~ shall be prepared in accordance with Section 4.2010 (Competitive Sealed Bidding), provided that it shall also include:

1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without those~~such~~ discussions; and

2) a statement of when and how price should be submitted.

e) Receipt and Registration of Proposals

1) Receipt. Upon its receipt, each proposal and modification shall be date- and time-stamped but not opened and shall be stored in a secure place until the time and date set for opening. If a proposal is opened for identification purposes or opened in error, the file shall state the reason for the error.

2~~1~~) Proposals and modifications shall be opened publicly at the time, date and place designated in the RFP~~Request for Proposals~~. Opening shall be witnessed by a university~~University~~ employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, ~~and~~ a description sufficient to identify the supply or service item offered, and a notation that the package contains a price proposal. The record of proposals shall be open to public inspection after award of the contract.

3~~2~~) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only authorized university~~University~~ personnel and contractual agents may review the proposals prior to award.

f) Evaluation of Proposals

1) Evaluation Factors in the RFP~~Request for Proposals~~. The RFP~~Request for Proposals~~ shall state all of the evaluation factors, including price, and their relative importance. Evaluation subfactors, if any, and their relative

importance must be finalized prior to the opening and made available for inspection and copying upon opening. However, all price subfactors and their relative ranking must be shown in the RFP.

2) Evaluation. The evaluation shall be based solely on the evaluation factors set forth in the RFP~~Request for Proposals.~~ and no other factors shall be considered, except as communicated in advance to each proposer with opportunity to make necessary adjustments to the proposal. Numerical rating systems shall be used unless another scoring tool is authorized by the SPO. Any scoring tool shall reflect the evaluation criteria and ranking set forth in the RFP and any subfactors identified at the opening. Proposals shall be submitted in two parts: the first, covering items except price, and the second, covering price. The first part shall be evaluated and ranked independent of the second part of all proposals. Each member of the evaluation committee must read and evaluate the first part individually. After completion of the individual evaluations, the evaluation committee should meet to confirm the individual scores and reach consensus. The evaluation committee shall consider significant or substantial variance of scores, divergent scoring comments, or other information that suggests the need for further discussion. After consideration of comments, individual evaluators may, for good cause, adjust their scores. The price proposal shall be opened in the presence of a State witness and distributed to the appropriate evaluators. ~~may be used but are not required.~~

g) Proposal Discussions with Individual Offerors

1) Purposes of Discussions. Discussions are held to:

A) promote understanding of the University's requirements and the offerors' proposals; and

B) facilitate arriving at a contract that will be most advantageous to the State~~University~~, taking into consideration price and the other evaluation factors set forth in the RFP~~Request for Proposals~~.

2) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and clarifications~~revisions~~ of proposals. If during the discussions it is

determined there is a need for any substantial revision~~clarification~~ of, or change to, the RFP~~Request for Proposals~~, the RFP~~Request~~ shall be canceled and may be resolicited~~be amended~~ to incorporate the~~such~~ clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.

3) Best and Final Offers. The SPO may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The SPO may conduct additional discussions or ~~change the University's requirements and~~ require another submission of best and final offers. The scope of the best and final offer and the number of vendors allowed to participate shall be defined by the SPO. If an offeror does not submit either a notice of withdrawal or another best and final offer, the~~that~~ offeror's immediately previous offer will be construed as its best and final offer.

h) Award

An award shall be made by the SPO pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, taking into consideration price and evaluation factors set forth in the RFP. The contract file shall contain the basis on which the award is made~~University, based on the factors set forth in the Request for Proposals~~. After the most advantageous finding is presented to the SPO, the SPO may request a reduction in the price only term of the proposal.

i) Publicizing Awards

1) Offerors shall be notified of contract award. Notification shall be issued electronically and, additionally, may be in the form of a letter, purchase order or other clear communication. Notices of awards through the RFP process shall be published in the Bulletin prior to the execution of a contract. Failure to provide this notice to all offerors shall result in extending the time for filing a bid protest up to 5 business days. Notice of the award shall be posted on the university's website the next business day. The winning proposal shall be available for public inspection after award,

along with a record of each unsuccessful proposal.

2) The notice of award must include the information identified in Section 4.1525.

~~j) When the SPO does not have sufficient information about available supplies or services to issue a Request for Proposals, the SPO may issue a Pre-solicitation Request for Information inviting vendors to submit non-price information about the availability of specified types of supplies or services. Public notice of the Pre-solicitation Request for Information shall be published in the Higher Education Bulletin at least 14 days before the date set for the receipt of information. The submission of information by a vendor in response to a Pre-solicitation Request for Information is not a prerequisite for that vendor to respond to a subsequent IFB or Request for Proposals for the types of supplies or services for which information was solicited, and the issuance of a Pre-solicitation Request for Information does not commit the University to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a Pre-solicitation Request for Information.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2020 Small Purchases

a) Application

1) Individual procurements of $50,000 or less for supplies or services ~~(including printing)~~, other than professional and artistic, ~~and $70,000 or less for construction,~~ may be made without notice or competition~~using the method of source selection determined by the SPO to be most appropriate to the circumstances~~. These small purchase maximums shall be subject to the annual cost of living increases set forth in subsection (a)(3)~~ of this Section~~.

2) Procurements for construction and construction-related services of $70,000 or less, or as increased to reflect increases in the consumer price index as determined by the CPO-HE.~~Procurements of less than $20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection~~

~~determined by the SPO to be most appropriate to the circumstances.~~

3) The CPO-HE shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending each December 31~~, 1998, and for each year thereafter~~. That percentage change shall be used to recalculate~~calculate~~ the small purchase maximums ~~that shall be~~ applicable for the fiscal year beginning July 1~~, 1999~~. The CPO-HE shall publish on the Bulletin the current small purchase maximums.~~The small purchase maximums shall be likewise recalculated for each July 1 thereafter.~~

4) Procurements of less than $20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made without notice or competition.

b) Determination of Small Purchase Status

1) In determining whether a contract is under the small purchase limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. When~~Where~~ the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12~~twelve~~ month period.

2~~c~~) If only a unit price or hourly rate is known, the contract shall be considered small and shall have~~if it has~~ a not-to-exceed limit applicable to the type of procurement (see subsection (a)).

3~~d~~) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the SPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the SPO must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.~~Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.~~

c) The CPO-HE may establish policies and procedures regarding the use of the small

purchase method of source selection to ensure compliance with policies including, without limitation, promotion of small business, diversity and transparency.

d~~e~~) Repetitive Need
If there is a repetitive need for small procurements of the same type, the university shall notify the SPO who shall~~University should~~ consider whether issuing a competitive sealed bid or proposal for procurement of those needs is in the best interests of the State.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2025 Sole Economically Feasible Source Procurement

a) Application
The provisions~~ of this Part~~ apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 4.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 4.2030 (Emergency Procurements)~~ of this Part~~, in which case those other procedures may be used.

b) Conditions for Use of Sole Source Procurement
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one vendor~~potential bidder or offeror~~ authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:

1) ~~the~~ compatibility of equipment, accessories, replacement parts~~,~~ or service is a paramount consideration;

2) ~~a sole supplier's~~ items are needed for trial use or testing of a specific product or service;

3) ~~a sole supplier's~~ item is ~~to be procured~~ for commercial resale;

4) non-competitive~~regulated~~ public utility services~~ are to be procured~~;

5) ~~the~~ item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

6) ~~the procurement of the~~ media for advertising;

7) ~~the procurement of~~ art, ~~or~~ entertainment services or athletic events;

8) ~~the procurement of~~ radio and television broadcast rights; ~~and~~

9) procurements related to participation in mandated educational, professional, research, public service or athletic activities of organizations of which the university~~University~~ is a member. These~~Such~~ procurements may include, but are not limited to, dues and membership fees, travel and lodging and facility usage fees; ~~.~~

10) federal or State grant requires contract with named vendor;

11) changes to existing contracts (see subsection (c)).

c) Changes

1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to ensure success of the program, ~~complete the project,~~ and that can be best accomplished by the contract holder may be procured under this Section. The SPO must determine that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.

2) As provided in Section 20-25(b) of the Code, changes to a contract for professional or artistic services that *would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed two months*, may not be made on a sole source basis.

3) A change (whether in cost or rate) that does not exceed the applicable

small purchase limit as defined in Section 4.2020, or that is an emergency as defined in Section 4.2030, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

d) Sole Source Determination~~SPO to Determine~~
The determination as to whether a procurement shall be made as a sole source procurement shall be made by the SPO, based on a request made by a university. The request~~determination and the basis therefor~~ shall be in writing and shall include the basis for the sole source determination. Prior to authorizing the university to enter into a contract based on the sole source request, the CPO-HE shall require a public hearing to be held and make a final determination as required by Section 20-25(a) of the Code.~~The SPO may specify the application of such determination and the duration of its effectiveness.~~

e) Hearing
Any hearing required shall be conducted in accordance with Subpart U.
~~Treatment of Entertainment and Athletic Events~~
~~The procedures set forth in subsections (f) and (h) of this Section are not required for procurements of entertainment performances or athletic events. Generic sole source notices for entertainment performances or athletic events may be published in the Bulletin on a continuous or periodic basis as required to meet the needs of the entertainment or athletic venue. Contracts for entertainment performances or athletic events may be executed by the SPO on any date provided that the notice has been published for at least 14 days prior to the date of execution. Notices of contracts awarded for entertainment performances or athletic events shall be published in the Bulletin as soon as practicable after the contracts are cleared by the venue for public announcement pursuant to Sections 15-25 and 20-25 of the Code.~~

~~f) Publication of Sole Source Notice~~
~~The SPO shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.~~

~~1) If no challenge to this determination is made by a vendor within the 14~~

~~day period, the SPO may execute a contract with that vendor.~~

~~2) If a challenge is received, the SPO shall consider the information and shall commence a competitive procurement if the SPO determines that more than one economically feasible source may be available and the sole source designation is, therefore, not appropriate, unless an emergency situation exists.~~

~~g) Negotiation in Sole Source Procurement~~
~~The SPO shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:~~

~~1) the vendor's name;~~

~~2) the amount and type of the contract;~~

~~3) what was procured; and~~

~~4) the identification number of the contract file.~~

~~h) Publicizing Awards~~
~~Notices of contracts awarded on a sole source basis shall be published in the next available Higher Education Bulletin. In the rare instance where publication of the contract price would have a detrimental impact on future procurements of similar supplies or services (for example, in connection with the purchase of a complete manuscript or art collection or other rare or one-of-a-kind items), as determined in writing by the SPO, the contract price will not be published with the notice of award but such notice shall indicate that price information is available to the public, upon request, from the SPO who conducted the procurement.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2030 Emergency Procurements

a) Authority to Make Emergency Procurements~~Applications~~
The provisions of this Part apply to every procurement over the small purchase limit set in Section 4.2020 (Small Purchases)~~ of this Part~~ made under emergency

conditions. A university shall have the authority to make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods.

b) Statutory~~Definition of~~ Emergency Conditions
~~1)~~A statutory emergency condition exists~~A procurement may be made under this Section in situations in which~~:

1~~A~~) if there exists a threat to public health or public safety~~, including the health or safety of any particular person, is threatened~~;

2~~B~~) when immediate expenditure is~~repairs are~~ needed for repairs to university~~University~~ property in order to protect against further loss or damage to university~~University~~ property~~, or to prevent loss or damage to University property~~;

3~~C~~) ~~immediate action is needed~~ to prevent or minimize serious disruption in critical university~~University~~ services that affect health, safety, or collection of substantial State revenues; or

4~~D~~) ~~action is needed~~ to ensure the integrity of university~~University~~ records.~~;~~

~~E)~~ ~~a supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the University than instituting a competitive procurement under the provisions of this Part for the supplies or services;~~

c) Quick Purchase. The emergency method of source selection is allowed in additional situations. These include but are not limited to:

1) protect the health and safety of any person;

2~~F~~) items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a "quick purchase" immediately to take advantage of the availability and price;

3~~G~~) rare items, such as articles of historical value or art collections, are

available for a limited time;

4~~H~~) the opportunity to obtain entertainment, speakers and athletic and other events or performances (not exempt under Section 1-13 of the Code) is available for a limited time;

5~~I~~) immediate action is necessary to avoid lapsing or loss of federal or donated funds.~~;~~

~~J) it is necessary to extend an existing contract for such limited period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the University; or~~

~~K) the need for services to protect or further University interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing disadvantages to the University.~~

~~2) After Unsuccessful Competitive Sealed Bidding or Proposals or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, or if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.~~

d~~e~~) Scope of Emergency Conditions
Emergency procurement shall be limited to those supplies, services, ~~or~~ construction or other items necessary to meet the emergency need. In certain situations, the purchase to meet the immediate need (i.e., the temporary solution) may, by necessity, also be the permanent solution. In this event, the notice shall describe that circumstance.

~~d) Authority to Make Emergency Procurements~~
~~A University may make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods, provided~~

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PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~that, whenever practical, existing University or State contracts shall be utilized. The determining SPO shall be responsible for making the filings required in Section 20-30 of the Code.~~

e) Source Selection Methods
Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations, provided that, whenever practical, existing State contracts shall be utilized and competitive sources shall be considered if practical. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

f) Determination and Record of Emergency Procurement

1) Determination. The university~~SPO~~ shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. These~~Such~~ determinations shall be kept in the contract file~~ of the SPO~~.

2) Record. An affidavit of each emergency procurement (including statutory, quick purchases and extensions of emergency contracts beyond 90 days) shall be filed by the university with the CPO-HE, PPB and ~~the~~ Auditor General within 10 days after the procurement and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);

C) a description of what the vendor will do or provide;

D) the reasons for using the emergency method of source selection.

3) Notice of the emergency procurement shall be published in the ~~next available Higher Education~~ Bulletin by the university as specified in Sections 15-25(c) and 20-30 of the Code no later than 3 business days

after the contract is awarded and shall include a description of the procurement, the reasons for the emergency procurement and the total cost. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month. In the rare instance in which~~where~~ publication of the contract price would have a detrimental impact on future procurements of similar supplies or services (for example, in connection with the purchase of a complete manuscript or art collection or other rare or one-of-a-kind items), as determined in writing by the SPO, the contract price shall~~will~~ not be published with the notice of award, but the~~such~~ notice shall indicate that price information is available to the public, upon request, from the SPO~~ who conducted the procurement~~.

4) The university shall be responsible for making the filings required in Section 20-30 of the Code and providing copies to the CPO-HE.

g) Duration of Emergency Contract

1) The term of the temporary solution emergency contract shall be limited to the time reasonably needed for a competitive procurement for the permanent solution, not to exceed 90 days. A temporary solution emergency contract may be extended beyond 90 days if the CPO-HE determines additional time is necessary and the contract scope and duration are limited to the emergency. Prior to execution of the extension, a public hearing shall be held at which the PPB and members of the public may present testimony.

2) Notice of Extension. Notice of intent to extend an emergency contract shall be published in the Bulletin no later than 14 days prior to a public hearing. Notice shall include at least a description of the need for the emergency extension, the vendor, and the date, time and location of the public hearing.

3) The initial determination as to whether an emergency shall be extended for a term longer than 90 days shall be made by a SPO in the form of an extension request submitted to the CPO-HE. The request shall be in writing and shall include the justification for the extension. Prior to

execution of the extension, a public hearing shall be held at which the PPB and members of the public may present testimony. The CPO-HE may conduct the hearing or may authorize a hearing officer to hold the hearing and make a recommendation. The CPO-HE shall make a final determination as required by Section 20-30(a), (b) and (g) of the Code.

h) Contract Extension Hearing
The hearing shall be conducted in accordance with Subpart U.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2035 Competitive Selection Procedures for Professional and Artistic Services

a) Application

1) The provisions of this Section apply to every procurement of professional and artistic services except, those subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and except as provided in subsection (e).

2) "Professional and artistic services" *means those services provided under contract to a* university~~University~~ *by a person or business, acting as an independent contractor, qualified by education, experience and technical ability* [30 ILCS 500/1-15.60].

b) Professional and artistic services are further defined as follows:

1) "Qualified by education" means the individual who would perform the services must have obtained the level of education specified in the Request for Proposals.

2) "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals.

3) "Qualified by technical ability" means the individual who would perform the services demonstrates a high degree of skill or ability in performing services that are the same, similar~~,~~ or closely related in nature to those

specified in the Request for Proposals.

4) An essential element distinguishing professional services from other services is confidence, trust and belief in not only the ability, but the talent, of the individual performing the service.

5) Professional and artistic services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor are not professional and artistic services contracts.

6) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.

7) When a university~~University~~ requires services that meet the requirements of this subsection (b), the competitive selection procedures described in this Section must be followed. Services that do not meet the requirements of this Section must be procured in accordance with the other methods of source selection authorized by the Code and this Part.

c) The categories of services enumerated in this subsection (c)~~below~~ shall be considered and procured as professional and artistic services. With regard to other services, the SPO may determine whether the factors identified in subsection (b), when applied to particular services to be procured, require the~~such~~ services to be procured as professional and artistic under these competitive selection procedures, or as services that are subject to one of the other methods of source selection authorized by the Code and this Part. The following categories are examples of disciplines that would always be professional and artistic services:

1) law;~~,~~

2) accounting;~~,~~

3) medicine;~~,~~

4) dentistry;~~,~~ and

5) clinical psychology.

d) Architect, engineering and land surveying services shall be procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. These~~Such~~ procurements are not subject to the procedures for other professional services established in the Code or this Part.

e) Conditions for Use of Competitive Selection Procedures.
Except as authorized under Section 20-25 (Sole Economically Feasible Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of $20,000 or more. Services of less than $20,000 and for a nonrenewable term of one year or less may be procured in accordance with Section 4.2020 (Small Purchases) of this Part.

~~f) Prequalification. The CPO shall maintain a list of prequalified professional and artistic vendors in accordance with Section 4.2045 of this Part. Persons may amend statements of qualifications at any time by filing a new statement. Failure of a professional and artistic vendor to prequalify shall not be cause for rejection of a proposal.~~

~~g) Public Notice of Competitive Selection Procedures~~

~~1) Notice of the need for professional and artistic services shall be made by the SPO in the form of a Request for Proposals.~~

~~2) Notice of the Request for Proposals shall be published in the Higher Education Bulletin at least 14 days before the proposals are due.~~

~~3) Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.~~

f~~h~~) Request for Proposals
Professional and artistic services shall be procured using an RFP.

1) Contents. The RFP~~Request for Proposals~~ shall be in the form specified by

the CPO-HE and shall contain at least the following information:

A) the type of services required;

B) a description of the work involved;

C) an estimate of when and for how long the services will be required;

D) the type of contract to be used;

E) a date by which proposals for the performance of the services shall be submitted;

F) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:

i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;

ii) if deemed relevant by the SPO, the age of the offeror's business and average number of employees over a previous period of time, as specified in the RFPRequest for Proposals;

iii) the abilities, qualifications and experience of all persons who would be assigned to provide the required services;

iv) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the RFPRequest for Proposals;

v) a plan giving as much detail as is practical explaining how the services will be performed;

G) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package);

H) the factors to be used in the evaluation and selection process and their relative importance; and

I) a plan for post-performance review to be conducted by the university after completion of services and before final payment and made part of the procurement file.

2) Evaluation. Proposals shall be evaluated on the basis of evaluation factors stated in the RFP~~Request for Proposals~~. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

A) the plan for performing the required services;

B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services and the qualifications and abilities of personnel proposed to be assigned to perform the services;

C) the personnel, equipment and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and

D) a record of past performance of similar work.

~~i)~~ ~~Pre-Proposal Conference~~
~~A pre-proposal conference, if appropriate, shall be conducted in accordance with Section 4.2010(g) (Pre-Bid Conference). Such a conference may be held anytime prior to the date established for submission of proposals.~~

~~g~~~~j~~) Delivery, Receipt and Handling of Proposals

1) Receipt. Upon its receipt, each proposal and modification shall be date and time-stamped but not opened and shall be stored in a secure place until the time and date set for opening. If a proposal is opened for identification purposes or opened in error, the file shall state the reason for

the error.

2~~1~~) Proposals shall be submitted to and opened by the CPO-HE, SPO or the CPO-HE's designee.

A) Proposals and modifications shall be opened publicly at the time, date and place designated in the RFP~~Request for Proposals~~.

B) Opening shall be witnessed by a State witness~~University employee~~ or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror and a description sufficient to identify the service item offered. The record of proposals shall be open to public inspection after award of the contract.

C) Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only authorized State~~University~~ personnel and contractual agents may review the proposals prior to award.

~~D) Proposals of offerors who are not awarded the contract shall not be open to public inspection.~~

3~~2~~) Transmission to the SPO. The CPO-HE will forward timely proposals to the responsible SPO of the university~~University~~ along with any pertinent information contained in the files of the CPO-HE regarding the vendors who submitted proposals.

4) The CPO-HE may require that the SPO be present at and assist in the opening and registration of proposals.

h~~k~~) Discussions

1) Discussions Permissible. The CPO-HE or SPO may conduct discussions with any offeror to:

A) determine in greater detail the~~such~~ offeror's qualifications; and

B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance and the relative utility of alternative methods of approach. The SPO may allow changes to the proposal based on those discussions.

2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and the university~~University~~ conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract~~ has been made~~.

i~~l~~) Selection of the Best Qualified Offerors
After conclusion of validation of qualifications, evaluation and discussion, the SPO shall rank the acceptable offerors in the order of their respective qualifications.

j~~m~~) Evaluation of Pricing Data
Pricing submitted for all acceptable proposals shall be ranked.

1) If the low price is submitted by the most qualified vendor, the SPO may award to that vendor.

2) If the price of the most qualified vendor is not low and if it does not exceed $25,000, the SPO but not a designee may award to that vendor.

3) If the price of the best qualified vendor exceeds $25,000, the SPO, but not a designee, must state why a vendor other than the low priced vendor was selected and that determination shall be published in the Bulletin.

k~~n~~) Negotiation and Award of Contract

1) General. The SPO or designee shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. The SPO may, in the interest of efficiency, negotiate with the next highest ranked vendor~~other vendors~~, while negotiating with the best qualified vendor.

2) Elements of Negotiation. At a minimum, contract~~Contract~~ negotiations

shall be directed toward:

A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;

B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and

C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity and nature of those~~such~~ services.

3) Successful Negotiation of Contract with Best Qualified Offeror~~.~~

A) If compensation, contract requirements and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.

B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the SPO based on the circumstances of the particular procurement, including, but not limited to, the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, other available pricing information and the agency's identified budget.

4) Failure to Negotiate Contract with Best Qualified Offeror~~.~~

A) If compensation, contract requirements~~,~~ or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons ~~therefor~~ shall be placed in the file. The SPO shall advise the~~such~~ offeror of the termination of negotiations.

B) Upon failure to negotiate a contract with the best qualified offeror, the SPO may enter into negotiations with the next most qualified

offeror.

~~C)~~ ~~Nothing in this Section shall prohibit the SPO from making a selection that represents the best value, qualifications, price and other relevant factors established in the Request for Proposals being considered. The SPO may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.~~

l) Multiple Awards
The SPO may enter into negotiations with the next most qualified vendor or vendors when the university has a need that requires multiple vendors under contract.

m~~e~~) Notice of Award
The notice of award must include the information identified in Section 4.1525. Written notice of award shall be public information and made a part of the contract file. ~~The CPO shall publish the names of the responsible decision makers of the University, the name of the University, the successful vendor, a contract reference number or other identifier and the value of the contract.~~ Publication shall be in the next available issue of the Bulletin.

n) Prequalification
Prequalification of professional and artistic vendors shall not be used to bar or prevent an otherwise qualified person from responding to a request for proposal for professional and artistic services.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2036 Other Methods of Source Selection

a) Split Award
~~1)~~An award of a definite quantity requirement may be split between bidders or offerors if necessary to obtain the total quantity needed. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. ~~A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.~~

~~2) The SPO shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.~~

b) Multiple Award

1) ~~A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the University is obligated to order all of its actual requirements from those vendors.2)~~A multiple award may be made when award to two or more bidders or offerors for similar products or services is necessary for adequate delivery or~~,~~ service~~, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 4.2010 (Competitive Sealed Bidding), Section 4.2015 (Competitive Sealed Proposals), Section 4.2020 (Small Purchases) and Section 4.2030 (Emergency Procurements), as applicable~~.

2) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.

3) In a multiple award situation, one vendor shall be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the SPO. The SPO may authorize a multiple award without a primary designation, provided the solicitation describes the method by which individual orders would be placed.

4~~3~~) If~~The University shall reserve the right to take bids separately if~~ a particular quantity requirement arises that exceeds the university's its normal requirement or a quantity or~~an~~ amount specified in the contract, a separate solicitation may be issued.

5) Multiple Award with Set Rate

A) Notwithstanding anything to the contrary in this Part, the CPO-HE, but not a designee, may, on a case-by-case basis, authorize an appropriate university to issue a competitive solicitation and to enter into contracts with multiple vendors under a process that

provides for prequalification, agreement to perform at a set rate, and final selection based on random and equitable distribution of work among qualified vendors.

B) The CPO-HE may authorize use of this source selection procedure upon a determination in writing that use of the methods of source selection set forth in Article 20 of the Code is either not practicable or advantageous because, for example, the program needs of the university cannot reasonably be met within the normal procurement timeframes, or that the type and variety of university needs are such that a single award will not assure the needed availability or diversity of vendors.

C) This authorization shall be limited to contracts for information technology services. No other categories of supplies or services may be acquired using this method of source selection unless this subsection (b)(5) is amended.

D) Vendors shall be prequalified once per fiscal year, or as often as necessary, through use of a competitive sealed proposal. The minimum qualifications (including performance standards and agreement to provide services at a set rate determined by the State), any desirable additional qualifications, and the method of obtaining and setting rates shall be stated in the solicitation advertised in the Bulletin. Those vendors meeting minimum qualifications shall be offered non-exclusive indefinite quantity master contracts against which a procuring university may later place one or more orders on an as-needed basis in accordance with the vendor selection procedure set forth in subsection (b)(5)(G). Implementing Article 45 of the Code and subsection (b)(5)(G) of this Section, the solicitation shall contain a provision alerting vendors that the random selection process used to meet a specific using university's needs may be limited to those master contract holders who qualify as small businesses.

E) The purchasing university shall establish the set rate by one of the following methods. The lowest rate identified will not necessarily

be the set rate, but will be a consideration in determining the set rate.

i) Set in the solicitation the rate that vendors must agree to bill. In general, this rate shall be the lowest rate at which a sufficient number of vendors are ready, willing and able to meet the State's needs. The solicitation shall show the selected purchasing university has conducted sufficient research (such as reviewing past State contract rates, reference to GSA or other governmental contract rates, or private sector rates determined by internal or industry expert surveys) that the public can have confidence the rate provides overall advantage to the State.

ii) Require as part of the solicitation that vendors submit rates (prices), including disclosable rates, and inform them the selected purchasing university will use this rate information and additional rate information received through use of the best and final process, from other contracts and from research to establish the set rate that vendors must bill.

F) Vendors not willing to agree to bill at the set rate may be rejected or may have their contracts restricted to use in special circumstances approved by the CPO-HE.

G) Using university needs will be met by the selected purchasing university selecting a master contract holder on a random basis. If the using university determines that it has specific programmatic needs that require additional qualifications (e.g., specialized programming knowledge or specific educational requirements) or conditions (e.g., geographic limitations) or State policy considerations (e.g., promotion of small business), such that random vendor selection from among all master contract holders would not meet its needs, the using university may submit an alternate selection request to the CPO-HE. This request shall set forth all reasons, including the additional qualifications or conditions, why a random vendor selection would not reasonably meet the needs of the university, or the policy of the State. If at

least 3 of the master contract holders meet those additional qualifications or conditions, the selected purchasing university shall conduct a random selection limited to that subset of the master contract holders. If the using university's request does not show a need for additional qualifications or if there are not 3 master contract holders with the needed qualifications, the using university may not utilize the method of source selection set forth in this Section.

H) In order to ensure the continued availability of the set of master contract holders, all potential orders shall be monitored by the selected purchasing university to ensure the equitable distribution of work and that no single vendor has an unwarranted disproportionate share of the available work. The selected purchasing university shall, to avoid a disproportionate distribution of work, remove a vendor from consideration for a period of time sufficient to minimize dollar value discrepancies among vendors. In addition, any vendor so removed may be reinstated for consideration to meet a particular using university's need if only 3 or fewer otherwise eligible vendors are available to meet the using university's need.

I) The selected purchasing university shall conduct the random selection using a drawing, mechanical device or software driven selection. The specific process used shall ensure that final selection is influenced only by chance, after taking into consideration, as applicable and as allowed in this Part, the policy of equitable distribution, use of small businesses, and specific requests from universities to meet special needs.

J) It shall be the affirmative obligation of each vendor with a master contract to update information provided to the State regarding its continued ability to provide the contracted service. Master contracts may provide that vendors who cannot perform the required services when contacted and who have not provided the updated information may be taken out of consideration for orders for a period of time, including until the next prequalification.

K) The procurement file shall contain justification for the selection of the master contract vendors and each selection to meet the particular need of a using university including the determination in subsection (b)(5)(B) of this Section; the research papers, reports, contract rates and internal or industry expert surveys, "additional rate information" and identification of "other contracts and research" in subsections (b)(5)(E)(i) and (ii); the alternate selection documents required by subsection (b)(5)(G), the 3 or more master contract holders for the alternate random selection in subsection (b)(5)(G) and updated information required of contractors pursuant to subsection (b)(5)(J). The selected purchasing university shall publish the names of the vendors selected to receive master contracts and the name of each vendor selected to receive an order to meet the using university's particular need.

~~4) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.~~

~~5) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the SPO.~~

c) Term and Condition Contracts

1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of the university~~University~~ to procure from the vendor, nor does it create an authorization for a university~~University~~ to order based on that term and condition~~master~~ contract, except as provided by subsection (c)(2).

2) Orders may be placed against term and condition contracts without use of any ~~prescribed~~ method of source selection specified in the Code for convenience of processing sole source, emergency or small procurements. ~~Universities with reasonably defined repetitive small needs that, over the~~

~~course of a fiscal year, are likely to exceed the small purchase amount set in Section 20-20 of the Code and this Part should consider a competitive method of source selection to contract for those repetitive needs.~~

d) Auction
Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium. Individual purchases at auction exceeding the small purchase maximum shall be posted to the Bulletin.

e) Non-governmental Joint Purchase

1) ~~If~~In accordance with Section 25-15(b) of the Code, if the CPO-HE~~SPO~~ determines in writing that joint procurement with an organization not eligible for joint purchasing under the Governmental Joint Purchasing Act is in the best interests of the university~~University~~, the university~~SPO~~ may ~~enter into an agreement~~join with such an organization ~~for~~ in the joint procurement of any item covered by the Code. This includes, without limitation, consortiums of governmental entities, not-for-profit entities and commercial entities who have participated in a competitive procurement process.

2) Where a university is a member and/or participant in which a non-governmental entity acts as lead agency, the university shall provide supplementary advertising in the Bulletin. Any competitive method of source selection may be used and may be modified or adapted to meet the needs of the non-governmental entity.

3) Contracts entered into pursuant to this Section shall contain all requirements otherwise applicable to a competitively selected contract under the Code.

f) Federal Requirements
The SPO for any university receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal

requirements.~~Requirements of the Code and this Part may be modified or adapted to meet federal requirements.~~

g) Foreign Country Procurement
Procurements to meet the needs of university~~University~~ programs located in foreign countries shall comply with the Code and this Part whenever practicable. The SPO shall maintain a record of the~~such~~ action taken.

h) Donations

1) When a procurement will have the majority of funding from a donation, the terms of which ~~donation~~ require use of a named vendor, particular procurement or contracting procedures, the SPO may follow those procedures, but shall follow the Code and this Part whenever practicable.

2) Donations may be acknowledged by the donee university in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited to, public announcement at the event or in donee university publications, and inviting the donor to attend the program activity associated with the donation.

i) Organization Memberships
Memberships in organizations and associations not exempted under Section 1-13 of the Code may be obtained without competition but notice of the membership shall be posted to the Bulletin within 14 days after the effective date of the membership.

j) Broker Method for Obtaining Certain Insurance Coverages

1) Notwithstanding anything to the contrary in this Part, the CPO-HE, but not a designee, may, on a case-by-case basis, authorize the use of this broker method to obtain insurance coverages when use of the methods of source selection set forth in Article 20 of the Code is not practicable or advantageous because, for example:

A) Due to the structure of the insurance industry, the types of insurance coverages needed cannot reasonably be obtained from

"direct writers" who would provide quotes directly to university in a bid or RFP process; or

B) The process of obtaining quotes for needed insurance coverages cannot be accomplished within the normal procurement timeframes.

2) If the CPO-HE determines that this broker method is preferable for designated coverages, a two-part procurement process will be used to obtain the coverages.

A) A broker will be selected in accordance with the RFP process for procuring professional services authorized by Section 20-35 and Article 35 of the Code, and the resulting contract will be subject to all requirements of the Code. The broker contract will be issued for a term of years, and during the term of the contract the broker will assist the university in obtaining coverages as set forth in subsection (j)(2)(B) as well as providing customary services such as issuing certificates of insurance and servicing policies.

B) The broker will assist the university by serving as broker of record in obtaining insurance coverages through the industry process of going to market to obtain quotes. The university will use an evaluation team to test the market for competitiveness, review the quotes, and select the insurers and products best fitting its needs. The solicitation, evaluation and selection process will be documented in writing and become a part of the public procurement file. The insurance coverages obtained, the term of coverage, and the premiums charged will be posted on the Bulletin as attachments to the broker award notice.

k) Job Order Contracting

1) Definition − A Job Order Contract is a competitively bid, indefinite quantity contract intended for new construction, renovation and repairs with pre-established unit prices in which a university provides a definition of the work scope and a vendor selected from a list of qualified vendors furnishes all management, documentation, design and incidental drawings,

labor, materials, supplies, parts, transportation, equipment and supervision needed to perform the work as required. Ordering is accomplished by means of issuance of a Work Order against the Job Order Contract.

2) Conditions of Use − The Chief Procurement Officer may authorize the use of a Job Order Contract upon a determination in writing that such use is necessary for adequate delivery, service or product compatibility, and that the methods of source selection set forth in Article 20 of the Code is either not practicable or advantageous because, for example, the program needs of a university cannot reasonably be met within the normal procurement timeframes, or that the type and variety of needs are such that a single award will not assure the needed availability or diversity of vendors.

3) Procedure − A Job Order Contract shall be initiated by the issuance of an Invitation for Bids in the form required by Section 4.2010 (Competitive Sealed Bidding), except as otherwise provided in this subsection (k)(3). In addition to the requirements set forth in Article 30 of the Code and Section 4.2010, the Job Order Contract Request for Proposals shall include:

A) A detailed description of the scope of the Job Order Contract, including performance, technical requirements and specifications, and minimum and maximum work order amounts;

B) the reasons for using a Job Order Contract;

C) a description of the process that will be used to evaluate qualifications and proposals, including a method for determining each Vendor's Price Adjustment Factors utilizing the published Construction Task Catalog® and Technical Specifications documents; and

D) that the SPO may conduct oral or written discussions of the offers.

4) Award − Those vendors meeting minimum qualifications shall be offered non-exclusive indefinite quantity contracts against which a university may later place one or more work orders on an as needed basis in accordance with the allocation of work procedure set forth in subsection (k)(5).

5) Allocation of Work − Work Orders shall be allocated among qualifying vendors on an as needed basis. Once a need is identified, the university shall allocate work for that project using Job Order Contracting from the list of qualified vendors. The university shall select the vendor that best addresses its needs for the project based on the work order allocation method specified in the IFB, which shall include such factors as price, capacity, past performance, geographic location, experience and knowledge. The SPO or PCM will periodically review any allocation of Work Orders and report to the CPO with a recommendation for future action.

6) It shall be the affirmative obligation of each vendor with a Job Order Contract to update information provided to the contracting university regarding its continued ability to provide the contracted service. Job Order Contracts may provide that vendors who cannot perform the required services when contacted and who have not provided the updated information may be taken out of consideration for Work Orders for a period of time, including until the next prequalification.

~~i) Printing Cost Offsets~~
~~In accordance with University policies, the University may provide advertising rights in printed products to a vendor or receive free copies of printed products from a vendor in order to reduce the overall cost of a printing contract. Procurement by competitive sealed bid or competitive sealed proposal is required when the net printing cost, after offset, exceeds the small purchase limit of Section 4.2020 of this Part.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2037 Tie Bids and Proposals

a) Tie bids or proposals are those from responsive and responsible vendors that are, in the case or bids, identical in price and, in the case of proposals, identical in rank after ~~or~~ evaluation ~~and represent the low price~~.

b) Tie bids or proposals will be treated as follows:

1) If the tied vendors include only one ~~an~~ Illinois resident vendor, the Illinois

resident vendor shall be given the award. "Illinois resident vendor" has the meaning ascribed in Section 4.4510 (Resident Bidder Preference).~~In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with subsections (b)(2) through (5). "Illinois resident vendor" has the meaning given in Section 4.4510 (Resident Vendor Preference) of this Part.~~

~~2)~~ ~~If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the University shall be given additional consideration in determining responsibility if the SPO determines that dealing with a vendor that has knowledge of University requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.~~

~~3)~~ ~~If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services offered, the vendor offering the best quality will be accepted.~~

~~4)~~ ~~If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of the requisitioning University require delivery as early as possible.~~

2~~5~~) In all other situations~~If the bids or proposals are equal in every respect~~, the award shall be made by lot unless the SPO determines that:

A) awarding to one of the vendors is in the State's best interest because, for example, that vendor is likely to be more reliable or responsive to the State's needs, based on past performance; provides a better quality of the supply or service; provides quicker delivery; or, in the case of proposals, because of a desire to take advantage of the lower price; or

B) splitting the award ~~among two or more of the tied bidders~~ is in the

State's best interest because of a need to ensure delivery of the supply or service, or is necessary or desirable to promote future competition, and provided the affected vendors agree to the split award~~of the University~~. ~~Awards may be split if all affected bidders agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.~~

c) Records
Records shall be made of all procurements on which tie bids or proposals are received, showing at least the following information:

1) the identification number of the solicitation;

2) a description of what was procured~~the supply, service, or construction item~~; and

3) a listing of all the bidders or offerors and the prices submitted.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2038 Modification or Withdrawal of Bids or Proposals~~; Mistakes~~

a) Modification or Withdrawal
A bidder or offeror may withdraw or modify a bid or proposal if notice of the withdrawal or modification is received by the SPO before the latest time specified for receipt of bids or proposals. Any ~~such~~ modification or withdrawal, however, must be made in writing and received by the SPO prior to the scheduled bid or proposal opening. When time is of the essence, the SPO may agree to receive modifications or withdrawals by printed form conveyed by electronic mail, fax~~facsimile~~ or ~~by~~ telephone. An originally signed written confirmation of a telephone modification or withdrawal shall be mailed or delivered by the bidder or offeror on the same day. Withdrawal of bids or proposals after bid or proposal opening will not ordinarily be permitted; however, in those cases in which~~where~~, in the judgment of the SPO~~University~~, based on clear and demonstrable evidence, the bidder or offeror has made a bona fide error in the preparation of the bid or proposal and that~~such~~ error will result in a substantial loss to the bidder or offeror,

an exception may be made.

b) Minor Informalities
A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation ~~of a bid~~ from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State~~University~~ (i.e., the effect on price, quality, quantity, delivery~~,~~ or contractual conditions is negligible). The SPO shall waive these~~such~~ informalities or allow the bidder to correct them depending on which is in the best interest of the State~~University~~. Minor informalities include insignificant mistakes that have an~~where the~~ effect on price, quantity, quality, delivery~~,~~ or contractual conditions is negligible.

~~c)~~ ~~Errors Where Intended Correct Bid or Proposal is Evident~~
~~If the mistake and the intended correct bid or proposal are clearly evident on the face of the bid or proposal document, the bid or proposal shall be corrected to the intended correct bid or proposal. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors and arithmetical errors.~~

c~~d~~) Documentation~~Determinations~~ Required
When a bid or proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared by the SPO showing that relief was granted or denied in accordance with this Part.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2039 Mistakes

a) General
Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other offerors.

b) Mistakes Discovered Before Opening
A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting the error in writing, or in person at the opening location, before the time and date set for opening.

c) Confirmation of Mistake After Opening
When the SPO knows or has reason to conclude that a mistake has been made, the SPO shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

d) Mistakes Discovered after Opening but Before Award

1) Minor Informalities
A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery or contractual conditions is negligible). The SPO shall waive these informalities or allow correction depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure to:

A) return the required number of signed copies required by the IFB;

B) acknowledge receipt of an amendment to the solicitation, but only if:

i) it is clear from the bid or proposal that the offeror received the amendment and intended to be bound by its terms; or

ii) the amendment involved had a negligible effect on price, quantity, quality or delivery.

2) Mistakes in Which the Intended Correct Information is Evident
If the mistake and the intended correct information are clearly evident on the face of the bid or proposal document, the information shall be corrected and the bid or proposal may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the solicitation document are typographical errors, errors in extending unit prices,

transposition errors and arithmetical errors.

3) Mistakes in Which the Intended Correct Information is Not Evident
The bid or proposal may be withdrawn if:

A) a mistake is clearly evident on the face of the bid or proposal document but the intended correct bid or proposal is not similarly evident; or

B) there is proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.

e) During Discussions; Prior to Best and Final Offers
Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may propose to correct any mistake, prior to the date set for conclusion of discussions or for receipt of best and final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors.

f) Mistakes Discovered after Award
Mistakes shall not be corrected after award of the contract except when the SPO finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

g) Documentation Required
The reason for allowing correction or withdrawal of bids or proposals shall be made part of the procurement file and shall be available for public inspection.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

~~a) Scope of this Section~~
~~The provisions of this Section shall govern the cancellation of any solicitations whether issued by the University under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method and rejection of bids or proposals in whole or in part.~~

a)~~b)~~ Policy

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NOTICE OF PROPOSED AMENDMENTS

Any solicitation may be canceled before or after opening when the SPO believes cancellation to be in the ~~University's~~ State's best interest. Nothing shall compel the award of a contract.

b~~c~~) Cancellation of Solicitation; Rejection of All Bids or Proposals ~~Prior to Opening~~

~~1)~~ ~~As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt of proposals in competitive sealed proposals.~~

1~~2~~) ~~Prior to opening, a~~A solicitation may be canceled in whole or in part when the SPO determines in writing that the~~such~~ action is in the State's~~University's~~ best interest for reasons including, but not limited to:

A) the university~~University~~ no longer requires the supplies or services;

B) the university~~University~~ no longer can reasonably expect to fund the procurement; ~~or~~

C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;~~.~~

D) ambiguous or otherwise inadequate specifications;

E) the solicitation did not provide for consideration of all factors of significance to the university;

F) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

G) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

H) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

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NOTICE OF PROPOSED AMENDMENTS

2)~~3)~~ When a solicitation is canceled ~~prior to opening~~, notice of cancellation shall be posted to the Bulletin~~sent to all vendors known to have received the solicitation~~.

34) The notice of cancellation shall:

A) identify the solicitation;

B) briefly explain the reason for cancellation; and

C) when~~where~~ appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar supplies or services.

~~d) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening~~

~~1) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the SPO determines in writing that such action is in the University's best interest. Such reasons may include, but are not limited to:~~

~~A) the supplies or services being procured are no longer required;~~

~~B) ambiguous or otherwise inadequate specifications were part of the solicitation;~~

~~C) the solicitation did not provide for consideration of all factors of significance to the University;~~

~~D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;~~

~~E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or~~

~~F) there is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.~~

CHIEF PROCUREMENT OFFICER FOR
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NOTICE OF PROPOSED AMENDMENTS

~~2) When the solicitation is canceled or when all bids or proposals are rejected, the vendor who submitted the lowest bid or proposal shall be sent a notice informing the vendor of the cancellation or rejection.~~

~~e) Documentation The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.~~

c~~f~~) Rejection of Individual Bids or Proposals

1) Individual bids or proposals may be rejected for reasons including, but not limited to:
~~General. This subsection (f) applies to rejections of individual bids or proposals in whole or in part.~~

~~2) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the University as provided in this Section.~~

~~3) Reasons for Rejection. Reasons for rejecting a bid or proposal may include, but are not limited to:~~

A) the vendor that submitted the bid or proposal is non-responsible as determined under Section 4.2046 (Responsibility)~~ of this Part~~;

B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation, including submission requirements;

~~C) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of the University in some material respect;~~

C~~D~~) the supply or service item offered in the bid or proposal is unacceptable by reason of its failure to meet the announced requirements of the solicitation, including but not limited to

specifications or permissible alternates or other acceptability criteria set forth in the ~~Invitation for Bids~~solicitation, statement of work or quotation; or

D~~E~~) the proposed price, including options, is clearly unreasonable.

2~~4~~) Notice of Rejection. Upon request, bidders or offerors whose bid or ~~offer~~ proposal has been rejected shall be advised of the reasons for rejection.

d) Documentation
The reason for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 4.2043 Suppliers

The university~~University~~ may contract with any qualified source of supply, but shall use or consider, as applicable, the following special sources, from which procurements may be made without notice and competition:

a) Correctional Industries in accordance with Subpart N.~~;~~

b) State and Federal Surplus Warehouses under the jurisdiction of the Department of Central Management Services. (The State Property Control Act [30 ILCS 605/7a] requires that surplus furniture be considered before any purchase of new furniture valued at $500 or more per piece.)~~;~~

c) Qualified workshops for the disabled in accordance with Subpart N.~~;~~

d) State agencies~~Agencies~~ and other governmental units described in Section 1-10(b)(1) of the Code.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2044 Vendor List~~/Required Use~~

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NOTICE OF PROPOSED AMENDMENTS

Each university may maintain a list of vendors who have expressed interest in contracting with the university. This list may be used to solicit for small and emergency purchases, to supplement Bulletin notices and for other procurement-related reasons.

~~a) How to Apply to be Placed on Vendor List~~
~~Vendor lists are maintained for various service and supply classifications. To be included on a vendor list, a person should submit a request to the SPO indicating the types of services or supplies for which solicitation information is requested.~~

~~b) Application Form~~

~~1) An applicant will be required to provide information concerning its form of organization and bank references, and may be required to provide sources of supply or other information to determine its responsibility and capability. The current Illinois Department of Human Rights (DHR) eligibility number is to be provided, as well as the Taxpayers Identification Number (TIN), also known as the Federal Employers Identification Number (FEIN), or Social Security Number. Applicant will be furnished with a copy of the Vendor Financial Disclosure Form, which must be completed and submitted with each bid, proposal, or offer made to the University unless the bid, proposal, or offer is made in connection with a procurement that is exempt from the Code, within the small purchase limit for the type of procurement, a sole source procurement, or an emergency procurement.~~

~~2) Applicants who are minorities, females, or persons with disabilities are encouraged to identify their status for certification purposes under the Business Enterprise for Minorities, Females and Persons with Disabilities Act.~~

~~c) Addition of Vendor to List~~
~~Upon submission to the SPO of a completed application, the applicant's name may be placed on the active vendor list for the supply or service classification requested. The SPO will specify in writing the reasons why any application is not accepted. The sending of an Invitation for Bids or other solicitation does not constitute a final or conclusive determination as to the responsibility and capability of a vendor. The bidder's qualifications and responsibility will be subject to continuous review, and the SPO may make a supplementary~~

~~investigation as to the responsibility or qualification of any vendor at any time.~~

~~d)~~ ~~Use of List~~
~~Invitations for Bids and other solicitations will be sent to vendors on the vendor list for supplies or services in question, except in the following cases:~~

~~1)~~ ~~The vendor does not sell the particular commodity or equipment.~~

~~2)~~ ~~The number of vendors for a procurement classification is of such magnitude that optimum prices may reasonably be expected without soliciting the entire vendor list. The SPO may, if he/she determines that the best interest of the University would be served, rotate the selection from the list on any equitable basis.~~

~~3)~~ ~~When the SPO determines that the best interests of the University will be served by limiting vendors to those in defined geographic areas (example: purchases of ready-mix concrete, perishables and equipment requiring immediate service).~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2045 Vendor Prequalification

a) The SPO may prequalify prospective vendors when determination of a vendor's qualifications or preliminary evaluation of supplies or services prior to procurement would promote the effective conduct of a procurement.

b) The SPO shall identify by publication in the Bulletin the qualifications or categories of supplies and services (including professional and artistic services) for which vendors of those supplies and services may prequalify.

~~a)~~ ~~General~~

c~~1~~) An opportunity to prequalify shall be allowed at least one time each fiscal year. The opportunity~~Opportunities~~ to prequalify shall be announced in the ~~Higher Education~~ Bulletin. The notice shall alert vendors that fail to participate in the prequalification process of the consequences. ~~The announcement will specify whether the prequalification will be a condition of bidding or being awarded a~~

~~contract.~~

d) When prequalifying a vendor, the SPO may limit prequalification to particular matters (e.g., determining whether a vendor has been and is likely to be "responsible" or whether the vendor manufactures domestically).

e~~2~~) The fact that a prospective vendor has been prequalified generally does not necessarily represent a definitive finding of responsibility for a particular procurement.

f) When prequalifying a vendor, the SPO may consider factors tailored to a specific procurement or type of procurement, which shall be announced in the prequalification notice in the Bulletin.

g~~3~~) Except in the case of professional and artistic services, distribution of and responses to a solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified. If eligibility for the procurement will be limited to prequalified vendors, the solicitation shall state that fact.

h) The prequalification may provide that any vendor who completes prequalification may refer to that prequalification when submitting responses to solicitation or in other procurement situations, instead of submitting that same information with a response. This does not alleviate a vendor from providing updated certifications as part of the prequalification process.

~~4) Prequalification will include the submission of the Vendor Financial Disclosure Form.~~

~~b) Professional and Artistic Services~~

~~1) When professional or artistic services are needed on a recurring basis, the CPO shall actively solicit persons engaged in providing such services to submit statements of qualifications in a prescribed format that shall include at a minimum the following information:~~

~~A) technical education and training;~~

~~B) general or special experience, certifications, licenses and memberships in professional associations, societies, or boards; and~~

~~C) an expression of interest in providing a particular professional or artistic service.~~

~~2) Categories for prequalification will include, but are not limited to, those listed in Section 4.2035 of this Part.~~

~~e) Qualified Products Lists~~
~~Qualified products lists are treated in Section 4.2050 (Specifications and Samples) of this Part.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2046 Responsibility

a) Application
Before making an award or signing a contract, the SPO must be satisfied the prospective vendor is responsible.~~Contracts are to be made only with responsible vendors.~~ If there is doubt about responsibility, and if a bond or other security would adequately protect the university's~~University's~~ interests, then that vendor may receive an award or~~be awarded a~~ contract upon receipt of the bond or other security.

b) Standards of Responsibility
Factors to be considered in determining whether the standard of responsibility has been met include financial responsibility, insurability, effective equal opportunity compliance, payment of prevailing wages, if required by law, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service and other matters relating to the bidder's probable ability to deliver in the quality and quantity and within the time and price required under the contract, if it is awarded to the bidder. Vendor must be a legal entity authorized to do business in Illinois prior to submitting the bid, offer or proposal and qualified legally to contract with the State.

c) Information Pertaining to Responsibility
The prospective vendor shall supply information requested ~~by the SPO~~

concerning the responsibility of such vendor. The university's~~University~~ may supplement this information from other sources and may require additional documentation at any time. If the~~such~~ vendor fails to supply the requested information, the SPO may disqualify the vendor or may ~~shall~~ base the determination of responsibility upon any available information~~, or may find the prospective vendor non-responsible~~.

d) Written Determination of Non-Responsibility Required
If a vendor who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by the university and approved by the SPO. The final determination shall be made part of the procurement file.

e) Affiliated Companies
Vendors that are newly formed business concerns having substantially the same owners, officers, directors~~,~~ or beneficiaries as a previously existing vendor that has been determined not responsible or has been suspended or debarred will also be determined to be not responsible~~ unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of non-responsibility~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section 4.2047 Security Requirements

a) Vendors shall~~An SPO may require that a vendor~~ furnish bid, proposal~~,~~ or performance security as specified in the solicitation or contract~~on University contracts~~. ~~Whenever security is required, except as provided herein, the solicitation will clearly indicate the type and amount of security.~~ The cost of providing security will be borne by the vendor unless otherwise stated in the solicitation.

b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois and having a rating acceptable to the university~~University~~.

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c) Unless the amount is set by law, the SPO will determine the amount, in dollars or percentage of contract price, that will adequately protect the university's ~~University's~~ interests. That amount will vary depending on the type of procurement and the risks and potential losses associated with delay or failure to complete the project, and for other such reasons.

d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for similar reasons.

e) The vendor's source of supply may also be required to furnish security. If the vendor does not have a stock of the supplies~~commodity~~ in question in the amount required or the facilities to produce the item in that~~such~~ amount, the university~~University~~ may, in addition, require the vendor to have the source of supply furnish security acceptable to the university~~University~~, conditioned on the~~such~~ source supplying the vendor as required in the solicitation.

f) Bid or Proposal Security

1) The bid or proposal security will be used to ensure the bidder or offeror meets all obligations imposed under the solicitation, including the obligation to keep the price, bid or proposal firm for as long a period as specified in the solicitation to enter into a contract and the obligation to file a performance security. If required, when the contract is awarded, the university may retain the bid or proposal security as damages if the bidder or offeror fails to meet its obligations.~~Bid or proposal deposit. The solicitation may require each vendor to file a bid or proposal deposit, the amount of which will not ordinarily exceed 5% of the bid or proposal amount.~~

~~2) Retention or use of bid or proposal deposit. The bid or proposal deposit will be considered as security for full performance of all obligations imposed on the vendor under the law and this Part, including the obligation to keep the price, bid, or proposal firm for as long a period as specified in the solicitation and the obligation to file performance security, if required, when a contract is awarded. If the vendor fails to perform any~~

~~such obligations, the University will negotiate the bid or proposal deposit and retain from the proceeds thereof an amount sufficient to compensate it for damages suffered. The University may retain the bid or proposal deposit as liquidated damages if the solicitation so specifies.~~

2~~3)~~ The~~Disposition of bid or proposal deposit. If a vendor is not one of the three lowest qualified vendors, the~~ bid or proposal security~~deposit~~ will be returned to the vendor as soon as is practicable after the bid or proposal opening. The three lowest qualified vendors' deposits will be returned as soon as possible after the contract is awarded or, if performance security is required, as soon as the successful vendor has filed acceptable performance security. Security will be returned to the unsuccessful vendors upon expiration of the bid/proposal time or execution of the contract, whichever is earlier.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART H: SPECIFICATIONS AND SAMPLES

Section 4.2050 Specifications and Samples

a) Responsibilities Regarding Specifications
Subject to the SPO's direction, the university~~The SPO~~ shall write the necessary specifications~~ except as noted below~~.

b) Procedures for the Development of Specifications

1) All procurements shall be based on specifications that accurately reflect the university's~~University's~~ needs. Specifications shall clearly and precisely describe the salient technical or performance requirements, without being unduly restrictive or having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

~~2) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate University needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the~~

~~effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.~~

2~~3~~) Any specifications or standards adopted by business, industry, not-for-profit organization, or governmental unit may be adopted by reference.

3~~4~~) A specification may provide alternate descriptions when~~where~~ two or more design, functional~~,~~ or performance criteria will satisfactorily meet the university's~~University's~~ requirements.

4) Section 45 of the Code shall be considered and applied when required or appropriate.

5) *A solicitation or specification for a contract, or a contract, may not require, stipulate, suggest or encourage a monetary or other financial contribution or donation, cash bonus or incentive, or economic investment as an explicit or implied term or condition for awarding or completing the contract.* [30 ILCS 500/20-50]

c) Brand Name or Equal Specification

1) Brand name or equal specifications may be used in a competitive solicitation when ~~the SPO determines in writing that~~:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification~~, not including a brand name specification~~;

C) the nature of the product or the nature of the university's~~University's~~ requirement makes use of a brand name or equal specification suitable for the procurement; or

D) use of a brand name or equal specification is in the university's~~University's~~ best interest.

2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.

3) Unless the university~~SPO~~ determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional~~,~~ or performance characteristics that are required.

4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the vendor.

d) Brand Name Only Specification

1) ~~Determination.~~ A brand name only specification may be used in a competitive solicitation provided~~only when~~ the SPO makes a written determination that only the identified brand name item ~~or items~~ will satisfy the university's~~University's~~ needs.

2) ~~Use.~~ Brand name alone may be specified in order to fill medical prescription needs, to stock university~~University~~ retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the CPO-HE. A university~~University~~ may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

3) ~~Competition.~~ The SPO shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit

those~~such~~ sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 4.2025 (Sole Economically Feasible Source Procurement)~~ of this Part~~.

e) Qualified Products List

1) ~~Use.~~ A qualified products list may be developed by the SPO when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy university~~University~~ requirements.

2) ~~Solicitation.~~ When developing a qualified products list, notice~~a representative group of potential suppliers~~ shall be posted to the Bulletin soliciting potential suppliers~~solicited in writing~~ to submit products for testing and examination to determine acceptability for inclusion in a qualified products list.~~ Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.~~

3) ~~Testing and Confidential Data.~~ Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements.~~ Except as otherwise provided by law, trade secrets, test data and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.~~

f) Proven Products
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year prior to the notice date of a solicitation. Specifications may require that the supply or services must have been used in government or commercial venues~~business or industry~~ for a specified period of time to be considered.

g) University Required Samples

1) Samples or descriptive literature may be requested when it is necessary to evaluate required characteristics of the items bid. Any required samples must be submitted as instructed in the solicitation, with transportation

prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.

2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality. Submission of samples will not limit the university's~~University's~~ right to require adherence to specifications.

3) No payment will be made for ~~University required~~ samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. The~~Such~~ request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.

4) Unsolicited bid samples or descriptive literature are submitted at the vendor's risk, may or may not be examined or tested, will not be deemed to vary any of the provisions of the solicitation, and may not be utilized by the vendor to contest a decision or understanding with the university.

h) Product Demonstration
Subject to the requirements of Section 50-39 of the Code, a~~Any~~ vendor may request ~~time and space~~ to demonstrate a product or service. Agreement to allow a~~such~~ demonstration will be solely at the university's~~University's~~ discretion and will not entitle the vendor to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration. No payment will be made for the demonstration period. The product demonstration will be returned upon request and at the vendor's expense. The request must be made prior to the time of product demonstration with return collect or prepayment provisions and instructions for return accompanying the product demonstration.

i) Specifications Prepared by Other Than University Personnel

1) Specifications may be prepared by other than university~~University~~ personnel, including, but not limited to, consultants, architects, engineers, designers and other drafters of specifications for public contracts when the

SPO determines that there will be no ~~substantial~~ conflict of interest involved and it is otherwise in the best interest of the university~~University~~ and provided the SPO retains the authority for final approval of the specifications. Contracts for the preparation of specifications by other than university~~University~~ personnel shall require the specification writer to adhere to university~~University~~ requirements and the terms of the Code and this Part.

2) The person who prepared the specifications shall not submit a bid or proposal or receive a contract to meet the procurement need except as provided in Section 1-13(e) of the Code and Section 4.2005 of this Part. ~~unless the President of the University, and not a designee, determines in writing that it would be in the best interest to accept such a bid or proposal from that person.~~

3) Prohibited Bidders and Contractors

A) *No person or business shall bid or enter into a contract if the person or business:*

i) *assisted the university in determining whether there is a need for a contract, except as part of a response to a publicly issued RFI; or*

ii) *assisted the university by reviewing, drafting or preparing any IFB, RFP, or RFI or provided similar assistance, except as part of a publicly issued opportunity to review drafts of all or part of these documents.*

B) *This subsection (i)(3) does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:*

i) *initiates a communication to provide general information about products, services or industry best practice and, if applicable, that communication is documented; or*

ii) *responds to a communication initiated by an employee of*

the university for the purposes or providing information to evaluate new products, trends, services or technologies. [30 ILCS 500/50-10.5(e)]

j) Pre-Solicitation Request for Information
When the SPO does not have sufficient information about available supplies or services to issue a solicitation, the SPO may issue a pre-solicitation request for information inviting vendors to submit non-price information about the availability of specified types of supplies and services. Public notice of the pre-solicitation request for information shall be published in the Bulletin at least 14 days before the date set for the receipt of information. The submission of information by a vendor in response to a pre-solicitation request for information is not a prerequisite for that vendor to respond to a subsequent solicitation for the types of supplies and services for which information was solicited, and the issuance of a pre-solicitation request for information does not commit the university to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a pre-solicitation request for information.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART I: CONTRACTS ~~CONTRACT TYPE~~

Section 4.2055 Types of Contracts

a) Scope
This Section contains descriptions of types of contracts and limitations as to when they may~~should~~ be utilized by the university~~University~~ in its procurements. Types of contracts not mentioned in this Section may also be utilized.

b) Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting
The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied.

1) A percentage mark-up from an agreed price list is not a cost-plus-a-

percentage-of-cost contract.

2) A percentage mark-up from the cost~~price~~ of a supply~~good~~ or service selected by the university~~University~~ or another vendor under contract to the university~~University~~ is not a cost-plus-a-percentage-of-cost contract.

3) A percentage mark-up from cost for parts needed in relation to a contract for services does not convert the services contract to a prohibited cost-plus-a-percentage-of-cost contract provided the parts supplied under the cost-plus-percentage-of-cost method do not exceed 20% of the value of the contract.

c) Types of Fixed-Price Contracts

1) Firm Fixed-Price Contract. A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the vendor's cost of performing the work specified in the contract.

2) Fixed-Price Contract with Price Adjustment

A) A fixed-price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in the vendor's price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:

i) changes in the vendor's labor agreement rates as applied to an industry or area (such as are frequently found in contracts for the purchase of coal);

ii) changes due to rapid and substantial price fluctuations that can be related to an accepted index (such as contracts for gasoline, heating oils and dental gold alloy); and

iii) in requirement contracts, in which~~where~~ a vendor is selected to provide all of the univeristy's~~University's~~ needs for the items specified in the contract, when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).

B) If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, the university~~University~~ shall have the right to reject the price increase and terminate without cost the future performance of the contract.

d) Cost-Reimbursement Contracts

1) Determination Prior to Use

A) The university must submit to the SPO a justification for using any type of cost-reimbursement contract. This justification must be sufficient to show ~~A cost-reimbursement type contract may be used only when the SPO determines in writing~~ that such a contract is likely to be less costly to the university~~University~~ than any other type or that it is impracticable to obtain the items through any other type of contract. The SPO will consider the justification and any other relevant factors before making a written determination to authorize use of the cost-reimbursement contract.

B) Reimbursement of travel expenses in accordance with applicable travel control board regulations is authorized without further determinations.

2) Cost Reimbursement Contract. A cost reimbursement contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.

3) Cost-Plus-Fixed-Fee Contract. This ~~is a~~ cost-reimbursement type contract ~~that~~ provides for payment to the vendor of an agreed fixed fee in addition

to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for the~~such~~ work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.

4) Cost Incentive Contracts

A) General. A cost-incentive type of contract provides for the reimbursement to the vendor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the vendor is rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and consequently is dependent on how effectively the vendor controls cost in the performance of the contract).

B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost and a ceiling price. After performance of the contract, the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price may not exceed the ceiling price. The vendor is obligated to complete performance of the contract~~,~~ and, if actual costs exceed the ceiling price, the vendor suffers a loss.

C) Cost-Reimbursement Contract with Cost-Incentive Fee.
In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of

performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the university~~University~~ is obligated to reimburse the vendor. The vendor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever first occurs. After performance is complete or costs reach the ceiling, the total incurred~~,~~ allowable costs reimbursed as provided in the contract are applied to the formula to establish the incentive fee payable to the vendor.

e) Performance Incentive Contracts
In a performance incentive contract, the parties establish at the outset a pricing basis for the contract, performance goals and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the vendor to a bonus, while late completion may entitle the university~~University~~ to a price decrease.

f) Time and Materials Contracts; Labor Hour Contracts
Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. The~~Such~~ contracts shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior university~~University~~ approval.

g) Definite Quantity and Indefinite Quantity Contracts

1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services either at specified times or when ordered.

2) Indefinite Quantity. An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally, an estimated~~approximate~~ quantity based on~~or~~ the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity the university~~University~~ is obligated to order and may also provide for a maximum quantity provision that limits the

university's ability~~University's obligation~~ to order. If the contract identifies an estimated quantity, the university may order up to 20% more than the estimate without additional procurement authorization or activity. The SPO may authorize ordering beyond the stated 20%.

3) Requirements Contracts. A requirements contract is an indefinite quantity contract for supplies or services that specifically obligates the university~~University~~ to order all its actual requirements during a specified period of time. If identified in the solicitation as a requirements contract, all needed quantity, regardless of any stated estimate, must be ordered from that contract.

h) Leases
A lease is a contract for the use of supplies or real property under which title will not pass to the university~~University~~ at any time, except pursuant to an option to purchase.

i) Recovery Contracts
Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of the university~~University~~. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.

j) Option Provisions
A solicitation or contract may ~~When a contract is to~~ contain options~~an option~~ for renewal, extension~~,~~ or purchase~~,~~ and shall also include the requirements for exercising this option, the term and the price, or shall include the formula for establishing the price. Contracts based on a solicitation may include only those options included in the solicitation. Exercise of options shall be performed in accordance with the solicitation, the Code and other provisions of this Part. ~~notice of such provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the University's option.~~

k) State Produced Supplies and Services
Notwithstanding any provision in any contract, supplies or services available in-house or from State programs, such as Correctional Industries, may be ordered

without violating any contract.

l) Extraordinary Quantities
Notwithstanding any provision in any contract, the university~~University~~ reserves the right to take bids separately if a particular quantity requirement arises that exceeds the university's~~University's~~ normal needs or ordering requirements.

m) Energy Conservation
University procurements of energy conservation measures, including guaranteed energy savings contract, are defined in the Public University Energy Conservation Act [110 ILCS 62] (PUECA) and shall be made in accordance with the Code and this Part, except as otherwise authorized by PUECA.~~The CPO may authorize an IFB, RFP, or sole source negotiation for energy conservation measures whereby the University would make payment based on utility cost savings. Such contract shall require a clearly defined baseline of energy usage and method of measuring cost savings taking into account at least differing weather conditions, changes in facility usage and cost of energy.~~

n) Printing Cost Offsets
In accordance with university policies, the university may provide advertising rights in printed products to a vendor or receive free copies of printed products from a vendor in order to reduce the overall cost of a printing contract. Procurement by competitive sealed bid or competitive sealed proposal is required when the printing cost exceeds the small purchase limit of Section 4.2020 of this Part.

o) Contracting for Installment Purchase Payments, Including Interest. Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
~~Printing Contracts for Annual Reports~~
~~Contracts for the printing of annual reports that the University is required by statute to submit to the Governor will provide that such reports will be printed in the form specified by the Governor.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

~~SUBPART J: DURATION OF CONTRACTS~~

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NOTICE OF PROPOSED AMENDMENTS

Section 4.2060 Duration of Contracts − General

a) General
The~~A multi-term contract for a~~ term of a contract, including potential renewals, may not exceed~~up to~~ 10 years, except: ~~is authorized when determined by the SPO to be in the best interest of the University.~~

1~~2~~) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.

2~~3~~) The length of a lease for real property or capital improvements shall be in accordance with Section 40-25 of the Code~~4.4025~~.

b) Subject to Appropriation
Each contract is contingent upon and~~The contractual obligation of both parties in each fiscal period succeeding the first is~~ subject to the~~appropriation and~~ availability of funds. The State, at its sole option, may terminate or suspend a contract, in whole or in part and~~The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contracts shall be canceled~~ without penalty ~~to,~~ or further payment being required if the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay that obligation or if funds needed are insufficient for any reason. Each contract payable in whole or in part by any funds appropriated by the Illinois General Assembly shall recite that the contract is subject to termination and cancellation for lack or insufficiency of funding. A vendor will be notified in writing by the university of a failure or reduction or decrease of appropriation affecting a contract. ~~by, the University.~~ This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Year Contracts
A multi-year contract may be used when:

1) special production of definite quantities or the furnishing of long-term services is required to meet State needs; or

2) a multi-year contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors are among those relevant to such a determination:

A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping costs during the period of contract performance;

B) lower production costs because of a larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

C) stabilization of the vendor's work force over a longer period of time may promote economy and consistent quality; or

D) the cost and burden of contract solicitation, award and administration of the procurement may be reduced.

d~~e~~) Multi-Term Contract Procedure
The solicitation shall state:

1) the proposed term;

2) the amount of supplies or services required for the proposed contract period;

3) the type of pricing requested (e.g., firm for term); and

4) how award will be determined.

e~~d~~) Renewals

1) The initial term of a contract plus available renewals may not exceed 10 years. When the original procurement specifically called for an initial term plus renewals~~options to renew~~, the renewals~~renewal options~~ may be

exercised without further procurement activity, except for the publication of the renewal in the Bulletin as required by Section 15-25 of the Code and Section 4.1525 of this Part.~~provided that the initial term and the exercised renewal options do not exceed 10 years, the~~ The renewal terms and conditions shall~~do~~ not change except as provided in the contract (such as price escalations tied to an index). Renewal ~~and the~~ options may be exercised by the State or by mutual agreement of the vendor, but may not be exercised ~~are reserved~~ solely at the option of the vendor.~~to the University.~~ Any renewal that requires ~~amendment or~~ modification to~~of~~ a material term or condition of the contract shall be treated as a new contract and shall be subject to appropriate competitive procedures established by the Code and this Part.

2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods or source selection authorized by the Code and this Part~~treated as a new contract~~. The~~Such~~ renewal shall~~will~~ start a new term not to exceed 10 years, except the term of a sole source renewal contract shall include previous sole source contracts and shall in total not exceed 10 years.

3) When a renewal will result in the total term, counting the initial term and any previous renewals, exceeding~~to exceed~~ 10 years, the university's need must be procured using one of the methods of source selection authorized by the Code and this Part.~~the renewal must be treated as a new contract. Such renewal will start a new term not to exceed 10 years.~~

f) Filing of Proposed Renewals and Extensions Exceeding $249,999
Prior to executing a renewal or extension with a cost estimated to exceed $249,999, the proposed renewal or extension must be submitted to the PPB. The PPB shall have up to 30 days to review and comment on the proposal. The SPO may request a waiver of the review for reasons set forth in Section 20-60(c) of the Code.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2065 Cancellation of Contracts

a) In any of the following cases, the SPO shall have the right to terminate or rescind

any contract entered into under this Part without penalty:

1) The successful vendor fails to furnish a satisfactory performance bond within the time specified.

2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the purchasing university.

3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.

4) The vendor is guilty of misrepresentation (e.g., misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the State such that the vendor cannot reasonably be depended upon to fulfill obligations as a responsible vendor under other contracts with the State.

5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the SPO; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

6) Any other breach of contract or other unlawful act by the vendor.

7) The contract was obtained by fraud, collusion, conspiracy or other unlawful means.

8) The contract conflicts with any statutory provision of the State of Illinois or of the United States.

b) Damages

The damages for which the State may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:

1) the additional cost of supplies or services bought elsewhere;

2) cost of repeating the procurement procedure;

3) any expenses incurred because of delay in receipt of supplies or services; and

4) any other damages caused by the vendor's breach of contract or unlawful act.

c) Withholding Money to Compensate State for Damages
If a contract is terminated or rescinded under this Section, the university may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the university for any damage resulting from termination or rescission.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART J~~K~~: PROCUREMENT FILES

Section 4.2080 Public Procurement File ~~Written Determinations; Other Procurement Records~~

a) *A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation and the award process. The procurement file shall contain a written determination, signed by the SPO, setting forth the reasoning for the contract award decision* and any other determinations relative to the particular procurement. *The procurement file shall be open to public inspection within 7 days following award of contract.* [30 ILCS 500/20-155(b)]

b) The procurement~~All written determinations required under Article 20 of the Code~~

~~and Subparts E, F, G, H, I, and J of this Part shall be placed in the contract~~ files shall be maintained by or under the jurisdiction of the CPO-HE. ~~Except as otherwise specified in this Part, all other procurement records shall be placed in the contract files maintained by the SPO.~~

c) Documentation of Procurement Actions
Each university, under the direction of the SPO, shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:

1) The form of decision memo showing approvals to proceed at all stages;

2) Procurement Bulletin postings;

3) Solicitation document (e.g., IFB, RFP, etc.) and all amendments, clarifications and best and final requests;

4) Vendors' responses, including clarifications and responses to best and final requests (losing responses may be stored elsewhere);

5) Evaluation material (e.g., scoring guidelines and forms; completed score sheets for individual evaluators, including notes; evaluation committee's combined score sheets; evaluation committee's recommendation; and management's decision);

6) Protest and resolution;

7) Contract and any order, change, amendments, renewal or extension;

8) Contractor Performance Reviews;

9) All information from subsections (c)(1) through (c)(8), less information exempt from disclosure under the Freedom of Information Act [5 ILCS 140], shall be prepared and available for inspection and copying, with information from subsections (c)(1) through (c)(5) available on the date any award is posted to the Bulletin.

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2084 Record Retention

a) Retention of Bulletin Information. Information published in the Bulletin shall be retained in electronic format for the current fiscal year plus one additional year then transferred to media storage and maintained for 13 years after which it may be disposed of providing all audits have been completed and no litigation is pending or anticipated.

b) Books and records that relate to performance of a contract, including subcontracts, and that support amounts charged shall be maintained:

1) by a vendor, for three years from the date of final payment under the prime contract; and for such longer period of time as is necessary to complete ongoing or announced audits or to comply with federal requirements.

2) by the university for three years from the date of final payment under the prime contract; and for such longer period of time as is necessary to complete ongoing or announced audits.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.2086 Filing with the Comptroller

a) *Filing with Comptroller*
Whenever a grant, defined pursuant to accounting standards established by the State *Comptroller, or a contract liability, except for contracts paid for from personal services, or contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding $10,000 is incurred by any* university*, a copy of the contract, purchase order, grant or lease shall be filed with the Comptroller within 15 days. For each State contract for goods, supplies or services awarded on or after July 1, 2010, the contracting* university *shall provide the applicable rate and unit of measurement of the goods, supplies, or services on the contract obligation document as required by the Comptroller.* Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 15 days after

its execution.

b) *Late Filing Affidavits*
When a contract, purchase order, grant or lease required to be filed by this Section has not been filed within 30 days after execution, the university must file with the Comptroller an affidavit, signed by the chief executive officer of the agency or a designee, setting forth an explanation of why the contract liability was not filed within 30 days after execution. A copy of this affidavit shall be filed with the Auditor General and the CPO-HE.

c) *Timely Execution of Contracts*

1) *No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State Treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed with the Comptroller. Vendors shall not be paid for any goods that were received or services that were rendered before the contract was reduced to writing and signed by all the necessary parties.*

2) Upon written request of the university and with justification required by the CPO-HE, the CPO-HE *may request an exception to this subsection* (c) *by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this subsection* (c) *must be approved by the Comptroller and Treasurer. Section 20-80 of the Code does not apply to emergency purchases if notice of the emergency purchase is filed with* the *PPB and published in the Bulletin as required by* the *Code.* [30 ILCS 500/20-80]

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART KL: ~~CONTRACT~~ WORKING CONDITIONS

Section 4.2560 Prevailing Wage

a) Responsible Vendors

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1) In order to be considered responsible under Section 4.2046, vendors of the following classifications of services must certify ~~to the University~~ that wages to be paid to their employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the proposed contract ~~with the University~~ is to be performed:

A~~1~~) Printing;

B~~2~~) Janitorial cleaning services, window cleaning services, building and grounds services, site technician services, natural resources services,~~washing~~, food services and security ~~guard~~ services having a total value of $2000 or more or~~monthly contract price of~~ $200 or more per month~~or a yearly price of at least $2,000~~.

2) This Section does not apply to services furnished under contracts for professional or artistic services or to vocational programs of training for person with physical or mental disabilities or to qualified not-for-profit agencies for persons with severe disabilities.

b) Vendors awarded contracts or subcontracts on university ~~University~~ public works projects shall ~~agree to~~ comply with the requirements of the Prevailing Wage Act [820 ILCS 130].

c) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.2570 Equal Employment Opportunity; Affirmative Action

Pursuant to Section 7-105A of the Illinois Human Rights Act (IHRA) [775 ILCS 5/7-105A], ~~authorizes~~ the Department of Human Rights (DHR) has promulgated~~to promulgate policies,~~ rules (44 Ill. Adm. Code 750), that require certain bidders or offerors to register with DHR in order to be eligible for the award of certain public contracts. ~~and regulations to implement the provisions of the IHRA applicable to eligible vendors and public contractors. DHR has promulgated rules, 44 Ill. Adm. Code 750, that establish public contractor and eligible vendor duties, obligations~~

~~and reporting requirements and are applicable under this Part. That Part requires that certain employers register with DHR in order to be eligible for the award of certain public contracts (44 Ill. Adm. Code 750.Appendix A).~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART L~~M~~: CONSTRUCTION AND CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section 4.3005 Construction and Construction Related Professional Services

a) General Procedures

1) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of the~~such~~ work exceeds the amount stipulated by Section 20-20 of the Code, prospective contractors, as well as architects and engineers employed in connection with those~~such~~ projects~~,~~ may be prequalified to determine their responsibility (for architects, engineers and land surveyors, see the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535]). If the total estimated cost of the~~such~~ work exceeds the amount stipulated by Section 30-30 of the Code, separate specifications shall be prepared for all equipment, labor and materials in connection with, at a minimum, the following five subdivisions of work~~ to be performed~~:

A) Plumbing.

B) Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of those~~such~~ systems.

C) Ventilating and distribution systems for conditioned air, including the testing and balancing of those~~such~~ systems.

D) Electrical wiring.

E) General contract work.

2) The specifications shall be drawn so as to permit separate and independent competitive bidding upon each of the above five ~~(or more)~~ subdivisions of work. All contracts awarded for any part of the work~~thereof~~ shall award the five ~~(or more)~~ subdivisions ~~of such work~~ separately to responsible and reliable contractors engaged in these classes of work. The~~Such~~ contracts, at the discretion of the university~~University~~, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the university~~University~~ prior to bidding as the prime subdivision of work, with the provision that all payments will be made directly to the contractors for the five ~~(or more)~~ subdivisions ~~of such work~~ upon compliance with the conditions of the contract. Any contract may be let for one or more buildings in any project to the same contractor. Specifications shall require, however, that, unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for all of the buildings included in the specifications.

b) Request for Payment Form Specified by the University
To bill the university~~University~~ for remodeling, renovation~~,~~ or construction work done, the vendor must submit a payment request in the form specified by the university~~University~~.

c) Periodic Payments
When provided in the contract, periodic payments can be made during the course of the~~such~~ work, upon a certificate of a licensed architect or engineer indicating the proportionate amount of the total work completed satisfactorily.

d) Retained Percentage
When periodic payments are made and if specified in the contract, the university~~University~~ shall retain a fixed percentage of the contract price to~~, specified in the contract, to~~ insure faithful completion of the contract.

e) Additional Work
No amount of funds, in addition to those provided for in a contract for repairs, maintenance, remodeling, renovation~~,~~ or construction, may be obligated or expended unless the additional work to be performed or materials to be furnished are germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in

excess of the percentage of the original contract amount as provided in Section 30-35(b) of the Code unless they have received the prior written approval of the university construction agency. In the event that the total of the combined additional expenditures or obligations exceeds the percentages of the original contract amount set forth in Section 30-35(b) of the Code, the university construction agency shall investigate all the additional expenditures or obligations in excess of the original contract amount and shall in writing approve or disapprove subsequent expenditures or obligations and state in detail the reasons for the approval or disapproval.~~an official pre-designated by the University with the appropriate level of authority to make such determination.~~ Notices of additional expenditures or obligations in excess of the small purchase limit of Section 20-20 of the Code shall be published in the ~~next available Higher Education~~ Bulletin.

f) Improvements to Leased Real Estate
The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the university~~University~~.

g) Construction Manager Services
Procurement of ~~a~~ Construction Manager Services, under jurisdiction of the Capital Development Board, will be performed by the Capital Development Board (CDB) or through delegation from CDB.~~for project management services that may include, but are not limited to, scheduling, contractor coordination, and administration of pay requests, but not including design services, shall be made in accordance with Section 4.2015 of this Part (if the services to be performed are non-professional in nature) or Section 4.2035 of this Part (if the services to be performed include professional or artistic services).~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART M~~N~~: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 4.4005 Real Property Leases and Capital Improvement Leases~~Applicability~~

Real property leases and capital improvement leases are subject to, and shall be procured in accordance with, the Code and this Part.~~Except as otherwise authorized by law, real property leases and capital improvement leases are subject to, and shall be procured by, the Universities in accordance with the Code and this Part.~~

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4010 Authority

SPOs shall have the authority to procure leases. Universities~~SPOs~~ will establish standards and criteria for leased space ~~procurement~~ and space assignment to meet the financial and administrative objectives ~~needed~~ to most efficiently and effectively provide adequate space to operate the university~~University~~ in accordance with its mission.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4015 Method of Source Selection

a) Leases shall be procured by using a Request for Information for Real Property or Capital Improvement Leases (RFI-Real Property Leases) process as provided in subsection (b).~~except that the process need not be used in any of the following circumstances:~~

b) The RFI-Real Property Leases process is not required in the following circumstances. Leases acquired under these exceptions shall be selected and entered into by negotiation. Written summaries of all negotiations shall be maintained in lease files.

1~~a~~) *Property of less than 10,000 square feet with rent of less than $100,000 per year*.

~~b) *Rent of less than $100,000 per year.*~~

2~~c~~) *Duration of less than one year that cannot be renewed*.

3~~d~~) *Specialized space available at only one location.* Specialized space is defined as space or unique function or configuration, not generally available on the market on an as built or turnkey basis. Examples of specialized space include, but are not limited to: laboratories, vehicle testing stations, correctional facilities, medical facilities, boat docks and evidence storage facilities.

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4~~e~~) *Renewal or extension of a lease*~~leases in effect before July 1, 1998~~, *provided that*:

A~~1~~) *the CPO-HE determines in writing that the renewal or extension is in the best interest of the* university~~University~~;

B~~2~~) *the CPO-HE submits his or her written determination and the renewal or extension to* the *PPB*~~ the Board~~;

C~~3~~) the *PPB*~~the Board~~ *does not object in writing to the renewal or extension within 30 days after its submission; and*

D~~4~~) *the CPO-HE publishes* notice of *the renewal or extension in the* ~~Higher Education~~ *Bulletin* at lease 60 days prior to the exercise of the renewal or extension option.

5~~f~~) *Leases with other governmental units* may be negotiated without using the *RFI-Real Property Leases process when deemed by the CPO-HE to be in the best interest of the* university~~University~~. [30 ILCS 500/40-15]

c) None of the provisions of this Section shall prohibit making a lease procurement under the RFI-Real Property Leases provisions if the CPO-HE deems it to be in the best interests of the university.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4020 Request for Information-Real Property and Capital Improvement Leases

a) RFI-Real Property Leases (RFI-RPL) Form
When required, an RFI-RPL shall be issued and shall include the following:

1) *the type of property to be leased;*

2) *the proposed uses of the property;*

3) *the duration of the lease;*

4) *the preferred location of the property;* ~~*and*~~

5) *a general description of the configuration desired;*~~.~~

6) *special and standard lease terms and conditions, qualifications and responsibility requirements, disclosures and certifications;*

7) *the address to which responses are to be sent; and*

8) *the criteria for evaluating responses based on the minimum standards and conditions for occupancy.* [30 ILCS 500/40-20(b)]

b) All required documents of the RFI-RPL will be available in electronic format on the Bulletin. Notice shall begin when first published electronically. RFI-RPL document packages may also be mailed to owners of property that may meet the university's needs after the RFI-RPL has been published in the Bulletin.

c) Unless the RFI-RPL is exclusively designated to accept only electronically prepared documents, RFI-RPL document packages shall, at a minimum, include:

1) Response forms and instructions for completing forms;

2) A copy of spatial and performance guidelines required to meet the needs of the university's to occupy the real property being procured; and

3) The date and time responses must be submitted.

d~~b~~) Public Notice
Public notice of the RFI-RPL ~~*for the availability of real property to be leased*~~ *shall be published in the* ~~*Higher Education*~~ *Bulletin at least 14 days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the university*~~*University*~~ *is seeking space.* [30 ILCS 500/40-20(c)]

e~~c~~) Response
The RFI-RPL response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the RFI-RPL. [30 ILCS 500/40-20(d)] All responses to the RFI-RPL will be publicly opened on the

announced date. Names of all parties submitting proposals will be made available to the public immediately following the opening of the proposals.

f~~d~~) Negotiation and Determination

1) *The* CPO-HE or *SPO may enter into discussions with respondents* to ~~of~~ *the RFI*-RPL *for the purpose of clarifying* *university*~~University~~ *needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any,* the CPO-HE, a~~*an*~~ *SPO* or designee *shall make a written determination identifying the responses that meet the minimum criteria set forth in the RFI*-RPL*. Negotiations shall be entered into with all qualified respondents for the purpose of securing a lease that is in the best interest of the* *State*~~University~~. [30 ILCS 500/40-20(d)]

2) The CPO-HE reserves the right to reject any proposals and to request and evaluate "best and final" proposals. Best and final offers shall be sought after a written determination is made by the SPO that it is in the best interest of the State to request best and final proposals. A best and final proposal shall not be requested from any vendor deemed non-responsive or who does not meet the minimum criteria set forth in the RFI-RPL.

g~~e~~) Contract Award, Reporting and Filing

1) The SPO or designee shall review all relevant information and shall recommend to the CPO-HE which proposal shall be accepted based on the evaluation of all responsive proposals. The CPO-HE shall make the final award, which will be published in the Bulletin. Notification of award will be sent to all respondents.

2)~~1)~~ When the lowest response by price is selected, a written report of the negotiation shall be retained in the lease files and shall include the reasons for the final selection.

3~~2~~) *When the lowest response by price is not* recommended~~*selected*~~*, the SPO shall forward to the CPO-HE, along with the lease, notice of the identity of the lowest respondent by price and written reasons for the* recommendation~~*selection*~~ *of a different response. The CPO-HE shall publish the written reasons for the selection in the next volume of the*

~~*Higher Education*~~ *Bulletin.* [30 ILCS 500/40-20(d)] The written reasons for the selection of the vendor shall be retained in the lease files.

h) PPB Review
The *PPB shall review any proposed lease of real property of more than 10,000 square feet or any proposed lease of real property with annual rent payments of $100,000 or more.* The *PPB shall have 30 days to review the proposed lease.* No contract may be entered into until the 30-day period has expired, unless the university requests in writing that the PPB waive the period and the PPB grants the waiver in writing. *If* the *PPB does not object within 30 days, the proposed lease shall become effective.* [30 ILCS 500/40-20(e)]

i) University Cooperation
A university shall provide any materials or provide any assistance the PPB determines is required for its review. The PPB may request in writing from the university, and the university shall promptly, but in no event later than 5 business days after receipt of the request, provide to the PPB documentation of information in the possession of the university. This does not preclude the university seeking any other available relief including termination for breach.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4025 Lease Requirements

a) Length of Leases

1) Maximum Term~~term~~. Except when~~where~~ a longer term is authorized by law, leases, inclusive of renewals, shall be for a term not to exceed 10 years and shall include a termination option in favor of the State~~University~~ after 5 years.

2) *Renewal Option. Leases may include a renewal option. An~~but an~~ option to renew may be exercised only when the* CPO-HE~~SPO~~ *determines in writing that renewal is in the best interest of the State. The* CPO-HE *shall publish~~University and publishes~~ a notice of the intent to exercise the option in the ~~Higher Education~~ Bulletin at least 60 days prior to the exercise of the option.* [30 ILCS 500/40-25(b)]

3) *All leases shall include a provision that they are subject to termination and cancellation in any year the General Assembly fails to make an appropriation to make payments under the terms of the lease.* [30 ILCS 500/40-25(c)]

4) Month-to-Month and Holdover. *No lease may continue on a month-to-month or other holdover basis for a total of more than 6 months.* [30 ILCS 500/40-25(d)]

b) Lessor's Failure to Make Improvements
Each lease that includes a provision for the lessor to make improvements must provide for a penalty upon the lessor's failure to make improvements agreed upon in the lease. The penalty shall consist of a reduction on lease payments equal to the corresponding percentage of the improvement value to the lease value. The penalty shall continue until the lessor complies with the lease and the improvements are accepted by the leasing university. [30 ILCS 500/40-55] The penalty amount shall be retained by the university. This does not preclude the university seeking any other available relief, including termination for breach.

c) Renewal or Extensions of Lease in Effect Prior to July 1, 1998
Leases in effect prior to July 1, 1998 may be renewed or extended without advertisement or an RFI-RPL process if:

1) The CPO-HE, SPO or designee determines that the renewal or extension is in the best interest of the State.

2) The CPO-HE, SPO or designee submits that determination in writing, along with the proposed renewal or extension, to the PPB.

3) The PPB does not object in writing within 30 days after submission.

4) The CPO-HE, SPO or designee publishes the notice of renewal or extension in the Bulletin.

d) Renewal of Leases Entered into After July 1, 1998

1) Leases may be renewed if:

A) the CPO-HE, SPO or designee determines in writing that the renewal is in the best interest of the State; and

B) notice of the renewal is published in the Bulletin at least 60 days prior to the exercise of the renewal option.

2) Documentation justifying renewals shall be maintained in lease files.

e) All leases shall be accompanied by a full written disclosure of the identity of every owner and beneficiary having any interest in the premises being leased.

1) The disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, partner, managing agent or other authorized person.

2) The disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, the names of all members or managers of a limited liability company and the names of all shareholders in a corporation who are entitled to receive more than 7½% of the total distributable income of the entity. If the entity is publicly traded and no readily known individual owns more than a 7½% interest, then the requirements of this subsection (e) may be met by an officer or managing agent of the entity making an affirmative statement to this effect under oath.

3) The disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband, or minor child of that person having an ownership or beneficial interest under the lease. In the event a person is so set forth, the disclosure shall include a specific designation of the percentage of the total distributable income to that person, together with that of the wife, husband or minor child of the person, is entitled to receive from any firm, partnership, association or corporation that is the lessor.

4) It shall be the responsibility of the lessor to notify the CPO-HE, SPO or designee of any changes in ownership or beneficial interest and to submit updated disclosure statements reflecting the changes within 30 days after the change.

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f) Space that is not in compliance with accessibility regulations, or is not capable of being brought in compliance with the installation of minimum essential features of accessibility by the time of occupancy, shall not be considered for use.

1) Each RFI will contain specifications for accessibility. Exceptions to the specifications will be allowed only upon request of the university if legitimate reasons are given and the request is otherwise in compliance with all federal and State laws regarding accessibility. The CPO-HE, SPO or designee may waive certain specifications at his or her discretion in accordance with subsection (f)(2).

2) Exceptions may be based upon one or more of the following criteria:

A) No other suitable location exists within the geographic boundaries required by the operation/program at the site.

B) No funds are appropriated to cover expenses for:

i) Relocation to an accessible site;

ii) Remodeling existing site to achieve accessibility; or

iii) Construction of a new facility.

3) The operations at the site are part of an on-going program that cannot be interrupted or terminated pending relocation, remodeling or new construction.

4) The operations at the site are part of a new program that must be implemented without delay to avoid:

A) Delay or interruption of vital services; and/or

B) Loss of funds associated with the program

5) The operations/programs at the site:

A) Generate a low frequency of public use; and/or

B) Provide a low number of job opportunities.

6) For sites carrying out programs funded in whole or part by federal funds, exceptions will be granted only upon written certification from the university that alternative methods have been established to deliver services to disabled clients and the university will provide necessary structural modification for qualified disabled employees, unless the modification would cause the university to incur undue hardship. This requirement is based on federal law (Section 504 of the Rehabilitation Act of 1973 (29 USC 706)) and any federal regulations promulgated pursuant to that Act, including those promulgated by the U.S. Department of Health and Human Services.

~~b) Subject to Appropriation~~
~~All leases shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease. This provision applies to only those leases that are funded in whole or in part by funds appropriated by the Illinois General Assembly.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4030 Purchase Option

Initial leases of all space in entire, free-standing buildings shall include an option to purchase exercisable by the university~~University~~, unless the CPO-HE or SPO~~SPO~~ determines in writing that inclusion of that~~such~~ purchase option is not in the State's~~University's~~ best interest. The~~ and makes that~~ determination, including~~in writing along with~~ the reasons for making that determination~~, and publishes the~~ shall be published~~written determination~~ in the ~~Higher Education~~ Bulletin. Leases with~~from~~ governmental units and not-for-profit entities are exempt from the requirements of this Section.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4035 Rent Without Occupancy

Except when deemed by the PPB~~Board~~ to be in the best interest of the University, no University

may incur rental obligations before having occupancy or possession of the space rented. For the purposes of this Section, the terms "occupancy" and "possession" shall have the same meaning.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4042 Historic Area Preference

State agencies with responsibilities for leasing, acquiring or maintaining State facilities shall take all reasonable steps to minimize any regulations, policies and procedures that impede the goals of Section 17 of the Capital Development Board Act [20 ILCS 3105]. [30 ILCS 500/45-80]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4044 Emergency Lease Procurement

Emergency lease procurements may be made pursuant to Section 4.2030.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART N~~O~~: PREFERENCES

Section 4.4510 Resident Bidder ~~Vendor~~ Preference

a) "Illinois resident vendor", as used in this Section, means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced.

b) In breaking a tie bid or proposal as described in Section 4.2037, an Illinois resident vendor shall be given the award.

c) An Illinois resident vendor shall be allowed a preference as against a non-resident vendor equal to any in-state vendor preference given or required by the state of the non-resident vendor.

d) This Section does not apply to any contract for any project for which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4515 Soybean Oil-Based Ink

Contracts requiring printing services shall specify the use of soybean oil-based ink unless a *SPO determines another type of ink is required to assure high quality and reasonable pricing of the printed product.* [30 ILCS 500/45-15]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4520 Recycled Materials

When a contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of products made of recycled materials may, on a pilot basis or in accordance with a pilot study, *be given preference over other bidders unable to do so, provided that the cost included in the bid of products made of recycled materials does not constitute an undue economic or practical hardship.* [30 ILCS 500/45-20]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4525 Recyclable Paper

All paper purchased for use by universities must be recyclable paper unless a recyclable substitute paper cannot be used to meet the requirements of the universities or would constitute an undue economic or practical hardship. [30 ILCS 500/45-25] Universities shall determine their paper requirements to allow the use of recyclable paper whenever possible, including, without limitation, using plain paper rather than colored paper that is not recyclable.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4526 Environmentally Preferable Procurement

Universities shall contract for supplies and services that are environmentally preferable, as that

term is defined in Section 45-26(3) of the Code. *If, however, contracting for an environmentally preferable supply or service would impose an undue economic or practical hardship on the contracting university, or if an environmentally preferable supply or service cannot be used to meet the requirements of the university, then the university need not contract for an environmentally preferable supply or service. Specifications for contracts, at the discretion of the contracting university, may include a price preference of up to 10% for environmentally preferable supplies or service.* [30 ILCS 500/45-26(b)]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4530 Correctional Industries

The CPO-HE shall distribute to each SPO and university the list of items pursuant to Section 45-30 of the Code that must be purchased from Illinois Correctional Industries (ICI) as determined by the CPO-GS pursuant to Section 45-30 of the Code.~~, in consultation with the Department of Corrections, shall, on a case-by-case basis, determine which supplies or services available from Correctional Industries meet the University's requirements and may be given preference.~~ Procurements from ICI ~~Correctional Industries~~ may be made without notice or~~and~~ competition.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4535 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities ~~Sheltered Workshops for the Disabled~~

a) Use
The CPO-HE shall distribute to each SPO and university a list of supplies and services available from qualified not-for-profit agencies for persons with severe disabilities (sheltered workshop). Purchases from sheltered workshops may be made without notice or competition.

b) Pricing Approval
Prior to contracting with a sheltered workshop, the State Use Committee (see Section 45-35(c) of the Code) must determine that the price is not substantially more than a competitively solicited price.

~~Various supplies and services are available from qualified workshops for the disabled under a program managed by the Department of Central Management Services. Such procurements may be made without notice and competition.~~

~~Information regarding the workshops is available from the Department of Central Management Services.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4540 Gas Mileage and Flex-Fuel Requirements

a) Specifications for new~~Specifications for the purchase of new~~ passenger automobiles shall require compliance with minimum gas mileage requirements established in Section 45-40 of the Code. As used in this Section, passenger automobile does not include station wagons, vans, four-wheel drive vehicles, emergency vehicles, police or fire vehicles. Passenger automobiles must achieve at least the minimum average fuel economy in miles per gallon imposed upon manufacturers of vehicles under Title V of the Motor Vehicle Information and Cost Savings Act (15 USC 2001).

b) *All gasoline-powered vehicles purchased from State funds must be flexible fuel vehicles or fuel efficient hybrid vehicles. Any vehicle purchased from State funds that is fueled by diesel fuel shall be certified by the manufacturer to run on 5% biodiesel (B5) fuel.* [30 ILCS 500/25-75]

c~~b~~) The CPO-HE or SPO may exempt a procurement from the requirements~~requirement~~ of subsections~~subsection~~ (a) and (b) when a university demonstrates a ~~demonstrated~~ need for a non-compliant vehicle~~has been presented to the SPO~~ in writing.

d) *In awarding contracts requiring the procurement of vehicles, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans.* [30 ILCS 500/45-60]

e~~c~~) The CPO-HE may require use of a uniform form or format for the SPO's determination that an exemption is warranted.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4545 Small Business

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NOTICE OF PROPOSED AMENDMENTS

a) Set-Aside
The CPO-HE, in consultation with the universities, may determine categories of construction, supplies or service procurements that will be set aside for small businesses in Illinois. A set-aside designation shall be for a stated period of time. A SPO, in consultation with a university, may determine to set aside for small business individual contracts not in a set-aside category.

b) Small Business List
The CPO-HE, in consultation with the universities, may develop its own list, or may use a list maintained by another State agency, of vendors that meet the criteria of small business. Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information as specified verifying that the vendor qualifies as a small business under this Part. A business that fits the definition of small on the day of award or proposal opening will be considered small for the duration of the contract.

c) Required Use
Any procurement proposed for set-aside to small businesses shall be so identified in the Bulletin notice and the solicitation documents. Bids or proposals received from large businesses will be rejected as nonresponsive.

d) Withdrawal of Set-Aside
If the SPO determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the SPO may reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with this Part but without the small business designation.

e) Criteria for Small Business

1) Unless the CPO-HE provides a definition for a particular procurement that reflects industrial characteristics, a small business is one that meets the requirements of Section 45-45 of the Code.

2) A small business in Illinois is one that meets the definition of a "resident bidder" in Section 45-10 of the Code and either has headquarters in

Illinois or has the majority of its workforce in Illinois.

3) A small business must not be dominant in its field of operations. This means the business does not exercise a controlling or major influence in the kind of business activity in which it is engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

4) If a business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the higher of $10,000,000 for a wholesaler, $16,000,000 for a retailer, $10,000,000 for a construction business or the amounts shown in Section 45-45 of the Code. For example, a business that is both a retailer and a wholesaler may not have total sales exceeding $16,000,000 and the retail component may not exceed $16,000,000 and the wholesale component may not exceed $10,000,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed 250.

5) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management, and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

f~~a~~) Small Business Specialist

The CPO-HE shall designate ~~one of the SPOs to be responsible for engaging~~ a small business specialist, who shall have the duties set forth in Section 45-45(e) of the Code, and who shall also act as coordinator of small business ~~initiatives~~

~~among the Universities~~. The designated small business specialist~~SPO~~ shall compile statistics provided by the university needed to make~~make~~ the small business annual report to the General Assembly required under Section 45-45(f) of the Code.

~~b)~~ ~~Small Business Set-Asides~~
~~Based upon recommendations of the small business specialist and the Universities, and in conformity with Section 45-45 of the Code, the CPO may designate as small business set-asides a fair proportion of supply and service contracts under the jurisdiction of the CPO for public institutions of higher education for award to small businesses in Illinois.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4550 Illinois Agricultural Products

In awarding contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of agricultural products grown in Illinois. [30 ILCS 500/45-50]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4555 Corn-Based Plastic Products

In awarding contracts requiring the procurement of plastic products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of plastic products made from Illinois corn by-products. [30 ILCS 500/45-55]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4557 Disabled Veterans

It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses (SDVOSB) and veteran-owned small businesses (VOSB) participate in the State's procurement process as both prime contractors and subcontractors. Not less than 3% of the total dollar amount of State contracts, as defined by the Director of Central Management Services, shall be established as a goal to be awarded to SDVOSB and

VOSB. [30 ILCS 500/45-57] The CPO-HE will inform each SPO of procedures established to implement this provision.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

Procurements made under the Code are subject to~~Each University shall be responsible for its own compliance with~~ the requirements of the Business Enterprise ~~Act~~ for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.4575 Domestic Products

a) This Section applies unless an exception is provided by statute or, in the case of a small, emergency or sole economically feasible source situation.

b) This Section applies to supplies purchased by the State that have undergone some manufacturing process that changes the raw material or components into a different product. The following examples show how to interpret this Section:

1) If the State needs iron ore, this Section would not apply because the State would be asking for a raw material.

2) If the State needs a steel ingot, the purchase would be subject to this Section as the steel ingot was subject to a manufacturing process. The iron ore used in manufacturing the ingot would not be subject to any domestic restriction.

3) If the State needs a steel I-Beam, the I-Beam would be subject to this Section. The iron ore and steel used in creating the I-Beam would not be subject to any domestic restriction.

4) If the State needs a structure made of steel I-Beams, the assembly would have to be done domestically. The iron ore, steel and I-Beams used in building the structure would not be subject to any domestic restriction.

c) Specifications for manufactured supplies shall include a reference to the preference established in this Section.

d) The preference shall be as follows:

1) The low bid or most advantageous proposal shall be identified without regard to whether the product is a domestic product.

2) In the event of a tie in a competitive sealed bid procurement, the vendor that certifies it will provide domestic supplies shall be given preference.

3) If the low bid or most advantageous proposal does not contain a certification that the supply items are domestic, then any responsive and responsible vendor that is within 2% of the identified vendor's price that has made that certification shall be evaluated as though its price was 2% lower, subject to a maximum dollar value of $50,000.

4) The winning vendor will be determined after application of the preference.

5) Notwithstanding the preference outlined in this subsection (d), if the appropriate SPO determines that the price differential calculated using the preference is not acceptable given the particular procurement and the economic circumstances, the award may be conditioned on receipt of an acceptable price reduction. If the price cannot be reduced to an acceptable level, the original low priced or most advantageous proposal may be selected for award.

e) Each procuring agency shall include in the procurement file documentation showing the application of any preference given and any determination that the supplies involved in the purchase were not subject to the Procurement of Domestic Products Act [30 ILCS 517].

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4578 Bio-Based Products

When a State contract is to be awarded to the lowest responsible bidder, an otherwise qualified

bidder who will fulfill the contract through the use of bio-based products may be given preference over other bidders unable to do so, provided that the cost included in the bid of bio-based products is not more than 5% greater than the cost of products that are not bio-based. [30 ILCS 500/45-75]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.4579 Notice of Preferences

The Bulletin and solicitation document shall state whether a preference applies or may apply and the amount or type of preference.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART O~~P~~: ETHICS

Section 4.5002 Continuing Disclosures; False Certification

a) Multi-year contracts and subcontracts are subject to the annual re-certification requirements of Section 50-2 of the Code. *Every person that has entered into a multi-year contract and every subcontractor with a multi-year subcontract* subject to the Code *shall certify, by July 1 of each fiscal year covered by the contract after the initial fiscal year, to the CPO-HE whether it continues to satisfy the requirements of* Article 50 of the Code *pertaining to eligibility for a contract award. If a contractor or subcontractor is not able to truthfully certify that it continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or subcontractor that makes a false statement material to any given certification required under* Article 50 of the Code *is, in addition to any other penalties or consequences prescribed by law, subject to liability under the Illinois False Claims Act* [740 ILCS 175] *for submission of a false claim.* [30 ILCS 500/50-2]

b) The CPO-HE may prescribe a standard format for annual recertification and may include annual certifications as part of a prequalification process.

c) Should a vendor be unable to certify that it continues to meet requirements of Section 50 of the Code, the relevant information shall be submitted to the SPO for

review and disposition.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5005 Bribery

a) *Prohibition*
No person or business shall be awarded a contract or subcontract who:

1) *Has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or*

2) *Has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.*

b) *Businesses*
No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

1) *The business has been finally adjudicated not guilty; or*

2) *The business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded or performed by a director, officer or high managerial agent on behalf of the business, as provided in Section 5-4(a)(2) of the Criminal Code of 1961* [720 ILCS 5].

c) *Conduct on Behalf of Business*
For purposes of this Section, when an official, agent or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

d) *Certification*

Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the contractor or the subcontractor, respectively, that the contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section, and acknowledges that the CPO-HE may declare the related contract void if any certifications required by this Section are false. A contractor who makes a false statement, material to the certification, commits a Class 3 felony. [30 ILCS 500/50-5]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5009 Felons

a) *Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any* university*, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.* [30 ILCS 500/50-10]

b) Every bid submitted to and contract executed by the State and every subcontract subject to this Part shall contain a certification by the bidder or contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges the CPO-HE may declare the related contract void if any of the certifications required by this Section are false.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5010 Prohibited Bidders and Contractors

a) *Unless otherwise provided, no business shall bid or enter into a contract or subcontract if the business or any officer, director, partner or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002* (PL 107-204) *or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953* [815 ILCS 5] *for a period of 5 years from the date of conviction.*

b) *Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of* the *Code shall contain a certification by the bidder,*

contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO-HE shall declare the related contract void if any of the certifications pursuant to this subsection (b) are false. [30 ILCS 500/50-10.5]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5011 Debt Delinquency

a) *No person shall submit a bid for or enter into a contract or subcontract if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt.* [30 ILCS 500/50-11(a)] For purposes of this Section, terms shall have the meanings ascribed in Section 50-11 of the Code.

b) *Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor or subcontractor, respectively, that the contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the* CPO-HE *may declare a related contract void if any of the certifications completed pursuant to this subsection (b) are false.* [30 ILCS 500/51-11(b)]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5012 Collection and Remittance of Illinois Use Tax

a) *No person shall enter into a contract with a university or enter into a subcontract unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act* [35 ILCS 105], *regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act.* [30 ILCS 500/50-12] For purposes of this Section, terms shall have the meanings ascribed in Section 50-12 of the Code.

b) *Every bid submitted and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from bidding for or entering into a contract under subsection (a) and acknowledges that the* CPO-HE *may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false.* [30 ILCS 500/50-12]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5013 Conflicts of Interest Prohibited by the Code

a) Any bid, proposal, ~~or~~ offer of~~the~~ acceptance, or proposed contract must be reviewed for conflicts of interest pursuant to~~of which would result in any of the following types of contracts prohibited by~~ Section 50-13 of the Code. If a conflict is found, no contract will be executed unless a waiver is granted under Section 50-20 of the Code by the Executive Ethics Commission.~~will be subject to rejection.~~

1) Office or Employment~~. Section 50-13(a) of the Code provides:~~
It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority. [30 ILCS 500/50-13(a)]

2) Financial Interests~~. Section 50-13(b) of the Code provides:~~
It is unlawful for any firm, partnership, association, or corporation, in which any person as described *in subsection (a) is entitled to receive more than 7½% of the total distributable income or an amount in excess of the salary of the Governor, to have or acquire~~, obtain,~~ any such contract or direct pecuniary interest therein.* [30 ILCS 500/13(b)]

3) Combined Financial Interests~~. Section 50-13(c) of the Code provides:~~ *It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a)*(1) *together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.* [30 ILCS 500/13(c)]

b) For the purposes of this Part~~Section~~, an individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including~~and would include~~ finders fees and commission payments.

c) For the purposes of this Part~~Section~~, "distributable income" means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which is distributed to those entitled to receive a share of the~~such~~ income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.

d) This Section applies to those elected to an office of Illinois State government. This Section does not apply to those elected to local government offices, including school district~~,~~ offices, nor does it apply to those elected to federal offices in this State. ~~This Section does apply to those elected to an office of Illinois State government.~~ This Section does not apply to contracts with licensed professionals, provided those contracts are competitively bid. For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E.

e) Additional exceptions to the application of this Part~~Section~~ are listed in Section 50-13(f) of the Code.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.5014 Environmental Protection Act Violations

a) *Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act* [415 ILCS 5] *shall do business with the State of Illinois or any* university *or enter into a subcontract from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved with the violation continues to have any involvement with the business.* [30 ILCS 500/50-14(a)]

b) *A person or business otherwise barred from doing business with the State of Illinois and any* university *or any subcontractors under the Code by subsection (a) may be allowed to do business with the State of Illinois or any* university *if it is shown that there is no practicable alternative to the State to contracting with that person or business.* [30 ILCS 500/50-14(b)]

c) Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the contracting university may declare the related contract void if any of the certifications completed pursuant to this subsection (c) are false.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5015 Lead Poisoning Prevention Act Violations

Owners of residential building who have committed a willful or knowing violation of the Lead Poisoning Prevention Act [410 ILCS 45] *are prohibited from doing business with the State of Illinois or any State agency, or subcontracting under* the *Code, until the violation is mitigated.* [30 ILCS 500/50-14.5]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5016 Negotiations for Future Employment

a) *It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State government to participate in contract negotiations on behalf of that office or agency with any firm, partnership, association or corporation with whom that person has a contract for*

future employment or is negotiating concerning possible future employment. [30 ILCS 500/50-15(a)]

b) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an independent contractor is in a "continual contractual relationship" from the effective date of the contract until the contract is terminated.

c) An individual who performs services pursuant to a contract and who meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continual contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the State must act to terminate, or has a definite term of at least three months.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5020 Exemptions

If the SPO finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the SPO shall forward to the CPO-HE the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. The CPO-HE shall decide whether to disapprove the contract or submit the file to the Executive Ethics Commission~~Governor or the Governor's designated ethics board~~ to determine whether an exemption should be granted in accordance with Section 50-20 of the Code.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.5021 Bond Issuances

a) Definitions. For the purposes of this Part, the following listed terms shall have the same meaning as in the Code and as further defined in this subsection (a).

1) "Entity" means brokers, dealers and municipal securities dealers as defined in, and subject to, Rule G-37 and Rule G-38 of the Municipal Securities Rulemaking Board (MSRB).

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2) *"Independent Consultant" means a person used by the entity to obtain or retain securities business through direct or indirect communication by the person with a State official or employee* (including an official or employee of the university) *on behalf of the entity when the communication is undertaken by the person in exchange for or with the understanding of receiving payment form the entity or other person. "Independent Consultant" does not include a finance professional employed by the entity or a person whose sole basis of compensation from the entity is the actual provision of legal, accounting, or engineering advice, services or assistance in connection with the securities business that the entity seeks to obtain or retain.* [30 ILCS 500/50-21(a)]

3) "Issuance of bonds or other securities" means the purchase or placement of a primary offering of municipal securities on other than a competitive bid basis.

4) "Issuance by the university" means the issuance of bonds or other securities by the university when acting as a governmental issuer ("Issuer") specified in MSRB Rule G-37.

5) "MSRB Rule G-37" and "MSRB Rule G-38" refer to the Municipal Securities Rulemaking Board rules in effect on the effective date of this rulemaking or any successor rules adopted by the MSRB on the same subject after the effective date of this rulemaking.

b) Use of Independent Consultants

1) Section 50-21(a) of the Code prohibits a university from entering into a contract with respect to the issuance of bonds or other securities by the university with any entity that uses as independent consultant to obtain or retain securities business through direct or indirect communications by the person with a State official or employee, including an official or employee of the university. Use of an independent consultant is also prohibited by MSRB Rule G-38. Every contract between the university and an entity relating to the issuance of bonds or other securities by the university shall include a certification that the entity did not use an independent consultant to obtain the contract and that the entity has not been found to knowingly violate MSRB Rule G-38 (or any successor rule) with respect to the

prohibition on obtaining or retaining municipal securities business.

2) In the event a federal agency finds that an entity knowingly violated MSRB Rule G-38 in the State of Illinois, the CPO-HE shall bar that entity from participating in any contract with respect to the issuance of bonds or other securities by any university for a period of one year as specified in Section 50-21(c) of the Code.

c) Prohibited Political Contributions

1) Section 50-21(b) of the Code requires that every contract between the State and an entity relating to the issuance of bonds or other securities by the State include a certification that the entity is and will remain for the duration of the contract in compliance with the MSRB Rule G-37 requirement for reporting political contributions and that the entity has not been found to have knowingly violated in Illinois MSRB Rule G-37 (or any successor rule) with respect to the making of prohibited political contributions or payments. Failure to remain in compliance throughout the term of the contract shall make the contract voidable by the CPO-HE.

2) In the event a federal agency finds that an entity knowingly violated MSRB Rule G-37 in the State of Illinois by making prohibited political contributions, the CPO-HE shall impose a penalty that is at least twice the fine assessed by the federal agency. In addition, the CPO-HE shall bar the entity from participating in any contract with respect to the issuance of bonds or other securities by any of the universities for a period of one year as specified in Section 50-21(c) of the Code.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5023 Other Conflicts of Interest

a) Except as otherwise specified in the Public Officer Prohibited Activities Act [50 ILCS 105], no State official/member of the university's~~University's~~ governing board shall be directly or indirectly interested in any contract to be made by the State official/Board for any purposes whatsoever.

b) ~~No contract will be awarded~~

~~to a University officer or employee or to a firm, partnership, association, or corporation, the owner or principal owners or major officers or primary employees of which are officers or employees of the University,~~

~~such contract is deemed essential to University operations and is approved by the President of the University (or designee) and such approval is filed with the contract.~~

~~e)~~ Any university that has its own policies regarding procurement conflict of interest relative to its own employees must provide notice of any potential conflict to the SPO along with the university's resolution. This information may be used by the SPO when considering whether to award the contract.~~No contract will be awarded to a member of the immediate family of an officer or employee of the University or to a firm, partnership, association, or corporation, the owner or principal owners or major officers or primary employees of which are members of the immediate family of officers or employees of the University, unless such contract is deemed beneficial to University operations and is approved by the President of the University (or designee) and such approval is filed with the contract.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.5030 Revolving Door Prohibition

a) *CPOs, SPOs, Procurement Compliance Monitors,* ~~As provided in Section 50-30 of the Code, the CPO, SPOs and all of~~ *their designees whose principal duties are directly related to State~~University~~ procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months~~their former employer~~. The prohibition ~~applies to persons who terminate an affected position after January 15, 1999, and~~ includes, but is not limited to: lobbying the procurement process; specifying, bidding, proposing bids ~~submitting bids, proposals, offers,~~ or contract documents; on their own behalf or on behalf of any firm, partnership, association or corporation. This prohibition applies only to persons who terminate an affected position on or after January 15, 1999.* [30 ILCS 500/50-30]~~vendor.~~

b) The CPO-HE shall identify in writing those designees who job, or whose position description, is at least 51% directly related to procurement. Activities directly related to procurement include, but are not limited to: drafting specifications, preparing solicitations, evaluating offers, negotiating contracts, administering contracts and supervising any of the foregoing. This information shall be maintained for a period of at least two years following the end or revocation of the designation.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

a) For the purposes of ~~the financial disclosures required of vendors under~~ Section 50-35(a) of the Code, an "offer from responsive bidders or offerors" means those offers that are received under Section 20-10, 20-15 or 20-35, or Article 35 of the Code. Disclosures are not required in small, sole source and emergency contracts, but shall be obtained in whole or in part when practical and when the value exceeds $25,000.~~the following terms shall have the same meaning as in the Code and as further defined below:~~

b) For purposes of:

1) Section 50-35(b) of the Code, "parent entity" means an entity that owns 100% of the bidding entity.

2) Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.

c~~1~~) "Distributive or Distributable Income" ~~– The~~ means income of a company after payment of all expenses, including employee salaries and bonuses and retained earnings, which is distributed to those entitled to receive a share of that~~such~~ income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income, the entitlement shall be determined at the end of the company's most recent fiscal year.

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d~~2~~) "Personal Services"~~ = Any~~ shall be any contract for services subject to the~~this~~ Code, including, by way of example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from the Code under Section 1-10(b)(4).

~~3) "Competitively Bid" = A contract let pursuant to Section 20-10 of the Code.~~

e~~4~~) "Subject to Federal 10K Reporting"~~ = Subject~~ means subject to the reporting requirements of section~~Section~~ 13 or 15(d) of the Securities Exchange Act of 1934.

f~~5~~) "10K Disclosure"~~ = A~~ means a report required under section~~Section~~ 13 or 15(d) of the Securities Exchange Act of 1934.

g~~b~~) New disclosures are required on contract renewals. New disclosure are not required for contract amendments.~~Once a disclosure is made in relation to a particular contract, the disclosure need not be repeated if the contract is amended.~~

h~~c~~) 10K Disclosures

1) Any vendor subject to federal~~Federal~~ 10K reporting requirements may submit its 10K to the university~~University~~ in satisfaction of the disclosure requirement of Section 50-35(b) of the Code. The ~~provided the~~ vendor may be required to identify~~also identifies~~ the specific sections or parts in the 10K disclosure containing~~where the University may find~~ information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the university~~University~~ is not in the 10K, or~~but is~~ in a document ~~referenced in the 10K, or in a document~~ that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.

2~~d~~) 10K~~The~~ disclosures are available for public review~~of each successful bidder or offeror shall become a part of the publicly available contract file~~. Any potential conflict of interest identified by the public and brought to

the attention of the CPO-HE or SPO shall be investigated.

3) In circumstances in which a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements of the Code, the SPO or designee may consider information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure in determining whether a potential conflict of interest exists.

i) Form of Disclosure

1) The form of disclosures shall be prescribed by the CPO-HE and shall include at least the names, addresses and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section having any of the following relationships:

A) *State employment, currently or in the previous 3 years, including contractual employment of services;*

B) *State employment of spouse, father, mother, son or daughter, including contractual employment for services in the previous 2 years;*

C) *Elective status: the holding of elective office in the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years;*

D) *Relationship to anyone holding elective office currently or in the previous 2 years, including spouse, father, mother, son or daughter;*

E) *Appointive office: the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles*

the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years;

F) *Relationship to anyone holding appointive office currently or in the previous 2 years, including spouse, father, mother, son or daughter;*

G) *Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government;*

H) *Relationship to anyone who is or was a registered lobbyist in the previous 2 years, including spouse, father, mother, son or daughter;*

I) *Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections;*

J) *Relationship to anyone, including spouse, father, mother, son or daughter, who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.* [30 ILCS 500/50-35(b)(1) through (10)]

2) *The disclosures required under this Section also include the name and address of each lobbyist required to register under the Lobbyist Registration Act* [25 ILCS 170] *and other agent of the bidder or offeror who is not identified under subsection (a) and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection* (i)*(2) is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-2)]

3) *The disclosure required under this Section must also include, for each of the persons identified in subsection* (i)(1) or (2), *each of the following that occurred within the previous 10 years: debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection* (i)*(3) is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-2)]

j) Intent of Disclosure

The disclosure required in subsection (i) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the CPO-HE, SPOs, their designees, and executive officers so they may adequately discharge their duty to protect the State. [30 ILCS 500/50-35(c)]

1) Determination by Procurement Officer

When a potential conflict of interest is identified, discovered or reasonably suspected, it shall be reviewed by the CPO-HE or his or her designee, who must rule whether to void or allow the contract, subcontract, bid, offer or proposal weighing the best interest of the State of Illinois. Any such written determination shall become a publicly available part of the contract, bid or proposal file.

2) Requirements for Reasonable Care and Diligence

These thresholds for disclosure do not relieve the CPO-HE, SPO or their designees from reasonable care and diligence for any contract, bid, offer or proposal. The CPO-HE, SPOs or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois. [30 ILCS 500/50-35(e)]

3) Inadvertent or Accidental Failure to Fully Disclose

Inadvertent or accidental failure to disclose shall render the contract, subcontract, bid, proposal or relationship voidable by the CPO-HE if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, subcontracts,

bids, proposals or relationships with the State for a period of up to 2 years. [30 ILCS 500/50-35(f)]

4) Intentional, Willful or Material Failure to Disclose
Intentional, willful or material failure to disclose shall render the contract, subcontract, bid, proposal or relationship voidable by the CPO-HE if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, subcontracts, bids, proposals or relationships with the State for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented upon by the CPO-HE, who must rule in writing whether and when to reinstate.

5) Other Procurements
In addition, all disclosures shall note any other current or pending contracts, proposals, subcontracts, leases or other ongoing procurement relationships the bidding, proposing, offering or subcontracting entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease or other relationship. [30 ILCS 500/50-35(h)]

6) Continuing Obligation
The contractor or bidder has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process or during the term of any contract. [30 ILCS 500/50-35(i)]

k) Hearing
Any hearing required under Section 50-35 of the Code shall be conducted in accordance with Subpart U.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.5036 Disclosure of Business in Iran

a) *Each bid, offer or proposal submitted for a State contract, other than a small purchase, shall include a disclosure of whether the bidder, offeror or proposing entity, or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid, offer or proposal had business operations that involved*

contracts with, or provision of supplies or services to, the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran, or companies involved in consortiums or projects commissioned by the government of Iran and:

1) *More than 10% of the company's revenue produced in or assets allocated in Iran involve oil-related activities or mineral extraction activities; less than 75% of the company's revenues produced or assets located in Iran involve contracts with or provision of oil-related or mineral-extraction products or services to the Government of Iran or a project or consortium created exclusively by that government; and the company has failed to take substantial action; or*

2) *The company has, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each that in the aggregate equals or exceeds $20 million in any 12-month period, that directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources of Iran.* [30 ILCS 500/50-36(b)]

b) *A bid, offer or proposal that does not include the disclosure required by subsection (a) shall not be considered responsive. A SPO may consider the disclosure when evaluating the bid, offer or proposal or awarding the contract.* [30 ILCS 500/50-36(b)]

c) *The CPO-HE shall provide the State Comptroller with the names of each entity disclosed under subsection (a) as doing business or having done business in Iran. The State Comptroller shall post that information on his or her official website.* [30 ILCS 500/50-36(d)]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5037 Vendor Registration, Certification and Prohibition on Political Contributions

a) Introduction
Illinois statute (10 ILCS 5/9-35 and 30 ILCS 500/20-160 and 50-37) restricts

political contributions by vendors and affiliated entities; requires registration with the State Board of Elections (SBEL); requires a copy of the registration certificate stamped by SBEL (Registration Certificate) to be submitted with bids/proposals and contracts; and requires solicitation and contract certifications relative to the requirements of the statutes. This Section supplements requirements found in the statutes and does not excuse compliance with any of those requirements.

b) General Registration Requirements

1) These requirements apply to contracts, bids and proposals that are subject to the Code:

A) Bids/proposals referenced in this Section are those submitted in response to a competitive solicitation that is posted to the Bulletin on or after January 1, 2009, regardless of the value assigned to the procurement.

B) Bids and proposals include pending bids and proposals.

C) These requirements generally apply to a vendor whose existing State contracts have an aggregate value in excess of $50,000, or whose aggregate value of bids/proposals for State contracts exceeds $50,000, or whose aggregate value of State contracts and bids/proposals exceeds $50,000.

D) This value is calculated on a calendar-year basis.

2) On a calendar-year basis, each vendor or potential vendor must keep track of the value of contracts and bids/proposals. Vendors must register with SBEL when the vendor determines that the value of the contracts and bids/proposals meets the threshold for registration.

3) An "executive employee" means:

A) the President, Chairman of the Board, Chief Executive Officer and/or other individuals who fulfill equivalent duties as the President, Chairman of the Board or Chief Executive Officer; and/or

B) any employee whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee, irrespective of the employee's title or status in the business entity. For the purposes of this subsection (b)(3)(B), compensation determined directly by award or payment of contracts means a payment over and above regular salary that would not be made if it were not for the award of the contract.

c) Bids and Proposals

1) A copy of the Registration Certificate must be submitted with bids/proposals. The CPO-HE may establish a prequalification procedure allowing advance submission of the SBEL certificate. A vendor who complies with the prequalification procedure shall be deemed to have submitted the SBEL certification with the bid or proposal.

2) If the Registration Certificate is not timely submitted, the procuring agency shall reject the bid/proposal.

3) The procuring agency shall not reject a bid/proposal if absence of the Registration Certificate is the result of delay or error by the State, but shall require the Registration Certificate before making an award.

d) Contracts
A copy of the Registration Certificate must be in the procurement file as set forth in this subsection (d), unless the vendor certifies it is not required to register.

1) For contract renewals and extensions, if the value of the renewal or extension by itself, or in combination with the contract being renewed/extended and other contracts and bids/proposals exceeds $50,000, the vendor must provide the Registration Certificate and make the appropriate contract certification, if it has not already done so. The Registration Certificate may be provided by reference to and incorporation of the vendor's prequalification by the CPO-HE.

2) For indefinite quantity/estimated value contracts, a vendor who is

otherwise not required to register shall register with SBEL when the value of orders placed pursuant to an indefinite/estimated value contract plus all other contracts and bids/proposals exceeds $50,000.

3) For contract amendments, if the value of the amendment, by itself or in combination with the contract being renewed plus other contracts and bids/proposals exceeds $50,000, the vendor must provide the Registration Certificate and make the appropriate contract certification, if it has not already done so.

4) Any contracts mistakenly executed in violation of this Section must be amended to include the contract certifications, and the vendor must supply the Registration Certificate. If any violation by the vendor is not cured within 5 business days after receipt of notification of the violation, the contract is voidable by the State without penalty.

5) Contract certification required by Public Act 95-971 shall be included in or added to each contract that must be filed with the State Comptroller pursuant to Section 20-80 of the Code and those written two-party contracts that need not be filed with the Comptroller. Agencies may require written confirmation of the rule-imposed certification at any time.

e) Each solicitation issued and contract executed by the State on or after January 2, 2009 shall be deemed to contain a statement that the contract is voidable under Section 50-60 of the Code if the bidder, offeror or contractor fails to comply with Section 20-160 of the Code.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5038 Lobbying Restrictions

a) *A person or business that is let or awarded a contract is not entitled to receive any payment, compensation or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging or meals that are paid by the person or business to any officer, agent, employee, consultant, independent contractor, director, partner, manager or shareholder.* [30 ILCS 500/50-38(a)]

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b) Disclosure

1) *Any bidder or offeror on a State contract that hires a person required to register under the Lobbyist Registration Act* [25 ILCS 170] *to assist in obtaining a contract shall:*

A) *Disclose all costs, fees, compensation, reimbursement and other remunerations paid or to be paid to the lobbyist related to the contract;*

B) *Not bill or otherwise cause the State of Illinois to pay for any of the lobbyist's costs, fees, compensation, reimbursements or other remuneration;*

C) *Sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements or other remuneration were billed to the State.*

2) The information in subsection (b)(1)(A), along with all supporting documents, shall be filed with the agency awarding the contract and with the Secretary of State. The CPO-HE shall post this information, together with the contract award notice, on the Bulletin. [30 ILCS 500/50-38(b)]

c) No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection (c) is guilty of a business offense and shall be fined not more than $10,000. [30 ILCS 500/50-38(c)]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5039 Procurement Communication Reporting Requirement

a) Reporting Requirement
Any written or oral communication received by a State employee that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including, but not limited to, an application, a contract or a project,

shall be reported in accordance with rules of the Executive Ethics Commission (2 Ill. Adm. Code 1620).

b) *When an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in Section 50-39 of the Code.* [30 ILCS 500/50-39(c)]

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5055 Supply Inventory

Universities shall manage their inventory of supplies in compliance with the 12-month inventory restriction of Section 50-55 of the Code.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART P~~Q~~: CONCESSIONS

Section 4.5325 ~~Granting of~~ Concessions~~/Reporting~~

Each public institution of higher education may enter into concessions, including the right to engage in activity on the lessors property (e.g. a refreshment or parking concession), and *including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, for property, whether tangible or intangible, over which it has jurisdiction. Concessions shall be reduced to writing and shall be awarded at the discretion of the institution with jurisdiction over the property. The duration and terms of concessions and leases shall be at the discretion of the institution with jurisdiction over the property. Notice of the award of a concession shall be published in the Bulletin.* [30 ILCS 500/53-25]

~~The University shall award concessions to property under its jurisdiction at its discretion in accordance with University policies. All University contracts granting concessions shall be reduced to writing and reported in the Higher Education Bulletin no less frequently than annually. Reports concerning the licensing or other disposition of University intellectual property will be in the form designated for the annual reports of such activity to the Association of University Technology Managers or such other standard format as may be developed by the Universities and approved by the CPO. Other types of concessions will be reported separately in~~

~~a standardized format approved by the CPO.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART Q~~R~~: COOPERATIVE PURCHASING
~~COMPLAINTS, PROTESTS AND REMEDIES~~

Section 4.5400 General

All cooperative/joint procurement activities and contracts must be approved by the CPO-HE.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5420 Governmental Joint Purchasing Act Contracts

State and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to use each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525].

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5440 Other Joint Purchasing

Non-governmental joint purchasing is authorized in accordance with Section 4.2036.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5460 No Agency Relationship

In any cooperative/joint purchasing situation, each participant must issue its own purchase order, accept its own deliveries and make its own payments. No participant shall have any obligation to the vendor for payment for supplies or services provided to other participants.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART R: PROTESTS

Section 4.5520 Suspension (Repealed)

~~a) Application~~
~~This Section applies to all debarments or suspensions of vendors from consideration for award of contracts under the Code.~~

~~b) The SPO may suspend a vendor from doing business with the University or with respect to specific types of supplies or services. A suspension may be issued upon a showing the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.~~

~~c) When the SPO finds cause exists for suspension, a notice of suspension, including a copy of such determination, shall be sent to the suspended vendor. Bids or proposals will not be solicited from the suspended vendor, and, if received, will not be considered during the period of suspension.~~

~~d) A vendor may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than five years. The suspension will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed.~~

~~e) The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the University. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals received from the debarred vendor will not be considered.~~

~~f) The CPO shall maintain a master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will be maintained for a period of at least three years following the end of the suspension or debarment. Such public information may be considered in determining responsibility.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.5530 Cancellation of Contracts (Repealed)

~~a) In any of the following cases the SPO shall have the right to terminate or rescind~~

~~any contract entered into under this Part:~~

~~1) The successful vendor fails to furnish a satisfactory performance bond within the time specified.~~

~~2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the purchasing agency.~~

~~3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.~~

~~4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the University such that it cannot reasonably be depended upon to fulfill his obligations as a responsible vendor under any of his contracts with the University.~~

~~5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the SPO; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.~~

~~6) Any other breach of contract or any other unlawful act by the vendor.~~

~~b) Cancellation for Fraud, Collusion, Illegality, Etc.~~
~~The University may cancel any contract it established if there is sufficient evidence to show that:~~

~~1) The contract was obtained by fraud, collusion, conspiracy, or other unlawful means; or~~

~~2) The contract conflicts with any statutory provision of the State of Illinois or of the United States.~~

~~c)~~ ~~Withholding Money to Compensate University for Damages~~
~~If a contract is terminated or rescinded under this Section, the University may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the University for any damages suffered by it because of the vendor's breach of contract or other unlawful act on his part on which the cancellation is based.~~

~~d)~~ ~~Damages~~
~~The damages for which the University may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:~~

~~1)~~ ~~the additional cost of supplies or services bought elsewhere;~~

~~2)~~ ~~cost of repeating the procurement procedure;~~

~~3)~~ ~~any expenses incurred because of delay in receipt of supplies or services; and~~

~~4)~~ ~~any other damages caused by the vendor's breach of contract or unlawful act.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.5540 Violation of Statute or Rule (Repealed)

~~a)~~ ~~Determination that Solicitation or Award Violates Law~~
~~If the CPO or the SPO finds that the solicitation or proposed award is in violation of statute or rule, the CPO or the SPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.~~

~~b)~~ ~~Determination that Contract Violates the Code or this Part~~
~~Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the University unless statute or rule allows the University to modify, ratify, or take other corrective action.~~

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~~e) Effect of Declaring a Contract Null and Void~~
~~In all cases in which a contract is voided, the University shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.5550 Protests

a) Procurement-Related Protests Allowed

1) Any person may submit a protest related to the notice of the procurement, the solicitation document, any pre-bid/proposal meeting and any decision to reject a late bid or proposal.

2) Any person who has submitted a bid or proposal may protest a decision to reject the person's bid or proposal or to award to another person.

b) Protest Review Officer
The CPO-HE may appoint one or more Protest Review Officers (PRO) to consider the procurement-related protests and make a recommendation to the CPO-HE for resolution of the protest. The CPO-HE may adopt the recommendation or take other action.

c) Submission of Protest

1) A protesting party must submit a protest in writing to the PRO identified in the solicitation document. Fax and e-mail qualify as writing, but the PRO does not guarantee receipt using those means.

2) The protest must be physically received by the PRO at the location specified. A postmark or other carrier mark prior to the due date and time is not sufficient to show physical receipt.

A) In regard to the solicitation notice or solicitation document including specifications, a protest must be received within 14 days after the date the solicitation was posted to the Bulletin and must be received by the PRO at the designated address before the date

for opening bids or proposals.

B) In regard to rejection of individual bids or proposals or awards, the protest must be received by close of business no later than 14 days after the protesting party knows or should have known of the facts giving rise to the protest to ensure consideration, and, in any event, must be received before execution of the applicable contract.

3) Any notice posted to the Bulletin establishes the "known or should have known" date for the subject matter of the notice.

4) Protests must be clearly marked on the delivery container, the fax cover sheet or the e-mail subject line.

5) The written protest shall include as a minimum the following:

A) the name and address of the protesting party;

B) identification of the procurement and, if a contract has been awarded, its number or other identifier;

C) a statement of reasons for the protest specifically identifying any alleged violation of a procurement statute, a procurement rule or the solicitation itself, including the evaluation and award (conclusions with supporting facts and arguments may not be sufficient);

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated. If submitting the protest by fax, supporting documentation over 20 pages in length may not be included without authorization. If the protest is by fax or e-mail, the protesting party may be required to submit documentation by mail or carrier within 2 business days after the request; and

E) specific relief sought.

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d) Requested Information
The protesting party must supply any additional information requested by the PRO within the time periods set in the request. If the protesting party fails to comply with this request, the PRO shall consider the protest on the basis of available information or may deny the protest.

e) Stay of Procurements During Protest
Unless the CPO-HE determines the needs of the State require an immediate execution of a contract, the following apply:

1) When a protest has been timely filed and before an award has been made, no award of the contract shall be made until the protest has been resolved.

2) If timely received but after award, the award shall be stayed without penalty to the State.

f) Resolution
After considering the evidence presented, the PRO shall submit a proposed written resolution of the protest to the CPO-HE. The CPO-HE will resolve the protest by means of a written determination. The resolution may include affirming the universities' initial decision, in whole or in part, or revoking the universities' decision in whole or in part.

g) Effect of Judicial Proceedings
If an action concerning the protest has commenced in a court or administrative body, the CPO-HE may defer resolution of the protest pending the judicial or administrative determination.

~~a) Protest Resolution by the SPO~~
~~An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to, specifications preparation, bid solicitation, or award.~~

~~b) Complaint to SPO~~
~~Complainants should seek resolution of their complaints initially with the SPO who issued the solicitation. Such complaints may be made orally or in writing.~~

~~c) Filing of Protest~~

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~~1) Protests shall be made in writing to the chief business officer of the University and shall be filed within 14 days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the chief business officer. Protests filed after the 14 day period shall not be considered. In regard to a protest regarding specifications, the protest must be received within 14 days after the date the solicitation was issued, and in any event must be received by the University at the designated address before the date for opening of bids or proposals.~~

~~2) To expedite handling of protests, the envelope should be labeled "Protest". The written protest shall include as a minimum the following:~~

~~A) the name and address of the protester;~~

~~B) appropriate identification of the procurement, and, if a contract has been awarded, its number;~~

~~C) a statement of reasons for the protest; and~~

~~D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.~~

~~d) Requested Information; Time for Filing~~
~~Any additional information requested by the University shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the chief business officer may result in resolution of the protest without consideration of that information.~~

~~e) Decision by the Chief Business Officer~~
~~A decision on a protest shall be made by the chief business officer as expeditiously as possible after receiving all relevant requested information.~~

~~f) Effect of Judicial or Administrative Proceedings~~
~~If an action concerning the protest has commenced in court, the chief business~~

~~officer shall not act on the protest.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART S: SUSPENSION AND DEBARMENT
~~GOVERNMENTAL JOINT PURCHASING~~

Section 4.5560 Suspension and Debarment

a) This Part applies to all debarments or suspensions of vendors from consideration for award of contracts under the Code. For purposes of this Part, all references to "vendors" includes subcontractors.

b) The CPO-HE may suspend a vendor from doing business with the university or with respect to specific types of supplies or services. A suspension may be issued upon a showing the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.

c) When the CPO-HE finds cause exists for suspension or debarment, a notice of suspension or debarment, including a copy of that determination, shall be sent to the suspended vendor. Bids or proposals will not be solicited from the vendor and, if received, will not be considered during the period of suspension or debarment.

d) The CPO-HE may suspend a vendor for a period of time commensurate with the seriousness of the offense, but for no more than 10 years. The suspension will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension shall not become effective until the evaluation of the objection is completed.

e) The CPO-HE may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the State. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals received from the debarred vendor or proposing the use of a debarred subcontractor will not be considered. The debarment will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, debarment shall not become effective until the evaluation of the objection is completed.

f) The CPO-HE shall post the public record of suspensions and debarments on his or her webpage and on the Bulletin.

g) A vendor objecting to the suspension or debarment shall do so in writing, detailing why the action is not valid and providing any documents to support that position. The vendor may request a hearing. Any such hearing shall be conducted in accordance with Subpart U.

h) The CPO-HE shall maintain a master list of all suspensions and debarments. The master list shall retain information concerning suspensions and debarments as public records. Those records will be maintained for a period of at least three years following the end of the suspension or debarment. The public information may be considered in determining responsibility.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART T: VIOLATION OF STATUTE OR RULE

Section 4.5620 Violation of Statute or Rule

a) Determination that Solicitation or Award Violates Statute or Rule
If the CPO-HE or the SPO finds that the solicitation or proposed award is in violation of statute or rule, the CPO-HE or SPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if the correction may be legally accomplished.

b) Determination that Contract Violates the Code or this Part

1) If any contract or amendment to a contract is entered into, or purchase or expenditure of funds is made, at any time in violation of this Part or any other law, the contract or amendment may be declared void by the CPO-HE or may be ratified or affirmed, provided the CPO-HE determines that ratification is in the best interest of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's right to any appropriate damages.

2) If, during the term of a contract, the SPO determines that the contractor is delinquent in the payment of debt as set forth in Section 50-11 of the Code, the CPO-HE may declare the contract void if it determines that voiding the contract is in the best interest of the State.

3) If, during the term of a contract, the CPO-HE learns from an annual certification or otherwise determines that the contractor or subcontractor no longer qualifies to enter into State contracts, the CPO-HE may declare the contract void if it determines that voiding the contract is in the best interest of the State.

c) Effect of Declaring a Contract Null and Void
In all cases in which a contract is voided, the university shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART U: HEARING PROCEDURES

Section 4.5700 General

Any hearing required by the Code or offered in this Part shall be conducted in accordance with the procedures within this Subpart U.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5710 Informal Process

The hearing is for the purpose of receiving information from interested persons in a reasonable manner. Formal rules of evidence will not apply, nor will the hearing be conducted in the manner of a trial. The Hearing Officer may record the hearing to aid in producing minutes, or may use the recording as the minutes.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5720 Hearing Officers

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a) The CPO-HE may appoint one or more hearing officers to conduct the hearing. If more than one Hearing Officer is assigned to conduct a hearing, one shall be designated as the Chief Hearing Officer.

b) The Hearing Officer may require that the SPO or authorized representative of a university attend a hearing or be part of a Hearing Panel.

c) The Hearing Officer will hear and consider information presented by interested persons and make a recommendation to the CPO-HE regarding the validity of the subject matter of the hearing.

d) The Hearing Officer shall be responsible for the orderly conduct of the hearing by exercising discretion in:

1) scheduling, starting and ending the hearing;

2) setting the order of activities;

3) setting reasonable time limits for oral statements;

4) resolving any conflicts that may arise during the hearing.

e) The Hearing Officer may cancel a hearing at any time prior to commencing a hearing, including by making announcement at the scheduled hearing date, time and location, but shall give as much advance notice as possible under the circumstances. A notice confirming the cancellation and any reschedule information will be published in the Bulletin.

f) The Hearing Officer may change a scheduled hearing date, time or location prior to commencing a hearing by posting a notice outside the hearing room and by posting a notice to the Bulletin. The hearing should be continued to the next practicable date. In setting the next practicable hearing date, the Hearing Officer may take into consideration the schedule of the parties, the hardship to witnesses or the general public, travel and logistical considerations and any other matters that would affect public participation in the hearing.

g) After commencing a hearing, the Hearing Officer may reconvene a hearing by announcing the new date and time at the hearing and posting the new date and

time outside the hearing room. The hearing shall be continued to the next practicable date.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5730 Notice of Hearing

a) Notice that a hearing will be held to receive testimony or written comments regarding the subject matter identified in the notice will be published in the Bulletin. The hearing notice shall be published in the Bulletin at least 14 days before the date scheduled for the hearing.

b) The hearing may be held as soon as the first working day following the end of the notice period. The notice shall contain the following information and may describe more than one matter to be considered at the same hearing:

1) The name of the affected parties (e.g., university and vendor);

2) A description of the subject matter;

3) A justification for the action under review;

4) Requirements for testifying or submitting written comments;

5) Hearing contact information;

6) The date, time and location of the hearing;

7) Statement that all written comments and oral testimony shall be considered public record and open to review by the public;

8) A statement of or reference to this hearing procedure.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.5740 Written Comments and Oral Testimony

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Interested parties wishing to comment for or against the determination may do so in writing, may testify in person and may submit written comments reflecting the oral testimony.

a) Written Comments

1) Submission of Written Comments
Written comments are requested by the hearing registration deadline, shown in the Bulletin notice, to aid the Hearing Officer in preparing for the hearing. However, all written comments received by the hearing date will be considered.

2) Incorporation of Written Comments
If the Hearing Officer has received any written comment, the name and affiliation of the person submitting the comment shall be stated for the record and the written comments shall be incorporated into the record. In addition, the Hearing Officer may read excerpts from or summarize the basic points of the written comments for the record.

b) Oral Testimony

1) Advance Registration
Any person who wishes to testify may register with the Hearing Contact. The registration period begins on the date the notice is posted to the Bulletin. Any registration deadline shall be shown in the Bulletin notice and shall be no sooner than 7 days after publication of the notice. Those who do not register by the hearing registration deadline shown in the Bulletin notice will be heard as time permits and may submit written comments. The Hearing Officer has discretion to limit testimony for the efficiency of the hearing.

2) Written Copy of Testimony Requested
Written comments reflecting proposed oral testimony are requested by the hearing registration deadline shown in the Bulletin notice to allow the Hearing Officer time to prepare for the hearing. A person testifying may submit written comments along with the testimony. The Hearing Officer may request a written copy of the oral testimony.

3) Witness Slip Required

Each person providing oral testimony must complete a witness slip and provide it to the Hearing Officer as instructed.

4) Duration of Testimony
Each interested party shall have a reasonable period of time to present his or her position based on the complexity of the issue and the press of other business.

c) Sole Source and Emergency Contract Extensions − Supplemental Provisions

1) The notice, including attachments, as shown in the Bulletin represents the position of the university and the initial position of the CPO-HE. The Hearing Officer shall have the notice placed into the record. A copy of the notice will be posted in the hearing room.

2) The SPO and a representative of the agency shall attend the hearing if any person registers in advance to testify in opposition to the sole source or emergency contract extension determination. Attendance may be by video or audio. The SPO and agency representative shall respond to questions of the Hearing Officer and shall be available for consultation after adjournment of the hearing.

3) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer is not required to respond to substantive questions at the hearing nor make commitments regarding the content of his or her recommendation.

d) Suspension and Debarment − Supplemental Provisions
A party who receives notice of suspension or debarment may request a hearing to protest the suspension or debarment action. The hearing will be conducted in accordance with this Section and the following additional provisions shall apply.

1) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer is not required to respond to substantive questions at the hearing or make commitments regarding the content of his or her recommendation.

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2) Both the affected university and the vendor affected by a suspension or debarment may, at the discretion of the Hearing Officer, bring in witnesses to present testimony regarding the facts or circumstances that led to the determination to suspend or debar.

3) In addition to responding to questions of the Hearing Officer, the witnesses shall respond to questions by the affected vendor if, at the discretion of the Hearing Officer, the questions are allowed.

A) The Hearing Officer may allow questions when the subject matter of the question is relevant and the questioning will not unnecessarily delay the proceedings.

B) The Hearing Officer may deny questions when the subject matter seeks only to unnecessarily embarrass the witness or delay the proceedings.

e) Recommendation
After conclusion of the hearing, the Hearing Officer shall review the university's position, any information obtained from public comment (written or oral), the applicable Sections of the Code, other laws and associated rules and written policies and other information deemed relevant.

f) Decision of the CPO-HE

1) The CPO-HE shall, after considering the Hearing Officer's recommendation, make a decision in writing (which may be electronic) to uphold or overturn, in whole or in part, the university's decision.

2) The CPO-HE may request additional information from the Hearing Officer or any other party, including supplemental comments or testimony from the interested parties, prior to making a decision.

3) The CPO-HE may adopt the recommendation, in whole or in part, or reject the recommendation, or may write a separate decision.

g) Notice of Decision

1) The decision of the CPO-HE shall be posted to the Bulletin along with all documentation presented at the hearing by the university and by any interested party.

2) Upon posting notice of a decision upholding the determination, the university may take action to have the contract executed.

h) Maintenance of Records
A copy of the public notices, any documents presented, any written comments, any meeting minutes, the recommendation of the Hearing Officer, and any decision of the CPO-HE shall be maintained in the procurement file.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 4.6500 General (Repealed)

~~In an effort to make the procurement process more efficient, State (including Universities) and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to utilize each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525].~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.6510 No Agency Relationship (Repealed)

~~In any joint procurement situation, each University and governmental unit must issue its own purchase order, accept its own deliveries and make its own payments. No University shall have any obligation to the vendor for payment of orders placed by other Universities or other governmental units.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

SUBPART V~~T~~: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 4.7000 Severability

If any provision of the~~this~~ Part or any application of it to any person or circumstance~~thereof~~ is

held invalid, that~~such~~ invalidity shall not affect other provisions or applications of this Part that can be given effect without the~~such~~ invalid provision or application and, to this end, the provisions of this Part are declared to be severable.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.7005 Supply Inventory (Repealed)

~~The University shall manage its inventory of supplies in compliance with the 12-month inventory restriction of Section 50-55 of the Code.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 4.7010 University Furnished Property

If the university~~University~~ provides any property to the vendor in furtherance of the contract, the~~such~~ property shall remain the property of the university~~University~~ but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for the property and will be responsible for its safekeeping and for return of unused property to the university~~University~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.7015 Inspections

a) Inspection of Plant or Site
The ~~University, under the authority of the~~ CPO-HE or a designee~~,~~ may enter a vendor's or subcontractor's plant or place of business and, pursuant to contract provisions, if any ~~to~~:

1) inspect supplies or services for acceptance by the university~~University pursuant to the terms of a contract~~;

2) audit the books and records of any vendor or subcontractor;

3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;

4) determine whether the standards of responsibility have been met or are capable of being met;

5) determine if the contract is being performed in accordance with its terms; and

6) accomplish~~for~~ any other purpose permitted by law.

b) The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.~~Inspection and Testing of Supplies and Services~~

~~1) Solicitation and Contractual Provisions. University contracts may provide that the University may inspect supplies and services at the vendor's or subcontractor's facility and perform tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. Such inspections and tests shall be conducted in accordance with the terms of the solicitation and contract.~~

~~2) Procedures for Trial Use and Testing. The University may establish operational procedures governing the testing and trial use of equipment, material and other supplies, and the application of resulting information and data to specifications or procurements.~~

~~c) Conduct of Inspections~~

~~1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the vendor. No inspector other than the SPO may change any provision of the specifications or the contract without written authorization of the SPO. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.~~

c)~~2)~~ ~~Location.~~ When an inspection is made in the plant or place of business of a vendor or subcontractor, the~~,~~ ~~such~~ vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

d~~3~~) ~~Time.~~ Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed so as not to unreasonably delay the work of the vendor or subcontractor.~~at reasonable times.~~

e~~d~~) Inspection of Construction Projects
On-site inspection of construction shall be performed in accordance with the terms of the contract.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 4.7020 Taxes, Licenses, Assessments and Royalties~~Record Retention~~

a) The contractor shall pay all current and applicable city, county, State and federal taxes, licenses or assessments, including federal excise taxes, due on the performance of any contract, including, without limiting the foregoing, those required by the Federal Insurance Contribution Act (26 USC 3101 et seq.), the Federal Unemployment Tax Act (26 USC 3301 et seq.) and the State Unemployment Insurance Act [820 ILCS 405], together with all royalties due for any proprietary items. The contractor is exclusively liable for the payment of taxes to the respective governments. In the event the taxes, license, assessment or royalties, or any part thereof, are in the first instance charged to the university, the contractor shall, upon timely demand of the university, pay the university the amount of the tax, license, assessment or royalty due, plus all penalties that may have accrued.

b) The university is exempted by Section 3-5 of the Use Tax Act [35 ILCS 105/3-5] from paying any of the taxes imposed by that Act, and sales to the university are exempt by Section 2-5(11) of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(11)] from any of the taxes imposed by that Act. The Illinois Department of Revenue, under 86 Ill. Adm. Code 130.2075(d), has declared that sale of materials to construction contractors for conversion into real estate for schools or charities are not taxable retail sales. A university making purchases of tangible personal property must provide its exemption numbers to vendors in order to receive an exemption from tax. Contractors making purchases from vendors of tangible personal property that will be incorporated into real estate owned by a university must present vendors with the university's exemption number and other required documentation in order to receive an exemption from tax.

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c) Federal Excise Tax. Bidders must not include in their prices any allowance for payment under Federal Excise Tax if the university is exempt from those taxes. If an order or contract is awarded for the purchase of an item that is subject to the Federal Excise Tax, the university will furnish the vendor with an exemption certificate or number upon request.

~~Books and records that relate to performance of a University contract, including subcontracts, and that support amounts charged to the University shall be maintained:~~

~~a) by a vendor, for three years from the date of final payment under the prime contract; and~~

~~b) by a vendor for such longer period of time as is necessary to complete ongoing or announced audits.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Enforcement

2) Code Citation: 89 Ill. Adm. Code 383

3)

Section Numbers:	Proposed Action:
383.15	Amend
383.80	Amend

4) Statutory Authority: 225 ILCS 10

5) A Complete Description of the Subjects and Issues Involved: Amendments to Sections 383.15 and 383.80 clarify that:

- an Informal Review must be conducted to determine the appropriateness of offering a conditional license;
- when a full or provisional license is surrendered in order to receive a conditional license, the surrender shall be designated in the licensing record as "surrender with cause";
- the licensing representative shall document compliance and progress with the conditional license agreement and corrective plan;
- all violations of licensing standards and non-compliance with the conditional license agreement shall be brought to the attention of the licensing supervisor and Regional Licensing Administrator, and the latter shall determine the appropriate course of action; and
- when a licensee does not submit a timely and sufficient application for a new license (during the 6 month conditional license period), or if a new license was denied, the Department shall not accept an application for another new license from the licensee until at least one year has elapsed from the expiration of the conditional license.

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

9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65-D
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TTY: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us
Facsimile: 217/557-0692

13) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking does not have an economic impact on small businesses.

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: This issue was not raised in time to post on the Department's 2 most recent Regulatory Agenda submissions.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER D: LICENSING ADMINISTRATION

PART 383
LICENSING ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section
383.10 Purpose
383.15 Definitions
383.20 Applicability

SUBPART B: ENFORCEMENT

Section
383.25 Monitoring Visits to Licensed Facilities
383.30 Complaints Alleging Violation of the Child Care Act or Licensing Standards
383.35 Investigations of Complaints Concerning Licensed Facilities
383.40 Re-examination of a Foster Family Home After an Indicated Child Abuse or Neglect Report
383.45 Protective Plan
383.50 Corrective Plan
383.55 Supervisory Review
383.60 Informal Review
383.65 Participants in an Informal Review
383.70 Outcomes of the Informal Review
383.75 Grounds for Revocation, Refusal to Renew, and Refusal to Issue Full License
383.80 Conditional License
383.85 Notice of Intent to Revoke, Refuse to Renew, or Refuse to Issue Full License
383.90 Surrender of a License or Permit
383.95 Acquiring a New License After Surrender With Cause
383.100 Investigations of Complaints Concerning Unlicensed Facilities
383.105 Administrative Order of Closure
383.110 Appeal After Issuance of an Administrative Order of Closure

SUBPART C: ADMINISTRATIVE HEARINGS

Section

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

383.115 Who May Request an Administrative Hearing
383.120 What May Be Reviewed Through the Administrative Hearing Process
383.125 What May Not Be Reviewed Through the Administrative Hearing Process
383.130 The Right to Request an Administrative Hearing
383.135 Notices of Department Decisions
383.140 The Role of the Chief Administrative Law Judge
383.145 Rights and Responsibilities in Administrative Hearings
383.150 The Administrative Law Judge
383.155 Final Administrative Decision
383.160 Records of Administrative Hearings

SUBPART D: SEVERABILITY OF THIS PART

Section
383.165 Severability of This Part

383.APPENDIX A Statutory Grounds for Revocation or Refusal to Renew a License
383.APPENDIX B Resource Reference List

AUTHORITY: Authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 5 Ill. Reg. 14491, effective December 29, 1981; old Part repealed at 32 Ill. Reg. 4373 and new Part adopted at 32 Ill. Reg. 4332, effective March 17, 2008; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 383.15 Definitions

"Administrative hearing" means a formal review of a decision by the Department to revoke or refuse to renew a license, or to refuse to issue a full license to the holder of a permit.

"Administrative order of closure" means a document issued by the Department that orders the immediate closure of a child care program or facility subject to licensure under the Child Care Act, whether the program or facility is licensed or unlicensed.

"Administrative Law Judge" means a licensed attorney who is appointed by the Director and is responsible for conducting administrative hearings and issuing recommended decisions to the Director.

"Appellant" means the person or entity who requests an administrative hearing or on whose behalf an administrative hearing is requested.

"Authorized representative" means a person, including an attorney, authorized in writing by a party to assist in the informal review or administrative hearing process. If the party is unable to reduce such authorization to writing, the Department, on request, shall assist the party in doing so.

"Chief Administrative Law Judge" means the supervisor of the Administrative Law Judges and coordinator for the administrative hearing process.

"Child" means any person under 18 years of age. For purposes of admission to and residence in child care institutions, group homes and maternity centers, the term also means any person under 21 years of age who is referred by a parent or guardian, including an agency having legal responsibility for the person pursuant to the Juvenile Court Act of 1987. [225 ILCS 10/2.01]

"Child Care Act" means the Child Care Act of 1969 [225 ILCS 10].

"Child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center, or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility defined in the Child Care Act*, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of* the Child Care Act. [225 ILCS 10/2.05]

"Complaint" means:

any oral or written report made to or by staff of the Department or a supervising agency or by the public alleging a violation of licensing standards or the Child Care Act;

an unusual incident report, as defined in 89 Ill. Adm. Code 331 (Unusual Incidents), that alleges a violation of a licensing standard or the Child Care Act involving children in day care, children in the temporary custody or guardianship of the Department, or children for whom the Department maintains an open service case, when the alleged incident involves an owner, operator or employee of a child care facility; or

a referral from the Department's State Central Register (SCR) that alleges a violation of a licensing standard or the Child Care Act or a report of alleged child abuse or neglect received by the SCR when an owner, operator or employee of a child care facility, or a licensee, employee or another member of the household if the child care facility operates in a family home, is listed as an alleged perpetrator (see 89 Ill. Adm. Code 300.160).

"Conditional license" means a non-renewable document issued by the Department after an informal review that authorizes a licensee to continue operating a licensed child care facility for a period of six months in compliance with a corrective plan, the Child Care Act and licensing standards, and requires the licensee to comply fully with all terms of the conditional license agreement.

"Corrective plan" means a written document approved by a licensing supervisor that lists violations of licensing standards and/or the Child Care Act, the actions to be taken by the licensee or permit holder to correct the violations, and the time frames for correcting the violations.

"Day" means a calendar day, unless otherwise specified in this Part.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Department representative" means an attorney licensed to practice in the State of Illinois who is assigned to represent the Department at an administrative hearing.

"Director" means the Director of the Department of Children and Family Services.

"Final administrative decision" means the Department's final decision, order or determination, rendered by the Director in a particular case, on an issue reviewed

through an administrative hearing that affects the legal rights, duties or privileges of participants and that may be further reviewed by the circuit court under the Administrative Review Law [735 ILCS 5/Art. III~~3-101~~].

"Full license" means a document issued by the Department that authorizes the applicant to operate a child care program or facility for either a 3 or 4 year time period in accordance with licensing standards and the Child Care Act. The term "full license" does not include a permit or a conditional license.

"Indicated report" means any report of child abuse or neglect made to the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5] for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Informal review" means a meeting conducted by the licensing administrator or designee to gather information regarding a permit holder's or licensee's noncompliance with the Child Care Act and licensing standards to determine whether further enforcement action shall be recommended.

"Initial application for license" means the first application for licensure submitted by the individual, corporation, or other legal entity, or an application for licensure submitted by the holder of a conditional licensee.

"License" means a document issued by the Department that authorizes the applicant to establish or operate a child care program or facility in accordance with applicable licensing standards and the Child Care Act.

"Licensee" means an individual, agency, or organization that holds a license issued by the Department.

"Licensing administrator" means management-level staff of the Department who are assigned the direct supervision of licensing supervisors.

"Licensing complaint investigation" means an information gathering and assessment process initiated following receipt of a complaint and conducted by a licensing representative in order to determine compliance with the Child Care Act and licensing standards.

"Licensing representative" means Department or licensed child welfare agency staff who have passed an examination demonstrating familiarity with the Child Care Act and with the appropriate standards and regulations of the Department in accordance with Section 5(c) of the Child Care Act and are authorized by the Department or agency to examine child care programs and facilities applying for or issued a license.

"Licensing standards" means the administrative rules promulgated by the Department governing the licensing and operation of child care facilities.

"Licensing study" means the written assessment of an application for a child care program or facility license that includes, but is not limited to, on-site visits, interviews, background checks, references, and the collection and review of supporting documents to determine compliance with the Child Care Act and licensing standards.

"Licensing supervisor" means Department or licensed child welfare (see 89 Ill. Adm. Code 401.310) or day care (see 89 Ill. Adm. Code 405.10) agency staff assigned the responsibility for direct supervision of licensing representatives.

"Monitoring visit" means an on-site visit to the program or facility by the licensing representative to determine continuing compliance with the Child Care Act and licensing standards.

"Parties" means the Department and a person or persons who have requested an administrative hearing. No person may join in an administrative hearing as a party unless that person has standing to request an administrative hearing on the same issues before the Administrative Law Judge.

"Permit" means a one-time only document issued by the Department in accordance with applicable licensing standards.

"Permit holder" means an individual, agency, or organization that holds a permit issued by the Department.

"Permit period" means the time period designated in the licensing standards for a particular facility type during which an individual, agency, or organization may operate a child care program or facility pursuant to a permit issued by the Department.

"Perpetrator" means a person who, as a result of a child protection investigation, has been determined by the Department to have caused child abuse or neglect.

"Preponderance of the evidence" means the greater weight of the evidence or evidence that renders a fact more likely than not.

"Program", as used in this Part, means a Youth Transitional Housing Program operating in a licensed child care facility in accordance with applicable standards defined in 89 Ill. Adm. Code 409 (Licensing Standards for Youth Transitional Housing Programs) and the Children and Family Services Act [20 ILCS 505], or in an unlicensed facility where the transitional living facility meets the requirements of 89 Ill. Adm. Code 409.

"Protective plan" means a written plan of action developed by a licensing representative or a child protective service worker, and approved by the licensing supervisor, that restricts contact between a licensee, employee, volunteer, household member, or another person in contact with children in a licensed facility and the children cared for in the facility.

"Refusal to issue full license" means the Department has refused to issue a full license at the end of a permit period.

"Refusal to renew a license" means that, after submission of a license renewal application and a licensing study based upon that application, the Department refuses to extend the license for an additional term.

"Regional Licensing Administrator" means the Department's regional-level manager who supervises Department licensing supervisors.

"Request for an administrative hearing" means the written request by an appellant for an administrative hearing.

"Revocation of a license" means the Department has terminated the rights and privileges associated with a license or a permit.

"Stipulation" means an agreement by the parties that certain facts are true and can be introduced into evidence without further proof.

"Supervising agency" means the Department, licensed child welfare agency or licensed day care agency that recommended licensure of or supervises a licensed foster home or day care home.

"Supervisory review" means a meeting conducted by the licensing supervisor and licensing representative during which a licensee or permit holder may dispute the licensing representative's substantiated findings of violation of the Child Care Act and licensing standards.

"Surrender of a license or permit" means a voluntary act by a licensee or permit holder to relinquish a license or permit to operate a child care program or facility. Surrender of a license or permit terminates all rights and privileges associated with the license or permit.

"Surrender with cause" means a surrender of a license or permit that occurs after the Department has offered an informal review or issued an administrative order of closure, but before the Department has issued a notice of intent to revoke, refusal to renew, or refusal to issue full license.

"Unlicensed child care facility" means a child care program or facility subject to licensure under the Child Care Act that is operating without a valid license or permit.

"Violation" means that the licensing representative has determined, during a licensing complaint investigation, a licensing study or a monitoring visit, that the licensee or permit holder has violated a licensing standard or a Section of the Child Care Act.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART B: ENFORCEMENT

Section 383.80 Conditional License

a) The Department may issue a conditional license to a currently licensed program or facility when the Department determines that continued operation of the program or facility does not constitute a threat to the health, safety, morals or welfare of the children served. A complete listing of deficiencies and a corrective plan approved by the Department shall be in existence at the time a conditional

license is issued. The licensing representative shall document compliance and progress with the conditional license agreement and corrective plan. When the licensing representative substantiates one or more new violations, documents a recurrence of one or more previously corrected violations, or documents noncompliance with any terms of the conditional license agreement, the licensing representative shall contact the licensing supervisor. The licensing supervisor shall notify the Regional Licensing Administrator, who shall determine an appropriate course of action that may include, but is not limited to, modifying the corrective plan, issuing an Administrative Order of Closure, or initiating proceedings to revoke the conditional license.

b) The Department shall conduct an informal review to determine the appropriateness of offering a conditional license. Prior to issuing a conditional license, the Department shall revoke or refuse to renew the current license, or the licensee shall surrender the current license. (Surrender of the license is construed as a "surrender with cause" per Section 383.95 of this Part.) Upon revocation, non-renewal or surrender of the license, the Department and licensee shall execute a conditional license agreement and the Department shall issue a conditional license to operate the facility.

c) A conditional license shall be valid for six months and is not renewable or extendable.

d) The licensee must comply with the terms of the conditional license agreement, correct all violations, be in full compliance with the Child Care Act and licensing standards by the end of the fifth month of the conditional license, and remain in full compliance until the date of expiration of the conditional license.

e) The licensee must submit a new and complete initial application for licensure before the end of the third month of the conditional license in order for the application to be considered timely and sufficient.

f) Failure by the licensee to comply with the conditional license agreement may result in the issuance of an administrative order of closure or denial of a new license.

g) When a licensee does not submit a timely and sufficient application pursuant to subsection (e), or if a new license was denied, the Department shall not accept an

application for another new license from the licensee until at least one year has elapsed from the expiration date of the conditional license.

h~~g~~) The Department shall not issue a conditional license to the holder of a permit.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Currency Exchange Act

2) Code Citation: 38 Ill. Adm. Code 120

3)

Section Numbers:	Proposed Action:
120.5	New Section
120.10	Amendment
120.30	Amendment
120.40	Amendment
120.90	New Section
120.125	New Section
120.160	Amendment
120.180	Amendment
120.210	Amendment
120.220	Amendment
120.230	Amendment
120.240	Amendment
120.250	Amendment
120.260	Amendment
120.270	Amendment
120.280	New Section
120.290	New Section

4) Statutory Authority: Implementing and authorized by Section 19 of the Currency and Exchange Act, [205 ILCS 405]

5) A Complete Description of the Subjects and Issues Involved: Pursuant to PA 97-315, the purpose of these proposed amendments is to update the current regulation to reflect changes in the Currency Exchange Act that went into effect on January 1, 2012. The proposed amendments will remove, re-establish and update licensing and record keeping provisions pertaining to Currency Exchanges.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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 require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Currency Exchanges

B) Reporting, bookkeeping or other procedures required for compliance: Please review the attached proposed amendments.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~INSTITUTIONS~~

PART 120
CURRENCY EXCHANGE ACT

Section	
120.5	Definitions
120.10	Minimum Requirements for Office Records − Community Currency Exchanges
120.20	Minimum Requirements for Office Records − Ambulatory Currency Exchanges
120.30	Cash Sheet
120.40	Check Register
120.50	Money Order Register
120.60	Money Orders
120.70	Checks Written by Exchange
120.80	"NSF" Checks and Items for Collection
120.90	Returned Items Record ~~(Repealed)~~
120.100	Postdated Checks
120.110	Timely Deposits
120.120	Food Stamps Account (Repealed)
120.125	Supplemental Nutrition Assistance Program
120.130	Reconciling Accounts
120.140	Reference Material
120.150	Annual Report Information
120.160	Retention of Records
120.170	Physical Condition of Exchange Premises (Repealed)
120.180	Display of Fee Schedules
120.190	Continuity of Operations
120.200	Out-of-Town Trips
120.210	Bribery and Gratuities
120.220	Conviction of Crime
120.230	Ambulatory License Application
120.240	Ambulatory Office Records
120.250	Sale of Capital Stock
120.260	Corporate Officers and Directors
120.270	Fine, Suspension, or Revocation of License
120.280	Cease and Desist
120.290	Hearing Procedures

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

SOURCE: Filed August 15, 1973; amended at 2 Ill. Reg. 5, p. 1, effective February 9, 1978; old rules repealed, new rules adopted at 3 Ill. Reg. 26, p. 167, effective June 30, 1979; emergency amendment at 5 Ill. Reg. 264, effective December 19, 1980, for a maximum of 150 days; codified at 7 Ill. Reg. 11724; amended at 9 Ill. Reg. 1358, effective January 17, 1985; amended at 36 Ill. Reg. _____, effective _____.

Section 120.5 Definitions

"Act" means the Currency Exchange Act [205 ILCS 405].

"Ambulatory Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except banks organized under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in one or both of the foregoing businesses, or engaged in performing any one or more of the foregoing services, solely on the premises of the employer whose employees are being served.

"Community Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except an ambulatory currency exchange as defined in this Section, banks incorporated under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in the business or service of, and providing facilities for, cashing checks, drafts, money orders or any other evidences of money acceptable to the community currency exchange, for a fee or service charge or other consideration, or engaged in the business of selling or issuing money orders under his/her or their or its name, or any other money orders (other than United States Post Office money orders, Postal Telegraph Company money orders, or Western Union Telegraph money orders), or engaged in both such businesses, or engaged in performing any one or more of the foregoing services.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Financial Institutions with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions with the authority delegated by the Secretary.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 120.10 Minimum Requirements for Office Records − Community Currency Exchanges

Every licensee (for the purpose of this Part, a licensee shall be defined to be all community and ambulatory currency exchanges unless otherwise stated) must maintain the following records:

a) Daily cash sheets must be maintained on premises for 90 days after the date of the daily cash sheet~~sheet~~. (Section 120.30)

b) Bank statements.

~~c) All printouts of Food Stamp transactions.~~

c~~d~~) Money order register or carbonized copy of money order stating original issue amount. (Section 120.50)

d~~e~~) General ledger and supporting journals.

e~~f~~) Copy of the latest Annual Report filed with the Department.

f~~g~~) Transmittal record for utility bills, vehicle licenses, certificates of title, ~~and~~ vehicle stickers, stored value cards, and any other type of transmittal made for the benefit of a third party.

g~~h~~) Record of daily transactions.

h~~i~~) Check register~~Register~~. (Section 120.40)

i~~j~~) Corporate records~~Records~~.

j~~k~~) Copies of all contracts and business agreements entered into by the currency

exchange.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.30 Cash Sheet

a) A cash sheet must be prepared daily for each day's business reflecting all transactions for that day. A fiscal day may be used. All items on the cash sheet must be balanced at the end of the day or prior to the opening of the next days business.

b) The closing cash count must include all cash and cash items. Cash items include postage stamps, tokens~~,~~ and stamped envelopes sold in the currency exchange ~~Exchange~~.

c) The beginning and ending number of money orders issued each day must be recorded on the cash sheet.

d) Returned checks must not be counted as part of the cash on hand.

e) Payment for utility bills and all other third party bills must be remitted to the respective utility, or other third party, by the currency exchange~~Currency Exchange~~ before the end of the next business day.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.40 Check Register

a) A check register must be maintained for all checks, drafts, money orders~~,~~ or other evidence of money that~~which~~ the licensee cashes.

b) The check register must show for each instrument cashed: the maker, the payee, the date of the instrument, its amount~~,~~ and its number.

c) The foregoing will not apply to those currency exchanges~~Exchanges~~ that microfilm or maintain electronic copies of all checks, drafts, money orders~~,~~ or other evidence of money, provided that the~~such~~ microfilms or electronic records are available to the Department at all times and the microfilm machine or method of electronic storage is maintained in working order.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.90 Returned Items Record ~~(Repealed)~~

A currency exchange must maintain a log of all returned checks, drafts, money orders or other evidence of money. The log must include the maker, remitter, check number, date of instrument, amount, reason for return, date of return, attempts to collect by the currency exchange, and any fees charged by the currency exchange.

(Source: Section repealed at 9 Ill. Reg. 1358, effective January 17, 1985; new Section added at 36 Ill. Reg. _____, effective _____)

Section 120.125 Supplemental Nutrition Assistance Program

Licensees shall comply with all applicable regulations promulgated by the Secretary of the Illinois Department of Human Services and the Secretary of the United States Department of Agriculture regarding distribution of Supplemental Nutrition Assistance Program benefits and any successor program.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 120.160 Retention of Records

In addition to those records required to be retained by Section 17(b) of the ~~Currency Exchange~~ Act, all cash sheets, deposit slips, utility~~Utility~~ transmittal sheets, ~~Food Stamp Voucher and transmittal sheets,~~ Chicago Transit Authority Voucher and transmittal sheets and Armored Car Sheets must be preserved for not less than three years.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.180 Display of Fee Schedules

a) In the case of a community currency exchange~~Community Currency Exchange~~, each licensee must post, at all times, a complete, detailed~~,~~ and unambiguous schedule for all of its fees for the cashing of checks, money orders~~,~~ and other evidence of money; the sale or issuance of money orders; and the rendering of all services authorized by the ~~Currency Exchange~~ Act in a conspicuous place on its premises so that it is clearly legible to its customers. The lettering and numerals

on this schedule shall be no less than .5~~one half of one~~ inch in height. The format of the schedule must be approved, in writing, by the Secretary~~Director of the Department~~.

b) In the case of an ambulatory currency exchange~~Ambulatory Currency Exchange~~, each licensee must conspicuously post, in the location it is servicing, a complete, legible, detailed~~,~~ and unambiguous schedule for all of its fees for the cashing of checks, money orders~~,~~ or other evidences of money; the sale or issuance of money orders; and the rendering of all services authorized by the ~~Currency Exchange~~ Act. The format of the schedule must be approved, in writing by the Secretary~~Director of the Department~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.210 Bribery and Gratuities

No licensee, or employee of a licensee, may, directly or indirectly, give, offer~~,~~ or promise anything of value to any employee of the Department~~ of Financial Institutions~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.220 Conviction of Crime

If any stockholder, director, officer, owner~~,~~ or partner of a community~~Community~~ or ambulatory currency exchange~~Ambulatory Currency Exchange~~ is convicted of a crime under any law for which~~where~~ the crime was punishable by imprisonment in excess of one year under the law under which he or she was convicted, the Secretary~~Director~~ may order that he or she divest himself or herself of any interest that he or she may hold in any entity licensed by the Department.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.230 Ambulatory License Application

Every applicant for an ambulatory~~Ambulatory~~ currency exchange license must specify in the application the location where the service will be provided on the premises, as well as the day, time~~,~~ and type of service to be provided. Permanent changes cannot be made without written notification to the Secretary~~Director~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.240 Ambulatory Office Records

The books and records~~,~~ pertaining to the business of an ambulatory licensee are to be available upon written request to representatives of the Department~~ of Financial Institutions~~. The~~Said~~ records are not to be moved from their permanent location unless the Secretary~~Director of the Department~~ is notified, in writing, of the move. Removal for accounting or business purposes is allowed.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.250 Sale of Capital Stock

No sale, transfer or assignment of capital stock of a corporate licensee shall be made without first obtaining the consent and approval of the Secretary~~Director~~. Any person contemplating the acquisition of these~~such~~ shares of stock shall first apply for ~~such~~ consent and approval by filing with the Secretary~~Director~~ an applicant's questionnaire, together with a personal sworn financial statement, credit report, investigation fee and any other information the Secretary~~Director~~ may deem necessary, pursuant to Section 10 of the ~~Currency Exchange~~ Act.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.260 Corporate Officers and Directors

a) The provisions of Sections 4 and 10 of the ~~Illinois Currency Exchange~~ Act, relating to the qualifications of officers and directors of corporate licensees, shall apply to all officers and directors of corporate licensees without regard ~~as~~ to the time of the election or to the designation of the~~such~~ officers or directors.

b) When any corporate licensee elects~~shall elect~~ or otherwise designates~~designate~~ any person as an officer or director who is not then an officer or director of the~~such a~~ corporate licensee, written notice of the fact of the election or designation of the~~such a~~ new officer or director, certified by the secretary of the licensee, shall be promptly given to the Secretary~~Director of the Department~~. The ~~of Financial Institutions; and such a~~ new officer or director shall not assume the office to which he or she has been elected or designated until he or she has ~~shall have~~ first complied with the provisions~~provision~~ of Sections 4 and 10 of the ~~Currency Exchange~~ Act, relating to the qualifications of officers and directors of

community currency exchanges~~Community Currency Exchanges~~ and ambulatory currency exchanges~~Ambulatory Currency Exchanges~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.270 Fine, Suspension, or Revocation of License

a) The Director may impose any of the sanctions authorized by Section 15 of the ~~Currency Exchange~~ Act if the Division ~~he~~ finds that any community~~Community~~ or ambulatory currency exchange~~Ambulatory Currency Exchange~~ has violated any of the requirements of this Part~~aforementioned Rules~~. Sanctions~~Such sanctions~~ will be determined on an individual basis depending on the severity and~~,~~ nature of the violation and the operating history of the currency exchange~~Currency Exchange~~.

b) If it is determined that the Secretary has the authority to suspend or revoke a license pursuant to Section 15 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 120.280 Cease and Desist

a) The Secretary may issue a cease and desist order to any currency exchange or other person doing business without the license required by Section 29.5 of the Act, when, in the opinion of the Secretary, the currency exchange or other person is violating, or is about to violate, any provision of the Act or this Part or a requirement imposed by the Department.

b) If it is determined that the Secretary has the authority to suspend or revoke a license pursuant to Section 15 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 120.290 Hearing Procedures

a) Hearings

After receipt of a written request for a hearing, the Secretary shall send to the respondent requesting the hearing, by certified mail, at least 10 days prior to the date set for the hearing, a Notice of Hearing. The Notice shall include the date and the time and place of the hearing to review the propriety of any administrative actions made pursuant to the Act.

b) The Secretary may designate, in writing, a Hearing Officer who shall have the minimum qualification of being licensed to practice law in Illinois. The Hearing Officer may be disqualified for bias or conflict of interest. The Hearing Officer shall have the authority to:

1) Examine or permit examination of any witness under oath;

2) Determine the order of appearance of all parties;

3) Receive all evidence and testimony and rule on its admissibility, as well as require the production of any relevant document or witness;

4) Rule on objections to evidence;

5) Make a written report with recommendations to the Secretary, which shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and

6) Require any party or his or her attorney to provide proposed findings of fact or conclusions of law for consideration in the report.

c) General Provisions

1) Delivery of notice shall be deemed complete when the notice is deposited in the United States mail.

2) Continuances

A) A continuance shall be granted for good cause by the Hearing Officer. A request for a continuance shall be:

i) In writing and signed by the respondent or his or her attorney and shall state the reasons for the request.

ii) Delivered to the Hearing Officer at least three days prior to the scheduled hearing.

B) For the purposes of this subsection (c)(2), good cause shall require the respondent to demonstrate real and compelling need for additional time. It shall include but not be limited to illness, service in the armed forces, etc.

3) The respondent shall bear all the costs of the hearing.

4) A court reporter shall be present and considered part of the costs of the hearing.

d) Conduct of Hearings

1) The Hearing Officer shall open the hearing by presenting for the record his or her letter of authorization from the Secretary.

2) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. The Hearing Officer may admit evidence not admissible under those rules if the evidence may be relevant to the case.

3) The Hearing Officer may, on his or her own motion or the motion of one of the parties, *take notice of matters of which the Circuit Courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed*. [5 ILCS 100/10-40(c)] The burden of opposing any material admitted upon notice shall be upon the opposing party.

4) Failure of the respondent to attend the hearing shall result in dismissal of the respondent's petition and an entry of a default against the respondent. Within 30 days after dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his or her failure to attend was caused by events beyond his

or her control and he or she exercised due diligence to attend or seek a continuance.

5) The record of any hearing shall include:

A) All pleadings and evidence received, whether admitted or excluded;

B) A statement of all matters officially noticed;

C) All offers of proof, objections and rulings on that proof and those objections;

D) All proposed findings and exceptions;

E) Any decision, opinion or report by the Hearing Officer;

F) Any evidence excluded by the Hearing Officer, even though the evidence is not used in the determination of the claim;

G) A proceeding transcript that shall be recorded to adequately ensure the preservation of the testimony.

6) Within 60 days after the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the Secretary as required by subsection (b)(5).

7) Within 30 days after receiving the report of the Hearing Officer, the Secretary shall issue a decision that shall be served on the respondent by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Secretary are available upon written request.

e) Petition to Reconsider

1) Within 30 days after receipt of the Secretary's decision, the respondent may petition the Secretary for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the preponderance of the evidence, was contrary to law, was arbitrary or capricious, or is affected by newly discovered evidence not in

existence at the time of the initial hearing or that could not have been discovered using due diligence at that time.

2) The Secretary shall determine within 15 days whether to reconsider the case. If the Secretary determines after reading the affidavit that one or more of the findings listed in subsection (e)(1) has been alleged by the respondent, a hearing may be held and shall be limited to only those issues raised in the petition to reconsider. If reconsideration is denied, the Secretary's initial decision shall be the final administrative decision of the Department.

(Source: Added at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Payday Loan Reform Act

2) Code Citation: 38 Ill. Adm. Code 210

3)

Section Numbers:	Proposed Action:
210.1	Amendment
210.270	New Section

4) Statutory Authority: Implementing and authorized by the Payday Loan Reform Act [815 ILCS 122]

5) A Complete Description of the Subjects and Issues Involved: A new Section is being added to this Part regarding lending to service/military members to note that those entities who lend to military personnel and their dependents need to comply with the requirements of the John Warner National Defense Authorization Act.

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 other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Illinois State-regulated short-term lenders may be affected.

B) Reporting, bookkeeping or other procedures required for compliance: Please see the proposed new requirements found in Section 210.270.

C) Types of professional skills necessary for compliance: Financial

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 210
PAYDAY LOAN REFORM ACT

Section
210.1 Definitions
210.10 Minimum Requirements for Office Records
210.15 Application for Payday Lender License; Controlling Person
210.16 Dual Licensure Limitation
210.20 Loan Register
210.30 Individual Account Records
210.40 File of Original Papers
210.50 Cash Book
210.60 Alphabetical Record of Co-Makers, Consumers or Guarantors
210.65 Permanent File
210.70 Payments and Refunds
210.72 Loan Terms
210.75 Installment Payday Loans
210.80 Cancellation and Return of Documents
210.90 Hypothecation at the Time of the Sale of Consumer's Loan Agreement
210.100 Legal Forms
210.110 Judgments
210.120 Trouble File
210.130 Office and Office Hours
210.140 Advertising
210.150 Other Business
210.160 Examination Remittances
210.170 General
210.180 Relocation
210.190 Name Change
210.200 Hearing Procedures
210.210 Off-Site Records
210.220 Servicing of Accounts by Contract
210.230 Revocation or Suspension of License
210.240 Consumer Written Verification of Compliance with Act
210.250 Gross Monthly Income Verification
210.260 Certified Database/Commercially Reasonable Method of Verification

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

210.270 Violation of Federal Law − Section 670 of the John Warner National Defense Authorization Act

AUTHORITY: Implementing and authorized by the Payday Loan Reform Act [815 ILCS 122].

SOURCE: Adopted at 29 Ill. Reg. 21008, effective December 16, 2005; amended at 35 Ill. Reg. 7343, effective April 21, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 210.1 Definitions

"Act" means the Payday Loan Reform Act [815 ILCS 122].

"Affiliate" means any person or entity that directly or indirectly controls, is controlled by, or shares control with another person or entity. A person or entity has control over another if the person or entity has an ownership interest of 25% or more in the other.

"Allotment" means a portion of military pay that is regularly deducted or set-aside.

"Controlling person" means a person owning or holding the power to vote 50% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For the purpose of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or minor child of that person.

"Covered Member" means a member of the armed forces who is on active duty under a call or order that does not specify a period of 30 days or less or is on active Guard and Reserve Duty.

"Department" means the Department of Financial and Professional Regulation.

"Dependent" with respect to a covered member, means the covered member's spouse; the covered member's child (as defined in 38 USC 101(4); or an individual for whom the covered member provided more than one-half of the individual's support for 180 days immediately preceding an extension of consumer credit covered.

"Director" means the Director of the Division of Financial Institutions with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions.

"Generally accepted accounting principles" or "GAAP" means those adopted by the American Institute of Certified Public Accountants and Federal Accounting Standards Board and incorporated by reference in Section 210.15.

"Gross monthly income" means monthly income as demonstrated by official documentation of the income, including, but not limited to, a consumer's pay stub or receipt reflecting payment of government benefits, for the period 30 days prior to the date on which the loan was made.

"Hypothecate" means to pledge a security instrument without transfer of title.

"Installment payday loan" means a payday loan with a term agreed to by the parties of not less than 112 days and not exceeding 180 days and that is repayable in substantially equal and consecutive installments pursuant to Section 2-5(c) of the Act.

"Licensee" means a lender and licensee as defined in Section 1-10 of the Act.

"Loan Receivables" means the outstanding balances due on the loans of the licensee.

"Other business authorization" means the authorization in writing required by Section 3-5(g) of the Act to conduct another business in a location licensed under the Act that would not be contrary to the best interest of consumers.

"Payday Lender License" means a license issued pursuant to the Act.

"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 210.270 Violation of Federal Law – Section 670 of the John Warner National Defense Authorization Act

a) A lender may not impose an annual rate of interest greater than 36 percent with respect to any loan extended to a covered member or a dependent of a covered member.

b) With respect to any loan made to a covered member or a dependent of a covered member, a lender shall provide to the covered member or dependent the following information orally and in writing before the issuance of the loan:

1) A statement of the annual percentage rate of interest applicable to the loan;

2) Any disclosures required under the Truth in Lending Act (15 USC 1601); and

3) A clear description of the payment obligations of the covered member or dependent, as applicable.

c) A lender may not roll over, renew, repay, refinance or consolidate any loan made to a covered member or dependent by the same lender with the proceeds of any other loan made to the same covered member or dependent.

d) A lender may not require the covered member or dependent to waive the covered member's or dependent's right to legal recourse under any otherwise applicable provision of State or federal law, including any provision of the Servicemembers Civil Relief Act (50 USC App. 501).

e) A lender may not require the covered member or dependent to submit to arbitration or impose onerous legal notice provisions in the case of a dispute.

f) A lender may not demand unreasonable notice from a covered member or dependent.

_____g) A lender may not use a check or other method of access to a deposit, savings or other financial account maintained by the covered member or dependent, or the title of a vehicle as security for the obligation.

_____h) A lender may not require, as a condition for the loan, that the covered member or dependent establish an allotment to repay an obligation.

_____i) A lender may not prohibit a covered member or dependent from prepaying the loan or charge a penalty or fee for prepaying all or part of the loan.

(Source: Added at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Corporate Fiduciary Receivership Account

2) Code Citation: 38 Ill. Adm. Code 398

3)

Section Numbers:	Proposed Action:
398.5	New Section
398.10	Amendment

4) Statutory Authority: Implementing and authorized by Sections 5-10 and 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/5-10 and 6-13.5]

5) A Complete Description of the Subjects and Issues Involved: PA 97-492, effective January 1, 2012, amends Section 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/6-13.5] to increase from $1 million to $2 million the amount the Department may require a trust company to pledge to cover costs incurred in the event of a receivership. This proposal will reflect this statutory increase. It is also amended to clarify that a trust company may combine a surety bond pledge and securities pledge to meet the $ 2 million.

The Department has also taken this opportunity to make numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Banking.

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 other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Illinois trust companies

B) Reporting, bookkeeping or other procedures required for compliance: Please see the attached proposed changes.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~OFFICE OF BANKS AND REAL ESTATE~~

PART 398
PLEDGING REQUIREMENTS FOR ILLINOIS TRUST COMPANIES~~CORPORATE FIDUCIARY RECEIVERSHIP ACCOUNT~~

Section
398.5 Definitions
398.10 Pledging Requirements for Illinois Trust Companies

AUTHORITY: Implementing and authorized by Sections 5-10 and 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/5-10 and 6-13.5].

SOURCE: Adopted at 28 Ill. Reg. 778, effective December 29, 2003; amended at 36 Ill. Reg. _____, effective _____.

Section 398.5 Definitions

"Act" means the Corporate Fiduciary Act [205 ILCS 620/5].

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Banking with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Banking with the authority delegated by the Secretary.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 398.10 Pledging Requirements for Illinois Trust Companies

a) Pursuant to Section 6-13.5 of the ~~Corporate Fiduciary~~ Act ~~[205 ILCS 620/6-13.5] (the Act)~~, each Illinois trust company holding a certificate of authority under

Article II of the Act shall pledge to the Secretary~~Commissioner either~~ a surety bond running to the Secretary~~Commissioner~~ or securities or combination thereof in the amount of $2,000,000~~$1,000,000~~. The~~Such~~ surety bond or pledged securities must be reducible to cash by the Secretary~~Commissioner~~ without regard to any priorities, preferences or adverse claims in order to cover costs associated with a receivership of the Illinois trust company. The surety bond or pledged securities shall be utilized only to cover costs associated with a receivership of the pledging Illinois trust company.

b) To the extent~~If~~ the trust company pledges~~chooses to pledge~~ a surety bond, the surety bond shall be issued by a bonding company authorized to do business in the State of Illinois that has a rating in one of the top three rating categories as determined by a national rating service. The surety bond must clearly show that it runs to the benefit of the Secretary~~Commissioner~~. The surety bond must also state that, if the trust company is placed in receivership and the Secretary~~Commissioner~~ acts as receiver or appoints a receiver, the Secretary~~Commissioner~~ may reduce the bond to cash in order to pay for any costs associated with the receivership. The trust company may not obtain a surety bond from any entity in which the trust company has a financial interest or of which the trust company is an affiliate. Any fees associated with obtaining and maintaining a surety bond shall be the responsibility of the trust company.

c) To the extent~~If~~ the trust company pledges~~chooses to pledge~~ securities, the securities shall be held at a Federal Reserve Bank or at a depository institution that is a state or national bank, a state or federal savings bank, or a state or federal savings and loan association approved by the Secretary~~Commissioner~~. The trust company shall not be an affiliate of, or have a financial interest in, the depository institution. The securities pledged pursuant to this subsection shall be securities that qualify as authorized investments for public agencies under Section 2 of the Public Funds Investment Act [30 ILCS 235/2]. Securities pledged pursuant to this subsection shall be in addition to any securities required as part of the trust company's capital. Any fees associated with holding securities pursuant to this subsection shall be the responsibility of the trust company. A trust company choosing to pledge securities shall enter into a single deposit agreement with the Secretary~~Commissioner~~ and the Federal Reserve Bank or depository institution that is holding the securities. The~~Such~~ deposit agreement shall contain provisions requiring the depository institution and the trust company to meet the requirements set forth in subsections (c)(1) through -(3):

1) The depository institution shall segregate on its books and records all accounts of the trust company as assets that the trust company pledges as a part of the assets to be kept by the trust company in Illinois pursuant to the required pledge amount. These accounts shall be held by the depository institution in trust in the name of the Secretary~~Commissioner~~;

2) The depository institution shall provide the Secretary~~Commissioner~~ with reports, receipts, confirmation or other documentation that the Secretary~~Commissioner~~ may request of the depository institution to determine the trust company's compliance with the requirements of Section 6-13.5 of the Act and this Section; and

3) The trust company shall pledge the securities required under Section 6-13.5 of the Act exclusively to the Secretary~~Commissioner~~.

d) No trust company shall engage in the trust business under the Act unless it is in compliance continuously with this Section.~~Each trust company shall be in compliance with the provisions of this Section by January 1, 2004, or, for new trust companies, upon being issued a certificate of authority under Article II of the Act, and continuously thereafter.~~

e) For purposes of this Section, a trust company is an "affiliate of" or has a "financial interest" in:

1) any company that controls the trust company and any other company that is controlled by the company that controls the trust company;

2) a subsidiary of the trust company; or

3) any company:

A) controlled, directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the trust company or any company that controls the trust company; or

B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the trust company or any company that controls the trust company.

f) For purposes of this Section, a company or shareholder has control over another company if:

1) the~~such~~ company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has power to vote 25% or more of any class of voting securities of the other company;

2) the~~such~~ company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company; or

3) the Secretary~~Commissioner~~ determines, after notice and opportunity for hearing, that the~~such~~ company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Illinois Youth Recreation Corps Grant Program

2) Code Citation: 17 Ill. Adm. Code 3075

3)

Section Numbers:	Proposed Action:
3075.10	New Section
3075.20	New Section
3075.30	New Section
3075.40	New Section
3075.50	New Section
3075.60	New Section
3075.70	New Section
3075.80	New Section

4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Youth and Young Adult Employment Act of 1986 [525 ILCS 50/8]

5) A Complete Description of the Subjects and Issues Involved: This Part contains criteria for a new grant program that provides grants to local governments and not-for-profits to pay wages to Illinois youth (16-19 years of age) for operating and instructing in recreational programs for the benefit of other youth.

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

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 Objectives: The objective of this administrative rule is to provide grant funding to local units of government and not-for-profits for the purpose of hiring Illinois youth for summer employment in recreational programs for the benefit of other youth.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Units of local government and not-for-profit entities are eligible to receive grant assistance to provide wages to eligible youth supervisors, instructors, instructional aides and maintenance personnel hired to conduct youth recreational programs. If the Department announces that funds are available, local sponsors may apply for grants based on the number of approved eligible youth to be hired by the local sponsor.

B) Reporting, bookkeeping or other procedures required for compliance: If an award is made by the Department, the local sponsor must comply with the employment criteria contained in this Part. By October 31 of the year in which funds are awarded, any funds not expended must be returned to the Department along with a report documenting the wages paid to youths. All financial records must be maintained/retained in accordance with State requirements for possible audit.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the January 2012 Regulatory Agenda because the determination to file this rulemaking was made after the Agenda was filed.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTS

PART 3075
ILLINOIS YOUTH RECREATION CORPS GRANT PROGRAM

Section
3075.10 Definitions
3075.20 Program Objective
3075.30 Eligibility Requirements
3075.40 Eligible Project Costs, Payments and Compliance Requirements
3075.50 General Procedures for Grant Applications and Awards
3075.60 Project Evaluation Priorities
3075.70 Employment Criteria
3075.80 Program Information/Contact

AUTHORITY: Implementing and authorized by Section 8 of the Illinois Youth and Young Adult Employment Act of 1986 [525 ILCS 50/8].

SOURCE: Emergency rule adopted at 35 Ill. Reg. 10967, effective July 8, 2011, for a maximum of 150 days; emergency expired November 20, 2011; adopted at 36 Ill. Reg. _____, effective _____.

Section 3075.10 Definitions

Department – Means the Department of Natural Resources.

Hourly Rate – The rate of payment to youth employed shall not be lower than the current Illinois minimum wage rate, and may be adjusted higher as determined by the Department. Any adjustment beyond the minimum wage rate shall be identified by the Department in the grant application and grant contract.

Not-for-Profit Entities – Entities eligible for participation in this grant program must be recognized and/or incorporated in Illinois as not-for-profit under the provisions of the General Not For Profit Corporation Act of 1986 [805 ILCS 105], and must possess current status as exempt from taxation under section 501(c) or 501(d) of the United States Internal Revenue Code. Not-for-profit entities or corporations without current tax-exempt status are not eligible.

Wages – Only the hourly rate for personal services paid to the employed youth (from which applicable taxes shall be withheld). "Wages" does not include the employer's contribution or portion of any tax.

Section 3075.20 Program Objective

a) The Illinois Youth Recreation Corps program provides grants to be disbursed by the Department to eligible local sponsors to provide wages to youth operating and instructing in recreational programs for the benefit of other youth.

b) The recreational programs shall provide opportunities for local youth of all age levels and shall include, but are not limited to, the coordination and teaching of physical activities, arts and handicraft, and learning activities.

c) Local sponsors may charge a user fee for participation in the recreational program, as long as those fees are designed to promote as much involvement as possible by the children of the community.

Section 3075.30 Eligibility Requirements

a) To be eligible for this program, local sponsors must have the ability to provide suitable facilities, materials and management staff for summer recreational activities for youth within the local community.

b) Local sponsors must be units of local government or not-for-profit entities. Not-for-profit entities must have a current 501(c) status.

Section 3075.40 Eligible Project Costs, Payments and Compliance Requirements

a) Grant assistance is available to provide wages to eligible youth supervisors, instructors, instructional aides and maintenance personnel hired by the local sponsor to conduct recreational programs.

b) Payments will be provided to the local sponsor upon completion of a grant agreement with the Department in a lump sum determined by the Department, but not to exceed 480 hours (8 hours per day multiplied by 60 days) multiplied by the hourly rate for each approved eligible youth position to be hired by the local sponsor.

c) Pursuant to this program, grant payments may only be used to pay wages for eligible youth hired by local sponsors.

d) Any grant funds provided to the local sponsor that are not expended on wages for eligible youth shall be returned to the Department on or before October 31 of the year in which the grant agreement is executed.

e) By October 31 of the year in which the grant agreement is executed, the local sponsor shall provide the Department with a report fully documenting the wages paid to all eligible youth pursuant to the program grant.

f) All financial records on approved grants must be maintained and retained, in accordance with the Grant Funds Recovery Act [30 ILCS 705] and the State Records Act [5 ILCS 160] by the local sponsor for possible State audit after final grant payment is made by the Department.

g) The local sponsor shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims arising under, through, or by virtue of the administration of this program.

Section 3075.50 General Procedures for Grant Applications and Awards

a) Grant applications for assistance under this program will be due no later than 30 days after the public announcement by the Department that applications are to be accepted. Failure to submit a completed application to the Department by the specified application deadline will result in project rejection for that grant cycle.

b) Necessary application materials and instructions are available through the Department (see Section 3075.80). Awarding of grants will be on a competitive basis and will be made under authority of the Director of the Department of Natural Resources.

c) Project grant applications are required to use the Department's Grant Application Form and will consist of the following basic components, at a minimum:

1) applicant's name, address and telephone number;

2) a detailed description of the proposed recreational project and the role of eligible youth in operating the project, including the number of youth positions requested;

3) project location;

4) a statement of the need for the project in the local community, with emphasis on the youth that would be served by the recreational project;

5) a description of the local resources available to successfully operate the recreational project, including but not limited to facilities, materials and management; and

6) information on youth employment levels in the local community.

Section 3075.60 Project Evaluation Priorities

Application for grants will be evaluated on the basis of recreational program content, location, need, local commitment of resources and consistency with the youth employment purpose of the Act.

Section 3070.70 Employment Criteria

a) The local sponsor shall make public notification of the availability of jobs for eligible youth in the Illinois Youth Recreation Corps by the means of newspapers, electronic media, educational facilities, units of local government and Department of Employment Security offices.

b) Employment applications shall be submitted directly to the local sponsor. The local sponsor shall make all employment decisions.

c) Employment is limited to:

1) citizens of the State of Illinois;

2) youth who, at the time of enrollment, are 16 through 19 years of age;

3) youth who have skills that can be utilized in the summer recreational program;

4) no more than 60 working days occurring during the months of June, July and August;

5) youth who are not currently employed by the local sponsor; and

6) the total number of approved youth positions at all times.

d) Youth hired by the local sponsor shall be paid the State of Illinois minimum hourly wage.

e) Pursuant to this program, the local sponsor is responsible for any and all legal requirements pertaining to the employment of eligible youth.

f) Youth hired by the local sponsor pursuant to this program are not classified as employees of the State or the local sponsor for purposes of contributions to the State Employees' Retirement System or any other public employee retirement system.

g) Local sponsors must hire all youth as employees. Youth cannot be hired as independent contractors.

h) Local sponsors must pay all youth employees through a payroll system that produces documentation showing all such payments. Cash payments do not meet this requirement for documentation.

Section 3070.80 Program Information/Contact

For information on the Illinois Youth Recreation Corps Grant Program, contact:

Illinois Department of Natural Resources
Division of Grant Administration
One Natural Resources Way
Springfield IL 62702-1271

Telephone: 217/782-7481
FAX: 217/782-9599
www.dnr.illinois.gov

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Department of Personnel

2) Code Citation: 80 Ill. Adm. Code 420

3)

Section Number:	Proposed Action:
420.10	Amendment
420.320	Amendment
420.340	Amendment
420.400	Amendment
420.420	Amendment
420.430	Amendment
420.610	Amendment
420.630	Repeal
420.645	Amendment
420.650	Amendment
420.680	Amendment
420.705	New
420.710	Amendment
420.745	New
420.750	New
420.760	Amendment
420.775	New
420.830	Amendment
420.1020	Amendment

4) Statutory Authority: 15 ILCS 310/10

5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to conform to 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 Objectives: 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
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: This rulemaking did not appear on either of the most recent regulatory agendas because: since the Department did not anticipate this rulemaking at that time.

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
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

SUBPART D: CONDITIONS OF EMPLOYMENT

Section
420.600 Grievance Procedure
420.610 Sick Leave
420.620 Personal Leave
420.630 On-The-Job Injury – Industrial Disease (Repealed)
420.640 Leaves of Absence Without Pay
420.645 Family 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 Leave of Absence
420.705 National Service Leave
420.710 Military ~~and Peace Corps~~ Leave
420.715 Disaster Services Leave with Pay
420.720 Leave for Annual Military Reserve Training or Special Duty
420.730 Leave for Military Physical Examinations
420.740 Leave to Take Exempt Position (Repealed)
420.745 Blood/Organ/Tissue Donation Leave
420.750 School Visitation Leave
420.760 Non-service Connected and Service Connected Disability Leave
420.770 Attendance in Court
420.775 Victims Economic Security and Safety Leave
420.800 Vacation
420.810 Work Schedules
420.820 Overtime
420.825 Temporary Assignment (Repealed)
420.830 Holidays
420.835 Notification of Absence

SUBPART E: GENERAL PROVISIONS

Section
420.1000 Records

420.1010 Benefits
420.1015 Proration of Rights and Benefits
420.1020 Prohibition of Discrimination
420.1030 Other Provisions

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; emergency amendment repealed at 32 Ill. Reg. 6659, effective April 2, 2008; amended at 32 Ill. Reg. 15017, effective September 8, 2008; amended at 35 Ill. Reg. 4278, effective March 1, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 420.10 Definitions

"Allocation": The assignment of a position to a class based on duties, responsibilities and requirements.

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

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

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

"Class": A composite of positions that are sufficiently similar, in terms of duties and responsibilities, requiring the same or related knowledge, 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].

"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 that, by its nature, is entrusted with private, restricted or privileged information of a type that would preclude its being subject to Jurisdiction B.

"Immediate Family": Father, mother, brother, sister, son, daughter,~~and~~ spouse or party to a civil union, including adoptive and custodial relationships and "in-laws".

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

"Jurisdiction B": The Section of the Code that 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 that 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.

"Series": A class series is composed of two or more individual classes that 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, 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": Any period of time during which a declaration of war by the United States Congress has been or is in effect or is recognized by the issuance of a Presidential Proclamation or Executive Order as defined in Section 10b.7 of the Secretary of State Merit Employment Code [15 ILCS 310/10b.7].

"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 36 Ill. Reg. _____, effective _____)

SUBPART C: MERIT AND FITNESS

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 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:

1) To develop qualified employees through an established program of supervised training and experience;

2) To cooperate with recognized educational institutions and organizations by making available opportunities for supervised training and work experience required for satisfactory completion of a 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) In conjunction with Section 18c of the Secretary of State Merit Employment Code [15 ILCS 310/18c], to provide training or developmental work experience for 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 Section 420.300 may be promoted after successfully completing the prescribed trainee program and 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 open competitive examination may be promoted to the titles for which they are training after successfully completing the prescribed trainee program and ranking among candidates in a reachable position for appointment on the appropriate open competitive eligible list. A 3 month probationary period will be served in accordance with Section 420.360(a)(2).

3) Trainees appointed to a trainee position without open competitive examination, whose positions are reallocated or reclassified to a non-trainee class during the trainee period, will be placed in provisional status in the class to which the 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.

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.

5) Employee absences from work during a trainee period may, if necessary, extend the length of the trainee period by the length of the absences. If the trainee period is extended by absence due to suspension and the suspension is later reduced or rescinded, the time shall not extend the trainee period. The department may verify to the Director of Personnel that the employee satisfied the requirements of the trainee program, notwithstanding any absences during the trainee period. In no event is the trainee period to be extended beyond that allowed on the class specification for the trainee class. For purposes of this subsection (b)(5), a 12 month period shall be equal to 261 work days.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.340 Continuous Service

a) Definition:

1) Continuous service is the uninterrupted period of service from the date of original appointment to 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 (f~~g~~).

2) Employees who have accrued continuous service in State service or who have accrued continuous service in a position covered by the Retirement Systems Reciprocal Act, and who have been transferred to or who have accepted an appointment to a position in the Office of the Secretary of State, shall be given credit for the earlier service to the extent determined by the Director of Personnel or required by law.

3) Intermittent and permanent part-time 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 continuous service will not be interrupted by resignation when an employee is employed in another position in State service within 4 calendar days after resignation;

2) Discharge; provided, however, that 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 Continuous Service: Except as provided in subsection (e~~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.

d) 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 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 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 employment within 90 days after termination of service or release from hospitalization from a service connected disability.~~

e)~~f)~~ Accrual and Retention of Continuous Service During Certain Leaves: During an educational, military, national service~~peace or job corps~~, disaster services, family leave (pursuant to Section 420.645), Family and Medical Leave (FMLA), disability leave, service connected disability leave or leave to accept a temporary, provisional, or emergency 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.

f)~~g)~~ Limitation on Continuous Service: Temporary and emergency employees employed after May 24, 1977 shall not accumulate continuous service except as provided in the State Employee Vacation Time Act [5 ILCS 360], unless the status is acquired as the result of taking a leave of absence to accept a temporary or emergency assignment.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.400 Layoffs and Reemployment

a) For purposes of layoff and reemployment, Secretary of State continuous service shall mean the period of uninterrupted service from the date of entry into service

with the Office of the Secretary of State, whether by appointment or transfer.

b)~~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) 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. Within selected designations and organizational units, employees will be laid off in order of length of Secretary of State continuous service.

3)~~2)~~ A proposed layoff is subject to the approval of the Director~~Department~~ of Personnel before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:

A) A list of all employees in the selected designation and organizational unit showing status and total Secretary of State continuous service;

B) A listing of the employees to be laid off;

C) An explanation of any layoff not in order of Secretary of State continuous service;

D) An explanation of the organizational unit selected, identifying the department, division, facility, geographical location, operational needs and other elements deemed relevant by the department director.

c)~~b)~~ Order of Layoff:

1) The following order shall be observed in implementing 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 (b)~~(a)~~, consideration shall be given to performance records and Secretary of State continuous service~~ as defined in Section 420.340(a)~~.

3) For purposes of this Section, "certified employee" shall mean any employee who has satisfactorily completed a required period of probation and/or attained certified status in any position during the employee's current period of continuous service.

d)~~c)~~ Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until 10 working days after the Director of Personnel's approval of the layoff plan.

e)~~d)~~ Disapproval: The Director of Personnel may disapprove or modify any layoff plan that results in a disproportionate impact on any protected class, as defined by federal civil rights laws, judicial decisions and the Illinois Human Rights Act [775 ILCS 5], within the layoff unit.

f)~~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.

g)~~f)~~ Reemployment Lists:

1) The Director of Personnel shall, before the effective date of layoff, approve and establish a reemployment list, by class and department and designated geographical area. A certified employee who has been laid off shall be placed in order of length of Secretary of State 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 and department and designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.

2) When~~Where~~ circumstances warrant, at the discretion of the Director of Personnel, the 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).

h)~~g)~~ Employment from Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, department and 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 provisional appointment;

3) 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;

4) By reinstatement of a former certified employee;

5) By transfer; or

6) By 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.

i)~~h)~~ 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 or emergency appointment shall not be considered as recall or reinstatement.

j)~~i)~~ Laid Off Probationary Employee:

1) The name of a probationary 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 (c~~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 on the reemployment list in order of continuous service for the department, work location and title in which last certified.

(Source: Amended at 36 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 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 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 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.

b) Reinstatement:

1) 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 reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, 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 Civil Service Act, the State Treasurer Employment Code or the Comptroller Merit Employment Code. A reinstated employee shall serve an additional 6 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 a~~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, 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. Reinstatement to an equal or higher position than that for which the employee is eligible for reemployment shall result in removal of the employee's name from the reemployment list upon satisfactory completion of the new probationary period.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.430 Discipline, Discharge, and Termination

a) Progressive Corrective Discipline: 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 employee may be discharged in accordance with the appropriate following subsections.

b) Discipline − Warning Notices: A department director or designee may issue a warning notice as a disciplinary measure. A copy of any warning notice shall be placed in the employee's official personnel file and may be used in considering further discipline, demotion, withholding of salary increases and other personnel transactions. Any notice given shall bear the signature of the issuing official.

c) Disciplinary Suspensions: Written statements of reason for disciplinary suspensions without pay totaling not more than 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. The employee shall be informed in writing of the charges prior to the effective date of the proposed suspension and be provided with a reasonable summary of the evidence. The employee shall have 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 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. 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 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 employee. The department shall, at the time of the suspension, provide the employee with written reasons for the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel

file. Notice of 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) shall apply in its entirety. Should the department determine that discharge of the employee is appropriate, subsection (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 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 contain a clear and concise statement of facts showing good cause for discharge 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 a written copy of the charges and a copy of 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 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 be presented to the Director of Personnel in writing 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. These 4 working days shall not increase the maximum suspension periods allowed pursuant to subsection (c). 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.

3) After receipt of the certified employee's 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 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 a reasonable time. If more than 10 working days is required, the employee shall be notified in writing by 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 considered before a final decision was made, or that no response was submitted. The procedures of subsections (f)(1) and (g) shall then apply.

g) Notice to Employee: Notice of approved charges for any disciplinary suspension or approved charges for discharge shall be served on the employee, by hand delivery by Secretary of State personnel, 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 pursuant to Section 420.435.

h) Employee Obligations: Upon receipt by the employee of charges for discharge, the employee shall return to the supervisor any items belonging to the State, pursuant to Section 420.435 and leave the place of employment. The director of the employing department shall take action to insure compliance.

i) Appeal by Employee: A certified employee who has been served with approved charges for suspension totaling more than 30 calendar days in a 12 month period or approved charges for discharge may make a written request to the Merit Commission for hearing of those charges within 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 Director of Personnel in the form and manner prescribed by the Director of Personnel. 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 the Director of Personnel or designee.

k) Reinstatement from Suspension or Discharge: An employee who is reinstated following a period of suspension or discharge shall receive full compensation for that period. Full compensation shall represent total pay, with any vacation and sick leave benefits the 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 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.

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.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART D: CONDITIONS OF EMPLOYMENT

Section 420.610 Sick Leave

a) Sick Leave Definition: All employees, except those in emergency, permanent part-time, intermittent, per diem, or temporary status, unless the~~that~~ status is the result of accepting a nonpermanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Intermittent and permanent part-time 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.

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 December 1, 1980.

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, regularly scheduled part-time, or intermittent employment, except in temporary or emergency status. This reinstatement is applicable provided the interruption of service occurred not more than 5 years prior to the date the employee reenters service and provided the 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 the~~that~~ sick leave reinstated to the extent provided under this Section.

d) Advancement of Sick Leave: An employee with more than 2 years continuous service whose personnel records warrant it may be advanced sick leave with pay for not more than 10 working days, with the written approval of the department and the Director of Personnel. 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:

1) Sick leave shall be used in the following order:

A) Sick leave granted prior to January 1, 1984 will be used first;

B) Sick leave granted beginning January 1, 1998 will be used second;

C) Sick Leave granted from January 1, 1984 through December 31, 1997 will be used last.

2) Sick leave may not be used in increments of less than ½ hour at a time, but in conjunction with the first ½ hour may be taken in additional 15-minute increments. Permanent part-time and intermittent employees may use sick time in 15-minute increments.

3) 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 Medical Leave Act (29 USC 2601 et seq.).

4) The employing department or the Department of Personnel shall, when there is apparent abuse, require evidence to substantiate that sick leave days were used for the purposes set forth in subsection (e)(3). For periods of absence of more than 5 consecutive workdays, the employee shall provide verification for the absence in accordance with the provisions of Section 420.760(b)(4).

5) Employees may be granted up to 3 days (a day being equal to his/her actual workday) of paid leave time, in addition to the use of sick time allowed in subsection (e)(3), to attend services and related events and make necessary arrangements upon the death of a member of his/her immediate family. For purposes of this subsection (e)(5), immediate family includes father/step-father, mother/step-mother, brother/step-brother, sister/step-sister, son/step-son, daughter/step-daughter, spouse, domestic partner, party to a civil union, child (including adopted, custodial or in-law), grandparent, grandchild, parent-in-law, brother or sister-in-law, niece, nephew, aunt and uncle. The employee may be required to provide documentation as to the necessity for absences covered by this subsection (e)(5).

f) Payment in Lieu of Sick Leave:

1) Unless otherwise provided by law, 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 service within 4 calendar days of the 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).

2) The amount of sick leave to be paid upon termination of employment will be determined as follows:

A) using time records from the employing department, the Department of Personnel will verify 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) the employees will be paid one-half of the amount of sick leave days determined in subsection (e)(2)(A), multiplied by the daily salary rate in effect at the time of separation.

3) 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 by Payroll.

4) If an employee has a negative sick leave balance pursuant to subsection (d) when employment is separated, the employing department must submit this negative sick leave balance to Payroll, where one of the following will be applied:

A) Subtract the negative sick leave balance from the earning amount still due to the 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 employee regarding the dollar amount due to the Secretary of State, payable by personal check or money order.

C) If no repayment occurs, Payroll will establish a lien against any State of Illinois monetary payment due to the employee through the Comptroller for the negative sick leave balance owed to the Secretary of State.

5) 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 days restored by doing the following:

A) The employee must notify the employing department to request restoration of the~~,~~ previously paid unused sick days ~~are to be~~

~~restored~~ to the 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 employee's repayment to Payroll before unused sick days are returned to the 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. Upon submitting proof of the visit, the 2 days shall not be charged against any sick leave currently available to the employee.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.630 On-The-Job Injury – Industrial Disease (Repealed)

~~An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay for 3 working days of absence without utilization of any accumulated sick leave or other benefits, if a worker's 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 has been granted a 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 service connected injury or illness becomes the subject of payment of benefits provided in the Workers' Compensation Act by the Illinois Workers' Compensation Commission, the employee shall restore to the State the payment received as sick leave or other accumulated benefit leave time and the employee's leave account shall be credited with leave time equivalents.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 420.645 Family Leave

This leave of absence shall be considered separate and apart from the Family and Medical Leave Act leave and Military Family Leave that may be provided by law. When FMLA does not apply or the employee does not qualify under FMLA, an employee may request a family leave for the adoption of a child or for parental reasons or other family emergencies. This leave can endure from one to 90 calendar days without pay and without deduction of continuous service. If requested and approved by the employing department, an additional 90 days will be allowed. However, the subsequent 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 leave shall have the rights set forth in Section 420.680.

(Source: Amended at 36 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 420.760(g)~~630~~ (on-the-job injury or illness) and Section 420.760(e~~f~~) (disability).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.680 Employee Rights After Leave

a) When an employee returns from a leave of absence of 6 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 leave.

b) Except for those leaves granted under Sections ~~420.630,~~ 420.665, 420.705, ~~or~~ 420.710 or 420.760(g) and when an employee returns from a leave or leaves exceeding 6 months and there is no vacant position available to the employee in the same class in which the employee was incumbent prior to the 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.

c) Except for those leaves granted under Sections 420.630, 420.665, 420.690 or 420.710, an employee shall resign his/her employment or be terminated from employment once he/she has been continuously out on leave of absence for 2 calendar years.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.705 National Service Leave

a) An employee who volunteers and is accepted for service in the overseas or domestic Peace Corps, Job Corps, AmeriCorps VISTA, or other equivalent national service shall be given a leave of absence from his/her position for the duration of the service.

b) Prior to granting a National Service Leave, an employee must provide acceptable documentation from the service agency as to the type and dates of service.

c) Upon return from a National Service Leave, an employee shall be restored to the same or similar position, provided that the employee returns to employment within 90 days after termination of the service or release from hospitalization resulting from a disability incurred during the service.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 420.710 Military ~~and Peace Corps~~ Leave

a) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 4 years or less, or as may be required by law.

b) Upon return from military leave, the employee shall be restored to the same or similar position on making an application to the Director of Personnel 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.

c) 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 military leave of absence from provisional status shall be required to pass the same or similar examination for his/her position within the remaining balance of the 6 month provisional period or 90 days, whichever is greater.

~~Leaves of absence shall be allowed employees who enter military service or the peace or job corps as provided in Section 420.340 (d) and (e) and as may be required by law.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.745 Blood/Organ/Tissue Donation Leave

In accordance with the Organ Donor Leave Act [5 ILCS 327], a permanent full-time, part-time or intermittent employee who has been employed with the Office of the Secretary of State for at least 6 months, with approval of the employing department, will be granted paid leave to donate an organ, bone marrow, blood or blood platelets under the following conditions:

a) Up to 30 days in a 12 month period to serve as an organ or bone marrow donor. In order to be granted paid leave for organ or bone marrow donation, proper medical leave paperwork must be completed in advance of the leave. Paid leave time does not apply to time off taken for the purpose of preliminary compatibility testing and/or screening for organ or bone marrow transplant.

b) Up to 1 hour in a 56 day period to donate or attempt to donate blood, with prior approval from the immediate supervisor and proof of donation provided.

c) Up to 2 hours or more, if necessary, to donate blood platelets in accordance with appropriate medical standards established by the Red Cross or other nationally-recognized standards, with prior approval from the immediate supervisor and proof of donation provided. Blood platelet donation may not be granted more than 24 times in a 12 month period.

d) An employee will not be required to use accumulated benefit time before becoming eligible for a Blood/Organ/Tissue Donation Leave.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 420.750 School Visitation Leave

An employee with no other available Personal Leave, Vacation Leave, Compensatory Time, or Holiday Compensatory Time shall be granted up to 8 hours of time off without loss of pay or benefits during the school year to visit a dependent child's school for parent-teacher meetings or at the special request of the school authorities. Except in documented extenuating circumstances, an employee must request the time off at least 3 working days in advance. The employee must provide documentation from school authorities indicating the leave time

was used for the purpose intended.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 420.760 Non-service Connected and Service Connected Disability Leave

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, or approval of a claim under the Workers' Compensation Act [820 ILCS 305], be granted a non-service or service-connected disability leave for the duration of the disability. A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee that constitute a significant portion of the employee's time or that constitute the factors differentiating that particular position from other positions, provided the balance of the duties can be reassigned by the department.~~Up to 12 weeks out of any 12 month period for a disability leave may be concurrently designated under FMLA.~~

b) In granting the~~this~~ leave~~ or use of sick leave as provided in Section 420.610~~, the Director of Personnel~~department~~ shall apply the following standards:

1) As soon as the employee becomes aware of an impending period of disability, the employee shall notify the appropriate supervisor and provide a written statement by the attending physician or other authority of the approximate length of time the employee will be unable to perform regularly assigned duties;~~A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee that constitute a significant portion of the employee's time or that constitute the factors differentiatingthat 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 this event, the employee's signature is not required;

3) Except for service-connected disability as provided in subsection (g)~~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] 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. The verification shall show the diagnosis, prognosis and expected duration of the disability and 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 employee shall notify the appropriate supervisor and provide a written statement by the attending physician of the approximate length of time the employee will be unable to perform 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 regularly assigned duties, it may seek and rely upon the decision of an impartial physician or other specialist licensed pursuant to the Medical Practice Act [225 ILCS 60] 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 other specialist licensed pursuant to the Medical Practice Act who is selected by the Director of Personnel.~~

c) Termination of Leave:

1) Failure of an employee to provide verification of continued disability upon reasonable request shall, on due notice, cause termination of the leave.

2)~~d)~~ An employee's disability leave shall terminate when the employee is no longer temporarily disabled and is capable of~~from~~ performing regularly assigned duties.

A)~~1)~~ An employee is~~Employees are~~ no longer temporarily disabled when he/she is~~they are~~ able to perform ~~their~~ regularly assigned duties upon advice of the appropriate authority (i.e., attending

physician, an impartial physician, or other authority).

B)~~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 regularly assigned duties by the appropriate authority, or in the absence of that authority, by the attending physician.

C) If the department has reason to believe that an employee is able or unable to perform a substantial portion of the regularly assigned duties, it may seek and rely upon the decision of an impartial physician or other specialist licensed pursuant to the Medical Practice Act [225 ILCS 60] in the field of the alleged disability chosen by agreement of the parties or, in the absence of an agreement, upon the decision of an impartial physician or other specialist licensed pursuant to the Medical Practice Act who is selected by the Director of Personnel or the Illinois Department of Central Management Services.

D)~~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 (c)(2)(C~~b~~)~~(6)~~.

d)~~e)~~ An employee who returns from a disability leave shall have the rights set forth in Section 420.680 or subsection (g)(6), whichever applies.

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

f) Up to 12 weeks of leave time out of any 12 month period may be designated as leave time under the Family and Medical Leave Act (FMLA). Designated FMLA leave time will run concurrently with the disability leave or workers' compensation grace time, provided the absence is due to a qualifying serious

injury or illness.

g) An employee who suffers an on-the-job injury or illness and is unable to perform a substantial portion of the regularly assigned duties in accordance with subsection (a) shall also be subject to the following:

1) Upon request, an employee will be allowed full pay for 3 working days of absence without utilization of any accumulated sick leave or other benefits if a workers' compensation claim is filed and approved pursuant to the Workers' Compensation Act.

2) Starting with the 4th working day of absence, the employee shall be permitted, but not required, to utilize accumulated sick leave or other benefit leave time, or may be granted a non-service disability leave of absence pending outcome of the employee's workers' compensation claim. During the leave granted under this subsection (g)(2), the employee may not apply for disability benefits with the Illinois State Employees Retirement System. The employee shall not be required to exhaust available sick time accumulated in accordance with Section 420.610 to be granted this leave.

3) If the employee's workers' compensation claim is deemed subject to benefits provided in the Workers' Compensation Act, the employee will be placed on a service-connected disability leave of absence. The employee shall not be required to exhaust available sick time accumulated in accordance with Section 420.610 to be granted this leave.

4) In the event the service-connected injury or illness is not deemed subject to benefits under the Act, the employee will be placed on a non-service disability leave of absence or may use accumulated benefit time to cover any absences related to the incident.

5) In the event the service-connected injury or illness becomes the subject of an award by the Illinois Workers' Compensation Commission or a settlement contract approved by the Illinois Workers' Compensation Commission, the employee may restore to the State the payment received as sick leave or other benefit leave time and the employee's leave account shall be credited with leave time equivalents.

6) An employee who returns from a service-connected disability leave of absence 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.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 420.775 Victims Economic Security and Safety Leave

In accordance with the Victims' Economic Safety and Security Act [820 ILCS 180], a permanent employee of the Office of the Secretary of State or a participant in a work assignment as a condition of receipt of federal or State income-based public assistance, who is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence, shall be entitled to a total of 12 work weeks of unpaid leave in a 12 month period. The 12 month period shall commence with the effective date of the first date of leave. An employee who returns from a leave granted under this Section shall have the rights set forth in Section 420.680.

(Source: Added at 36 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 the~~such~~ holidays are observed:

New Year's Day

Martin Luther King Day

Lincoln's Birthday

Presidents' Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day (which shall include the Friday immediately following)

Christmas Eve

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 or State laws, when employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following 12 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.

d) Eligibility for Holiday Pay: To be eligible for holiday pay, the employee shall be in pay status for the total scheduled hours on 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.

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. Special time off shall not accrue to any other employee in any other region or area of the 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 36 Ill. Reg. _____, effective _____)

SUBPART E: GENERAL PROVISIONS

Section 420.1020 Prohibition of Discrimination

a) Discrimination, as defined by law, against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, or 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 non-merit 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: Amended at 36 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3)

Section Numbers:	Proposed Action:
1040.1	Amendment
1040.20	Amendment

4) Statutory Authority: 625 ILCS 5/1-197.6; 625 ILCS 5/2-104; 625 ILCS 5/6-206; 625 ILCS 5/11-501.1; 625 ILCS 5/11-601.5

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being amended to include the definition of "Statutory Summary Revocation" that was effective on July 1, 2011 per Public Act 096-1344. In addition, due to the passage of multiple Public Acts, it adds new offenses for which the Secretary of State may take sanctions against a driver's license and removes the "serious" designation for multiple offenses.

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

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 Objectives: The rulemaking will not create or enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii
Office of the Secretary of State

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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: July 2011

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section
1040.1 Definitions
1040.10 Court to Forward Licenses and Reports of Convictions
1040.20 Illinois Offense Table
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
1040.28 Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29 Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30 Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34 Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36 Suspension for Violation of Restrictions on Driver's License
1040.37 Suspension for Violation of Restrictions on Instruction Permit
1040.38 Commission of a Traffic Offense in Another State
1040.40 Suspension or Revocation for Repeated Convictions or Collisions
1040.41 Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42 Suspension or Revocation for Fleeing and Eluding
1040.43 Suspension or Revocation for Illegal Transportation
1040.46 Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48 Vehicle Emission Suspensions (Repealed)

1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for Five or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
1040.116	Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153,

effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009;

amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 1040.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Alcohol Related Suspension" – a suspension in accordance with IVC Sections 6-206(a)(6), (a)(17), (a)(23) and (a)(33), 11-501.1, 11-501.6 (only when the driver has a positive test for alcohol or drugs) and 11-501.8.

"Amnesty" – a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

"Applicant" − a person applying for an Illinois driver's license or permit.

"Authority" – Illinois State Toll Highway Authority.

"Authorized Holder" – an individual issued a disability license plate pursuant to IVC Section 3-616, an individual issued a parking decal or device pursuant to IVC Section 11-1301.2 or an individual issued a disabled veteran's license plate pursuant to IVC Section 3-609 or 3-609.01.

"Authorized Personnel" – the Director, a manager or administrator of the Driver Services Department or an instructor, Secretary of State Police or Inspector General.

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code.

"Automated Traffic Law Violation Suspension" – a suspension in accordance with IVC Section 6-306.5 for failure to satisfy fines or penalties for five or more automated traffic law violations.

"BAIID" – Breath Alcohol Ignition Interlock Device.

"Bankruptcy Debtor" – a debtor under any chapter of the federal Bankruptcy Code (11 USC).

"Bribe" – any item or thing of value, payment, or other personal advantage that an employee of the Office of the Secretary of State, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that the item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

"Bribery" – the solicitation or accepting of any bribe or improper offering.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to the license or permit.

"Chapter 13 Plan" – an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Clean File" – an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days prior to the current process date verifying that an individual has had his/her driving privileges restored in that state.

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges that has terminated.

"Commercial Driver's License" or "CDL" − a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a class of commercial motor vehicle as defined in IVC Section 1-111.6.

"Commercial Driver License Information System" or "CDLIS" − the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701 et seq.), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers [625 ILCS 5/1-111.7].

"Commercial Motor Vehicle" or "CMV" – a motor vehicle, used in commerce, except those referred to in IVC Section 6-500(6)(B), designed to transport passengers or property if:

the vehicle has a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383); or

any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

the vehicle is designed to transport 16 or more persons, including the driver; or

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F.

"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially [625 ILCS 5/1-111.8].

"Concurrent Actions Requiring Reinstatement Fees" – a situation in which a driver has either two or more suspensions, except miscellaneous suspensions, or two or more revocations or a combination of suspensions and revocations, on the driving record that were in effect at the same time.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction – CDL Holder" – *an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.* [625 ILCS 5/6-500(8)]

"Creditor" – a person to whom a debt is owed by another.

"Curfew" – the hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act in accordance with IVC Section 6-206(a)(13).

"Debtor" – a person who owes a debt.

"Delayed Search" – the NDR will perform a delayed search of its Pointer File periodically for a duration of at least 104 days following an original inquiry. This search is done in order to insure that if an action occurs following an inquiry, that action will be sent to the SOI in the form of a Delayed Search Response (see 23 CFR 1325 and 1327).

"Deletion" – the permanent removal of an entry from a driving record.

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with IVC Sections 6-107(c) and 6-107(d).

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with IVC Sections 6-107(c) and 6-108.1.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – Department of Administrative Hearings within the Office of the Secretary of State.

"Department of Vehicle Services" – Department of Vehicle Services within the Office of the Secretary of State.

"Disability License Plate or Parking Decal or Device-Making Implement" – any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01 issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled as defined in IVC Section 1-159.1 or who have a disability so severe that it precludes him/her from obtaining an Illinois driver's license (see Section 4A(b)).

"Disqualification" – the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391 [625 ILCS 5/1-115.3].

"Disqualified" − the denial of the issuance of a license or permit or the invalidation of any license or permit.

"Driving Abstract" − a record kept by the Department of Driver Services containing all information required by IVC Section 6-106(b) and all records of

violations of traffic laws and administrative actions pertaining to driving privileges.

"Driver's License or Permit" – a document that permits a person to legally operate a motor vehicle, including a restricted driving permit, judicial driving permit, instruction permit, traffic ticket issued when the person's driver's license is deposited in lieu of bail, suspension notice in which the suspension is not yet effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Status" – the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes a request to an SOR.

"Facility Administered Test" – an actual demonstration of the driver's license applicant's ability to successfully pass a vision, written and/or drive test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such tests.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in IVC Section 6-306.3.

"Failure to Pay" – an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket, which prohibits the renewal, reissuance, or reinstatement of driving privileges pursuant to IVC Section 6-306.6.

"False Information" – any information concerning an individual's *legal name, address, sex, date of birth, social security number or any photograph that:*

falsifies all or in part the actual identity of the individual issued the license, permit or identification card;

in the case of information concerning an address, is information concerning a non-existent address that is used to obtain a license, permit or identification card; or

is any combination of a false identity and a non-existent address. [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].

"False Information – Disability Plate or Parking Placard Decal or Device" – any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans pursuant to IVC Section 3-609 or 3-609.01 that falsifies the content of the application.

"Family Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-702.

"Farm Tractor" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles [625 ILCS 5/1-120].

"Fictitious Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that contains false information concerning the identity of the individual issued the license or permit [625 ILCS 5/6-301.1(a)(1)].

"Fictitious Disability License Plate or Parking Decal or Device" – any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, that has been issued by the Secretary of State or an authorized unit of local government that was issued

based upon false information contained on the required application [625 ILCS 5/11-1301.5(a)].

"Fictitious Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].

"Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-304 and/or 7-305.

"Fraudulent Disability License Plate or Parking Decal or Device" – any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].

"Fraudulent Documents" or "Falsified Documents" − any documents submitted by or on behalf of a petitioner to the Secretary that purport or are represented to be prepared or composed by another person, agency or entity that did not actually prepare or compose the documents, or documents that were prepared for a person acting as the petitioner.

"Fraudulent Driver's License or Permit" – any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card" – any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in size, color, photograph location, or design, or uses the word "official", "State", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the

term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card. [15 ILCS 335/1A]

"Hearing Officer" – any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Hospital" − an institution that provides medical or surgical care and treatment for the sick and injured.

"Identification Card" – any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization that, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].

"Illinois Vehicle Code" or "Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included under this definition [625 ILCS 5/1-130].

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.1.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Judicial Driving Permit" – a driving permit issued to grant a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Officials" − police agencies, state's attorneys' offices or court officials.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a police officer in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] and pursuant to IVC Section 11-501.1(d).

"License Classification" – a notation on a driver's license or permit indicating the type of vehicle a person is qualified to operate.

"Like Period of Time" – an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with IVC Section 3-707.

"Materially Altered Documents" − any documents submitted by or on behalf of a petitioner to the Secretary that have been physically altered or changed by someone other than the author of the documents.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Motor Carrier" − any person engaged in the transport of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle [625 ILCS 5/18C-1104(19)].

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to IVC Sections 6-107.1(b), 6-110(a-1) or 6-110(a-3).

"Night Time Driving Restriction Suspension" − a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with IVC Sections 6-107.1(b) and 6-110(a-1).

"Notice of Automatic Stay" – any notice received by the Department that indicates a debtor has filed a petition in bankruptcy, which automatically stays any proceedings against him or her pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 USC 362).

"Notice of Meeting of Creditors" – a notice from the United States Bankruptcy Court informing the entities that have a claim against the debtor that the debtor has filed bankruptcy.

"Occupational Driving Permit" – the document that grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Office" means the Office of the Secretary of State.

"Open Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is in effect.

"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record and is in effect.

"Parking Suspension" – a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to IVC Section 6-306.5.

"Pending Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is not yet in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record and is not yet in effect.

"Petition for Discharge Filed in Bankruptcy" – an order by a United States Bankruptcy Court relieving an individual from all of his/her debts that are provable in bankruptcy, except those excluded by the federal Bankruptcy Code.

"Petition in Bankruptcy" – a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the federal Bankruptcy Code.

"Petitioner" − any person or party who is the subject of an administrative hearing before the Secretary under the provisions of the Illinois Vehicle Code (see 92 Ill. Adm. Code 1001).

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Probationary License" – a conditional license granting full driving privileges during a period of suspension [625 ILCS 5/1-164.1].

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Reckless Driving" – driving a motor *vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne* [625 ILCS 5/11-503].

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Reinstatement Fee" – the fee required by IVC Section 6-118(b) to restore a person's driving privileges after driving privileges have been suspended or revoked.

"Request" – the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining a driving abstract and supervision history record.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Driving Permit" or "RDP" – a document that grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled [625 ILCS 5/1-173.1].

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

"Returned Check" – a check delivered to the Office of the Secretary of State as payment of any fee when the check is not honored due to non-sufficient funds.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with IVC Section 7-205 or 7-208.

"Schedule A-3" – a schedule of liabilities.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry for a driver history record or driver status.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Statutory Summary Revocation" – the revocation by the Secretary of State of a person's license or privilege to operate a motor vehicle on the public highways for the period provided in IVC Section 6-208.1. Reinstatement after the revocation period shall occur after the person has been approved for reinstatement through an administrative hearing with the Secretary of State, has filed proof of financial responsibility, has paid the reinstatement fee as provided in IVC Section 6-118, and has successfully completed all necessary examinations. The basis for this revocation of driving privileges shall be the individual's refusal to submit to or failure to complete a chemical test or tests following an arrest for the offense of driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, involving a motor vehicle accident. [625 ILCS 5/1-197.6]

"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, for the periods provided in IVC Section 6-208.1.

"Stricken on Leave" or "SOL" – stricken from court docket with permission for charges to be reinstated at a later date.

"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered [730 ILCS 5/5-1-21].

"Supervision History Record" − a record kept by the Department of Driver Services on each driver containing supervision disposition information provided in accordance with IVC Section 6-204(d).

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Suspension or Revocation in Effect" – a suspension or revocation that appears on the driving record and has not terminated.

"Terminated Suspension or Revocation" – a suspension or revocation that appears on the driving record and is no longer in effect.

"Tollway Suspension" − a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for five or more tollway violations, tollway evasions or any combination thereof, in accordance with IVC Section 6-306.7.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.

"Trustee Report of No Assets" – a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

"Unlawfully Altered Disability License Plate or Parking Permit or Device" – any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].

"Unlawfully Altered Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].

"Unlawfully Altered Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(3)].

"Unsatisfied Judgment Suspension" – a suspension in accordance with IVC Section 7-303 or 7-313.

"Vacate" – to set aside, annul, rescind, render void, or cancel an order.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalidated, denied, cancelled, revoked, suspended, disqualified or used after curfew or during a night time driving restriction.

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.6 of the Illinois Vehicle Code or for failure to pay a fine or penalty for 10 or more standing, parking or compliance regulations in accordance with IVC Section 6-306.5.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1040.20 Illinois Offense Table

a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (Type Action) and used as a source of information. In the absence of statutory amendment, this Section shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out in subsections (c) and (d).

1) Classification for convictions of traffic offenses:

Type Action 68: Record history item only
Type Action 82: Conviction
Type Action 83: Immediate action (no points assigned)
Type Action 85: Conviction (no points assigned)
Type Action 87: Conviction (points assigned)
Type Action 89: Withdrawal (no points assigned)
Type Action 93: Immediate action bond forfeiture (no points assigned)
Type Action 94: Immediate action conviction (no points assigned)
Type Action 95: Bond forfeiture (no points assigned)
Type Action 96: Conviction (no points assigned)
Type Action 97: Bond forfeiture (points assigned − moving violation)
Type Action 99: Conviction (points assigned − moving violation)

2) Description of Offense: The code used to describe the offense is composed of the IVC Chapter and/or Section number, the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550], the Illinois Controlled Substances Act [720 ILCS 570], the Liquor Control Act of 1934 [235 ILCS 5/Art. VI], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1), will be a single digit code to identify the specific law that will be as follows:

0 – Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
1 – Illinois Vehicle Code
2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit that shall be a "2"
4 – Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the IVC [625 ILCS 5/Ch. 4, Art. I]
6 – The Illinois Driver Licensing Law
7 – Chicago Municipal Ordinance
8 – Foreign state and other (all out-of-state convictions to be considered are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit, which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6, or 8, will be symbolized by a # throughout the point table set out in this Part.

3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out in this Part).

4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of IVC Section 6-206(a)(2) , as well as the number of points that should be assigned to those convictions, which in turn determines the length and/or type of such action.

A) A thorough review of literature relating to the general concept of point systems utilized by other states.

B) A specific review of point systems and ranges of point assignments utilized by other states.

C) An exhaustive and detailed review of the current Illinois point system.

D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.

b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as Type Action -93- bond forfeiture immediate action; or Type Action -94- conviction immediate action.

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
3-707(c-1)	707301	3 707 C1	Convicted of driving without liability insurance
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor [625 ILCS 5/4-100]
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/Ch. 4, Art. I]
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/Ch. 4, Art. I]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)

6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver endorsement (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit
6-107.1(b)	107120	6 107.1B	Violation of curfew law (prior to 1-1-08)

6-107.1(b)	107102	6 107.1B	Violation of nighttime driving restrictions – under the age of 18 (effective 1-1-08)
6-110(a)	110000	6 110 00	Violation of curfew law – under age of 17 (Child Curfew Act [720 ILCS 555/1 and 2])
6-110(a-1)	110101	6 110 A-1	Violation of nighttime driving restrictions
6-113(e)	113501	# 113 E1	Violation of driver's license restriction ~~(a serious traffic violation if committed in a commercial motor vehicle)~~
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit ~~(a serious traffic violation if committed in a commercial motor vehicle)~~
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] that minor has been adjudicated under that Act as having committed an offense relating to

			motor vehicles described in Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-206.2(a)	206201	6 206.2 A	Operating a vehicle without interlock device when one is required
6-206.2(a-5)	206215	6 206.2 A-5	Allowing an unauthorized person to blow into an interlock device
6-206.2(c)	206203	# 206 02c	Tamper with or circumvent a BAIID
6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation
6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any peace officer, upon his lawful demand, any license or permit that has been suspended, revoked or

			cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit
6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit

6-301.1(b)10	301120	# 301120	To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier
6-301.1(b)11	011211	# 3011211	To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement

6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-301.2(b)11	012211	# 3012211	To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section
6-301.2(b)12	012212	# 3012212	To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b-1)	301201	# 3012b-1	Possess, use, or allow to be used any material to obtain information from the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State
6-302(a)1	302101	# 302101	Present false information in an application. For driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely

6-303(a)1	303101	# 303 Al	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)2	303402	# 303 D2	Third conviction of driving during a revocation or violations of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)3	303403	# 303 D3	Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)4	303404	6-303(D-4)	Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)5	303405	6-303(D-5)	Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code or a similar provision of a local ordinance

6-507(a)2	507102	# 507 A2	Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL)
6-507(a)3	507103	# 507 A3	Driving without the proper commercial driver's license classification or endorsements
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, cancelled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order
6-507(b)1	507201	# 507 B1	No person may drive a commercial motor vehicle while driving privileges, license, or permit is suspended, revoked, cancelled or disqualified
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order
6-507(b)3	507203	# 507 B3	No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-507(b)5	507250	# 507 B5	Driving commercial motor vehicle in violation of out-of-service order
8-101	008000	8000	Failure to show proof of financial

			responsibility – persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a peace officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a peace officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of $1000
11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood alcohol concentration above the legal limit
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)

11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)
11-501(a)5	050105	# 0501 A5	Driving while under the combined influence of alcohol and other drug or drugs or intoxicating compound or compounds (effective 1-1-99)
11-501(a)6	050106	# 0501 A6	Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance or an intoxicating compound (effective 1-1-99)
11-501(b)	501200	# 11-0501 B	Initial conviction of violating Section 11-501(b)
11-501(b-3)	050123	# 0501 B-3	Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-

			501(a) or similar provision
11-501(b-4)	050124	# 0501 B-4	Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision
11-501(c)	501300	# 11-0501 C	A violation of Section 11-501(c)
11-501(c-1)1	501311	# 0501 C11	Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)2	501312	# 0501 C12	Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)3	501313	# 0501 C13	Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-4)1	501341	# 0501 C41	Convicted of violating Section 11-501(a) for first time when blood,

			breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)2	501342	# 0501 C42	Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)3	501343	# 0501 C43	Third conviction within 20 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 4 felony
11-501(c-4)4	501344	# 0501 C44	Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 2 felony
11-501(c-5)1	501351	# 0501 C5(1)	Violation of Section 11-501(a) while transporting a person under the age of 16
11-501(c-5)2	501352	# 0501 C5(2)	Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)3	501353	# 0501 C5(3)	Second violation of Section 11-

			501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)4	501354	# 0501 C5(4)	Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)5	501355	# 0501 C5(5)	Third conviction for violating Section 11-501(a) or a similar provision and at the time of the violation the person was transporting a person under the age of 16 (felony)
11-501(c-5)6	501356	# 0501 C5(6)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person was transporting a person under the age of 16 (felony)
11-501(c-5)7	501357	# 0501 C5(7)	Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony)
11-501(c-6)1	501361	# 0501 C6(1)	Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more

11-501(c-6)2	501362	# 0501 C6(2)	Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more
11-501(c-6)3	501363	# 0501 C6(3)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony)
11-501(c-6)4	501364	# 0501 C6(4)	Fourth or subsequent conviction for violating Section 11-501(a) or a similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more, three prior convictions of transporting a person under the age of 16 or while BAC was .16 or more (felony)
11-501(d)	501400	# 0501 D	A violation of Section 11-501(d)
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate

			cause of such injuries
11-501(d)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-501(d)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) for the third or subsequent time
11-501(d)1B	501412	# 0501D1B	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a), was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(d)1D	501414	# 0501D1D	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)

11-501(d)1E	501415	# 0501D1E	Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect and was involved in an accident that resulted in bodily harm
11-501(d)1F	501416	# 0501D1F	Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of another person when the violation of Section 11-501(a) was a proximate cause of death
11-501(d)1G	501417	# 0501D1G	Committed a violation of Section 11-501(a) and the driver did not possess a valid driver's license or permit
11-501(d)1H	501418	# 0501D1H	Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy
11-503(b)1	503201	# 0503B1	Reckless driving, bodily harm to a child or school crossing guard
11-503(c)	050303	# 050303	Aggravated reckless driving
11-503(d)	050304	# 0503 04	Aggravated reckless driving, great bodily harm to a child or school crossing guard
11-504	050400	# 0504 00	Drag racing
11-506(a)	050601	#050601	Street racing

11-907(c)	090763	# 0907 P3	Failure to yield to a stopped emergency vehicle resulting in property damage
11-907(c)	090773	# 0907 I3	Failure to yield to a stopped emergency vehicle resulting in personal injury
11-907(c)	090783	# 0907 D3	Failure to yield to a stopped emergency vehicle resulting in death
11-908(a)1	090811	1 908 A1	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
11-1301 3a-1	301311	# 13013A1	Unauthorized use of handicap placard or device
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device

11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or devise
11-1301.6(b)2	301622	1 13016B2	To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any

			fraudulent or stolen person-with-disabilities license plate or parking decal or devise
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
11-1425(b)	142520	# 1425b	Failure to have space to drive through railroad crossing
12-215(g)	221507	# 2215 07	Conviction of Section 12-215 without lawful authority to stop

CRIMINAL CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	********	**********	**********
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault

12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
16J-15	161015	16J-15	Conviction for violation of theft of motor fuel
16K-15	161115	16K-15	Conviction for violation of theft of motor fuel
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle

24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm

THE LIQUOR CONTROL ACT OF 1934	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage
6-20	006020	6-20	Violation of Section 6-20
6-20(a)	060201	6-20A	Violation of Section 6-20(a) of the Liquor Control Act
6-20(c)	060203	6-20C	Violation of Section 6-20(c) of the Liquor Control Act
6-20(d)	060204	6-20D	Violation of Section 6-20(d) of the Liquor Control Act
6-20(e)	060205	6-20E	Violation of Section 6-20(e) of the Liquor Control Act

CANNABIS CONTROL ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
704(a)	070401	704 01	Conviction for violation of Section 4(a) concerning the possession of

			not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of Section 4(b) concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of Section 4(c) concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of Section 4(e) concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult
ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE

**********	********	**********	**********
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act

			concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201	1402 01	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine

1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone
1402(a)10	014210	1402 10	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211	1402 11	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II that is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) concerning the possession of any other amount of a controlled or

			counterfeit substance
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse

ILLINOIS IDENTIFICATION CARD ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	**********	**********	**********
335-14a1	014101	14A1	To possess, display, or cause to be displayed any cancelled or revoked identification card
335-14a2	014102	14A2	To display or represent as the person's own any identification card issued to another
335-14a3	014103	14A3	To allow any unlawful use of an identification card issued to another person
335-14a4	014104	14A4	To lend an identification card to another or knowingly allow the use thereof

335-14a5	014105	14A5	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer upon lawful demand, any identification card that has been revoked or cancelled
335-14a6	014106	14A6	To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person identification card by the Secretary of State
335-14a7	014107	14A7	To knowingly possess, use or allow to be used a stolen identification card making implement
335-14(A-1)	014011	14-A-1	Possess or use materials to obtain information from an identification card
335-14ab1	014121	14AB1	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card
335-14ab2	014122	14AB2	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment

335-14ab3	014123	14AB3	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction
335-14ab4	014124	14AB4	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14ab5	014125	14AB5	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14ab6	014126	14AB6	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
335-14ab7	014127	14AB7	To knowingly issue or assist in the issuance of any fictitious identification card
335-14ab8	014128	14AB8	To knowingly alter or attempt to

			alter any identification card
335-14ab9	014129	14AB9	To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
335-14ab10	0141210	14AB10	To make application for the purpose of obtaining a fictitious identification card for another person
335-14ab11	0141211	14AB11	To obtain the services of another person to make application for the purpose of obtaining a fictitious identification card
335-14bb2	014221	14BB2	To knowingly possess, display or cause to be displayed any fraudulent identification card
335-14bb1	014222	14BB1	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
335-14bb3	014223	14BB3	To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction

335-14bb4	014224	14BB4	To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14bb5	014225	14BB5	To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14bb6	014226	14BB6	To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document
335-14bb7	014227	14BB7	To knowingly possess without authority any identification card making implement
335-14bb8	014228	14BB8	To knowingly possess any stolen implement for duplicating or manufacturing an identification card
335-14bb9	014229	14BB9	To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card
335-14bb10	0142210	14BB10	To advertise or distribute any information or materials that promote the selling, giving, or

			furnishing of a fraudulent identification card
335-14cal	014311	14CA1	Present false information in application for identification card
335-14ca2	014312	14CA2	Accept false information in application for identification card
335-14ca3	014313	14CA3	Make false affidavit, swear or affirm falsely

c) Illinois Vehicle Code
The following point assigned violations will be entered on the driving record as Type Action -97- Bond forfeiture or Type Action -99- conviction

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
**********	*********	**********	**********	********
6-107(e)	107005	6 107 05	Violation of Graduated Driver's License (GDL) restrictions on passengers	10
6-107(f)	107006	6 107 06	Violation of GDL restrictions on passenger seat belt/child restraints	10
6-107(g)	107007	6 107 07	Violation of GDL restrictions on number of passengers	10
6-501	501000	6 501 00	Violation of more than one driver's license ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	50

6-507(a)(1)	507101	6 507 A1	Driving without a commercial driver's license (CDL) in possession (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20
11-308	030800	# 0308 00	Disregarding lane control signal ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only – failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision – personal injury involved	50
11-403	040380	# 0403 H0	Failure to stop and exchange information or give aid after	50

			motor vehicle collision − fatality	
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Squealing or screeching tires	10
11-507	050700	# 0507 00	Supervising minor driver while under the influence	20
11-601(a)	060100	# 0601 00	Speeding too fast for conditions or failure to reduce speed to avoid an accident (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial	50

			motor vehicle)	
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	601008	# 6010 08	26-30 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	601009	#6010 09	Over 30 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5	060109	# 0601 09	Driving 40 MPH or more in excess of the applicable speed limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5(a)	060151	# 06015A	30-39 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5(a)	601051	#60105A	31-39 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-6501.5(b)	060152	# 06015B	40 or more MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in	20

			a commercial motor vehicle)	
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605.1	060510	# 0605 1	Exceeding the maximum speed limit in a construction zone	20
11-605.3b	060532	# 0605 3b	Exceeding the maximum speed limit on a park zone street	20
11-605.3c	060533	# 0605 3c	Failure to obey stop sign or red light on a park zone street	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20

11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-703(a)	070301	# 0703 01	Improper passing on left ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-703(d)	070304	# 0703 04	Improper passing of bicycle or pedestrian	20
11-703(e)	070305	# 0703 05	Driving too close to, toward, or near a bicyclist, pedestrian or person riding a horse or driving an animal drawn vehicle	20
11-704	070400	# 0704 00	Improper passing on the right ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-705	070500	# 0705 00	Improper passing on the left ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-706	070600	# 0706 00	Driving on left side of roadway	20

			where prohibited ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-707(d)	070704	# 0707 04	No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605 ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	5
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if	20

			committed in a commercial motor vehicle)	
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with	25

			oncoming traffic	
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-907(c)	090703	# 0907 03	Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15

11-1002(a)	100201	# 1002 01	Failure to stop and/or yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to pedestrian at an intersection	20
11-1002.5	100250	# 1002 50	Failure to stop and/or yield to a pedestrian at crosswalk in school zone	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10
11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20

11-1201	120100	# 1201 00	Failure to stop for approaching railroad train, railroad track equipment or signal	20
11-1201(a)	120110	# 1201 A	For drivers who are not always required to stop, failing to stop before reaching the railroad crossing, if tracks are not clear (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(a)2	120112	# 1201 A2	Failing to obey a traffic control device or the directions of an enforcement official at the railroad crossing	20
11-1201(a-5)	120115	# 1201 A5	For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching train or railroad track equipment (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(d-1)	120141	# 1201 D1	For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance (serious traffic violation if committed in a commercial motor vehicle)	20
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1202	120020	# 1202	Failure to stop before driving onto crossing	20

11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel – reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk ~~(a serious traffic violation if committed in a commercial motor vehicle)~~	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children ~~(a serious~~	25

			~~traffic violation if committed in a commercial motor vehicle)~~	
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1426.2g	142627	# 14262g	Operating a low speed vehicle without a valid license	15
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadway	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers or semi-trailers	5
12-301	230100	# 2301 00	Defective brakes	20
12-610.1b	261012	# 2610 1B	Driver under age 18 using a wireless phone	10
12-610.1b	261010	# 2610 1b	Driving under age 19 using a wireless phone	

12-610.1e	261015	# 2610 1e	Using a wireless phone in a school or construction zone	15
12-610.2b	261022	# 2610 2b	Using an electronic communications device to compose, send or read a message	20
12-610.5b	261052	# 2610 5b	Unlawful use of registration plate covers	5
12-804	280400	# 2804 00	School bus identification and warning light violation	5
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago
The following point assigned violations will be entered on the driving record as Type Action -97- bond forfeiture or Type Action -99- conviction

CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
**********	*********	**********	**********	*******
7-201	201000	7 201 00	Disregarding official traffic control device	20

7-202	202000	7 202 00	Disregarding traffic control light	20
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic control device	20
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10
7-211	211000	7 211 00	Improper traffic lane usage	20
7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1-10 MPH above limit	5
7-212.03	212003	7 212 03	11-14 MPH above limit	15
7-212.05	212005	7 212 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-213	213000	7 213 00	Driving below minimum speed limit	5

7-214	214000	7 214 00	Improper turn at intersection	10
7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-216	216000	7 216 00	Improper U-turn	10
7-217	217000	7 217 00	Improper U-turn in Loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10
7-219	219000	7 219 00	Driving wrong way on one-way street	5
7-220	220000	7 220 00	Driving wrong way on one-way street – restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20

7-227	227000	7 227 00	Failure to observe bridge signal	20
7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25

7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for pedestrian	10
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15

7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane – bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20
7-346	346000	7 346 00	Head, tail, or side light violation	10
7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs – prohibited right or left turn	10

e) Illinois Vehicle Code
The following violations will be entered on the driving record as Type Action -95- bond forfeiture or Type Action -96- conviction with no point value:

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of

			accident
11-506(b)	050602	# 0506 B	Vehicle owner permitting street racing
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-604.1	260401	# 260401	Driving while using prohibited video devices
12-613(a)	261301	# 2613 A	Violation of possession and use of radar or laser jamming devices
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle

1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 25] − child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 25] − child age 4 but under age 6
25/4	250400	25 04	Violation of the Child Passenger Protection Act [625 ILCS 25] − child under age 4
25/4a	250401	25 04A	Violation of the Child Passenger Protection Act [625 ILCS 25] − child age 4 but under age 16
25/4b	250402	25 04B	Unrestrained – age 8 but under age 19 [625 ILCS 25]

f) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago
The following violations will be entered on the driving record as Type Action -95- bond forfeiture or Type Action -96- conviction with no point value:

CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
7-235	235000	7 235 00	Driving through a funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a funeral procession
7-342.1	342001	7 342 01	Violation of seat belt ordinance
7-347	347000	7 347 00	Spotlight violation
7-348	348000	7 348 00	Other light violation

7-349	349000	7 349 00	Front red or flashing light

g) Case Review

1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in this Part.

2) Driver control action shall be entered upon the driver's record by classification (Type Action).

A) Classification for driver control actions:

Type Action 01	Mandatory Revocation
Type Action 02	Discretionary Revocation
Type Action 03	Discretionary Suspension
Type Action 04	Safety Responsibility Suspension
Type Action 05	Financial Responsibility Suspension
Type Action 06	Unsatisfied Judgment Suspension
Type Action 07	Mandatory Suspension
Type Action 08	Cancellation of License
Type Action 09	Mandatory Suspension
Type Action 17	Statutory Summary Suspension
~~Type Action 18~~	~~Vehicle Emissions Suspension~~
Type Action 45	Cancellation/Suspension/Denial of School Bus Permit
Type Action DN	Denial of License and/or Privileges
Type Action DQ	Discretionary/Mandatory Disqualification
Type Action FR	Family Financial Responsibility Suspension
Type Action IV	Invalidation of License
Type Action MC	Mandatory Conviction Suspension
Type Action OS	Out of Service Law Enforcement History Item
Type Action ZT	Zero Tolerance Suspension

B) Description of driver control action:
The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code that provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation – Type Action 01

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois

			Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a peace officer
6-205(a)12	205112	6 205 A12	Violation of Section 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	205113	6 205 A13	A second or subsequent violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.
6-205(a)14	205114	6 205 A14	Conviction of Section 11-506(a) or a similar provision of a local ordinance relating to street racing
6-205(a)15	205115	6 205 A15	A second or subsequent conviction of driving while the person's driver's license, permit or privilege was revoked for reckless homicide or a similar out-of-state offense
6-205(a)16	205116	6 205 A16	Conviction of any offense regulating the movement of traffic that was the proximate cause of death of any person
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in IVC Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(b)3	205203	6 205 B3	Committing a gang-related offense involving a motor vehicle or driver's license

6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit
11-501.1	050101	1 0501 01	Statutory Summary Revocation

i) Discretionary Revocations and Suspensions – Type Action 02 or 03

IVC VIOLATION CODE **********	EDPM OFFENSE CODE *********	ABSTRACT DESCRIPTION CODE **********	DESCRIPTION OF OFFENSE **********
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103.

6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6-206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act (prior to 1-1-08)
6-206(a)13	206113	6 206 A13	Violation of nighttime driving restrictions (effective 1-1-08)
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under IVC Section 6-301 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [725 ILCS 5/100-1]
6-206(a)16	206116	6 206 A16	Violation of Section 11-204, fleeing from a peace officer
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206 A18	Has been adjudged to be afflicted with or

			suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 – driving without a valid license
6-206(a)20	206120	6 206 A20	Has violated Section 6-104 – driving without a proper classification on a driver's license
6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)23	206123	6 206 A23	Has been convicted of violating Section 11-502(a) for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense that is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor

			Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed test as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within a 24-month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98)
6-206(a)34	206134	6 206 A34	Use of fictitious or unlawfully altered

			person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (effective 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (prior to 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (effective 8-8-98)
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (prior to 8-8-98)
6-206(a)36	206136	6 206 A36	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)
6-206(a)37	206137	6 206 A37	Has been convicted of a violation of Section 11-907(c) that resulted in property damage, personal injury, or death
6-206(a)38	206138	6 206 A38	Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934
6-206(a)39	206139	6 206 A39	Has committed a second or subsequent violation of Section 11-1201
6-206(a)40	206140	6 206 A40	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
6-206(a)41	206141	6 206 A41	Committed a second or subsequent violation

			of Section 11-605.1 of the Illinois Vehicle Code, a similar provision of a local ordinance or a similar violation in any other state, within 2 years of the date of the previous violation
6-206(a)42	206142	6 206 A42	Has committed a violation of Section 11-1301.3(a-1)
6-206(a)43	206143	6 206 A43	Supervision for violation of Section 6-20 of the Liquor Control Act
6-206(a)44	206144	6 206 A44	Has been convicted of a moving violation after having previously been suspended or revoked pursuant to Section 6-206(a)36
6-206(a)45	206145	6 206 A45	Committed perjury or submitted false documents at a formal hearing
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit
6-206.1(J)	206010	6 206.1 J	Violation of the requirements of the monitoring device driving permit (MDDP)
6-206.1(L)	206012	6 206.1 L	Convicted or received court supervision of violation listed in Section 6-206.1(c-1) or de-installed MDDP without authorization

j) Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or 18, or ZT

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-205.2	205002	6 205 02	Theft of motor fuel

6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines – parking violations or automated traffic law violations
6-306.7	306007	6 306 07	Failure to pay fines – Illinois State Toll Highway Authority
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
11-1425(d)	142540	1 1425 D	Failure to have space to drive through railroad crossing
13A 112(b)	311122	13A 112 B	Vehicle Emissions Suspension
13B 55(b)	132552	13B 55B	Vehicle Emissions Suspension

k) Safety Responsibility Suspension – Type Action 04

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
7-201			Motor vehicle operator and/or owner of a

vehicle involved in an accident in excess of $500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court

l) Financial Responsibility Suspension – Type Action 05

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a designated period of time

UNIFIED CODE OF CORRECTIONS	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
730/5	5-6-3.1(m)		Fail to file proof of financial responsibility after receiving supervision or three convictions for a mandatory insurance violation

m) Unsatisfied Judgment Suspension – Type Action 06

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
7-303			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

n) Cancellation – Type Action 08

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NOTICE OF PROPOSED AMENDMENTS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-108(4)	108004	6 108 04	Reported to be a chronic or habitual truant as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a]
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle

6-201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition that is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition
6-201(a)9	201109	6 201 A9	Convicted of a sex offense as defined in the Sex Offender Registration Act
6-201(a)11	201111	6 201 A11	Refused or neglected to appear at a driver services facility to have a license corrected or failed to appear to present documentation for verification of identity
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
6-206.1(a)4	206014	6 206.1 A4	Failure to install BAIID
6-206.1(c-1)	206013	6 206.1 C-1	De-installed BAIID without prior authorization from Secretary of State

ILLINOIS IDENTIFICATION CARD ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
335 13(b)1	013201	335-13 B1	Not entitled to the issuance of an identification card
335 13(b)2	013202	335-13 B2	False statement or knowingly concealed a material fact in your application for an identification card

335 13(b)3	013203	335-13 B3	Displayed or represented as your own an identification card not issued to you
335 13(b)4	013204	335-13 B4	Permitted an unlawful use of your identification card by allowing another person to use your identification card
335 13(b)5	013205	335-13 B5	Signature of the applicant or the signature on the identification card is a forgery
335 13(b)6	013206	335-13 B6	Identification card has been used for an unlawful or fraudulent purpose
335 13(b)7	013207	335-13 B7	Identification card has been altered or defaced
335 13(b)8	013208	335-13 B8	Identification card has been duplicated for any purpose
335 13(b)9	013209	335-13 B9	Identification card was utilized for counterfeit purposes
335 13(b)10	013210	335-13 B10	Not a disabled person as defined in Section 4A of the Illinois Identification Card Act
335 13(b)11	013211	335-13 B11	The holder failed to appear at a Driver Services Facility for the re-issuance of an identification card or was issued based on invalid, altered, fictitious or fraudulent documents

o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
6-106.1	106001	6 106 01	Discretionary/mandatory suspension/

			cancellation/denial of a school bus driver permit pursuant to Section 6-106.1
6-106.1(a)	106011		Zero tolerance cancellation of school bus driver permit

p) Denial – Type Action DN

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
6-103(18)			Denial of driver's license and/or driving privileges pursuant to Section 6-103(18)
6-107(c)			Denial of driver's license and/or driving privileges pursuant to Section 6-107(c)
6-107(d)			Denial of driver's license pursuant to Section 6-107(d)
6-108.1			Denial of driver's license pursuant to Section 6-108.1

q) Discretionary/Mandatory Disqualification –Type Action DQ

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test

6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/non-commercial motor vehicle with alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drugs
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second conviction of violation Section 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offenses using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6-514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)2	514902	6 514 I2	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order

6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)6	514906	6 515 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(j)2i	514021	6 514 J2i	Convicted for a first violation of railroad-highway grade crossing
6-514(j)2ii	514022	6 514 J2ii	Convicted for a second violation of railroad-highway grade crossing within a three-year period
6-514(j)2iii	514023	6 514 J2iii	Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period
6-514(k)	514110	6 514 K	Notification of a disqualification of a driver's

			CMV privileges imposed by USDOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver
6-514(a)3iv	514134	6 514 A3iv	Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, disqualified or cancelled
6-514(a)3v	514135	6 514 3v	Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide

r) Family Financial Responsibility Suspension – Type Action FR

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
**********	*********	**********	**********
7-702	702000	7 702 00	Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court
7-703			Individuals who are 90 days or more delinquent in court ordered child support payment
7-704.1			Individual certified by Illinois Department of Healthcare & Family Services of delinquency of child support payments

s) Invalidation – Type Action IV

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-301.3			Invalidation of driver's license or permit pursuant to Section 6-301.3

t) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-515	515000	6 515	24 hour out-of-service order

u) The following violations will not be assigned points but will be entered on the driving record as Type Action -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary.

ACD CODE	DESCRIPTION OF OFFENSE
A24	Driving under the influence of medication not intended to intoxicate
A33	Illegal possession of drugs (controlled substances)
A60	Underage conviction of drinking and driving at .02 or higher BAC
A61	Underage Administrative Per Se – drinking and driving at .02 or higher BAC
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical/certification disability information
B74	Failed to show insurance certification

B78	Failed to show non-commercial driver's license (includes Instruction Permit)
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D16	Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D45	Failure to appear for trial or court appearance
D51	Failure to make required payment of child support
D53	Failure to make required payment of fines and costs
D56	Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
D72	Inability to control vehicle
D74	Operating a motor vehicle improperly due to drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E33	Defective HAZMAT safety devices

E37	Defective tires
E50	Failure to use equipment as required
E53	Failure to use HAZMAT safety devices as required
E54	Failure to use headlight dimmer as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
F05	Carrying unsecured passengers in open area of vehicle
F06	Improper operation of or riding on a motorcycle
F34	Stopping, standing or parking: obstructing or impeding traffic
F66	Unsafe condition of vehicle (no specified component)
M02	Failure to obey barrier
M03	Failure to obey construction or maintenance zone markers
M04	Failure to obey flagger
M09	Failure to obey railroad crossing restrictions
M13	Failure to obey school crossing guard
M32	Following emergency vehicle unlawfully
M33	Following fire equipment unlawfully
M43	Ran off road
M47	Improper lane or location – in bicycle lane
M55	Improper lane or location – on rail or streetcar tracks

M80	Inattentive, careless or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
N02	Failure to yield right of way to animal rider or animal-drawn vehicle
N41	Failure to cancel directional signals
N44	Giving wrong signal
N80	Coasting (operating with gears disengaged)
N84	Unsafe operation
S97	Operating at erratic or suddenly changing speeds
U02	Resisting arrest
U04	Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U21	Illegal operation of emergency vehicle
W80	Failed employer-directed drug test
W81	Refusal to submit to an employer-directed drug test

v) The following violations will not be assigned points but will be entered on the driving record as Type Action -82- conviction immediate action:

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ACD CODE	DESCRIPTION OF OFFENSE
A04	Driving under the influence of alcohol with BAC of at least .04 but not greater than .079
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at _____
A12	Refuse to submit to test for alcohol – Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A25	Driving while impaired
~~A26~~	~~Drinking alcohol while operating a vehicle~~
A90	Admin Per Se for BAC at or over .10
A91	Admin Per Se for BAC at _____ (detail field required)
A94	Admin Per Se for BAC of at least .04 but not greater than .079
A98	DUI at .08 Admin
B21	Driving while license barred
B22	Driving while license cancelled
B23	Driving while license denied

B27	Driving while license out-of-service order is in effect (for violations not covered by B19)
D06	Misrepresentation of identify or other facts to obtain alcohol
D07	Possess multiple driver's licenses (including DL, CDL, and Instruction Permit) (Serious violation)
D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D27	Violate limited license conditions (Serious violation)
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
S95	Speed contest (racing) on road open to traffic

w) The following violations will not be assigned points but will be entered on the driving record as Type Action -83- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in the commission of a felony involving manufacturing, distribution, or dispensing a controlled substance
B06	Leaving scene of an accident before police arrive – fatal accident
B07	Leaving scene of an accident before police arrive – personal injury accident
B19	Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
B20	Driving while license withdrawn

B24	Driving while license disqualified
B25	Driving while license revoked
B26	Driving while license suspended
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit) ~~(Serious violation)~~
B56	Driving a CMV without obtaining a CDL (Serious violation)
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
D78	Perjury about the operation of a motor vehicle
M23	Failure to have space to drive through railroad crossing
U01	Fleeing or evading police or roadblock
U03	Using a motor vehicle in connection with a felony (not traffic offense)
U07	Vehicular homicide
U08	Vehicular manslaughter (Serious violation)
U09	Negligent homicide while operating a CMV
U10	Causing a fatality through the negligent operation of a CMV
U27	Vehicular feticide (first degree)
U28	Vehicular feticide (second degree)

x) The following violations will not be assigned points but will be entered on the driving record as Type Action -85- conviction:

ACD CODE	DESCRIPTION OF OFFENSE
B61	Failed to file accident report
D70	Driver's view obstructed
E01	Operating without equipment as required by law
E23	Use of radar or laser detector prohibited by law
E34	Defective lights
E54	Failure to use headlight dimmer as required
F02	Child or youth restraint not used properly as required
F04	Seat belt not used properly as required
M30	Following improperly
M56	Improper lane or location – on fire hose
N05	Failure to yield right of way to funeral procession, procession or parade

y) The following point assigned violations will be entered on the driving record as Type Action -87- conviction:

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
A26	Drinking alcohol while operating a vehicle	25
A31	Illegal possession of alcohol	25
A35	Possession of open alcohol container	25

B01	Hit and run – failure to stop and render aid after accident	25
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B03	Hit and run – failure to stop and render aid after accident – personal injury accident	50
B04	Hit and run – failure to stop and render aid after accident – property damage accident	25
B05	Leaving scene of accident before police arrive	25
B08	Leaving scene of accident before police arrive – property damage accident	25
B14	Failure to reveal identity after fatal or personal injury accident	50
E02	Operating without brakes as required by law	20
E05	Operating without lights as required by law	10
E06	Operating without school bus equipment as required by law	5
E31	Defective brakes	20
E36	Defective school bus equipment	5
E51	Failure to use brakes	20
E55	Failure to use lights as required	10
E56	Failure to use school bus safety equipment as required	5
E71	Brakes used improperly	20

F03	Motorcycle safety equipment not used properly as required	5
M05	Failure to obey land markings or signal	20
M08	Failure to obey police of peace officer	10
M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane (Serious violation)	20
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign, or when entering roadway	20
M20	Failure to slow down at a railroad crossing and check tracks are clear	20
M21	Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear	20
M22	Failure to stop as required before driving onto railroad-highway grade crossing	20
M24	Fail to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance	20
M25	Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.	20

M31	Failure to leave sufficient distance for overtaking by other vehicles ~~(Serious violation)~~	20
M34	Following too closely (Serious violation)	20
M40	Improper lane or location ~~(Serious violation)~~	20
M41	Failure to keep in proper lane ~~(Serious violation)~~	20
M42	Improper or erratic (unsafe) lane changes (Serious violation)	20
M44	Improper lane or location – crossover ~~(Serious violation)~~	20
M45	Improper lane or location – crosswalk ~~(Serious violation)~~	20
M46	Improper lane or location – entrance/exit ramp or way	10
M48	Improper lane or location – in occupied lane ~~(Serious violation)~~	20
M49	Improper lane or location – in human occupant violator or restricted lane ~~(Serious violation)~~	20
M50	Improper lane or location – limited access highway	10
M51	Improper lane or location – median ~~(Serious violation)~~	20
M57	Improper lane or location – oncoming traffic lane ~~(Serious violation)~~	20
M58	Improper lane or location – road shoulder, ditch, or sidewalk ~~(Serious violation)~~	20
M60	Improper lane or location – slower vehicle lane	20
M61	Improper lane or location – straddling center line(s) ~~(Serious violation)~~	20

M62	Improper lane or location – traveling in turn (or center) lane ~~(Serious violation)~~	20
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking ~~(Serious violation)~~	20
M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side ~~(Serious violation)~~	20
M74	Passing on hill or curve ~~(Serious violation)~~	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited ~~(Serious violation)~~	20
M77	Passing with insufficient distance or visibility ~~(Serious violation)~~	20
M84	Reckless driving (Serious violation)	55
N01	Failure to yield right of way	20
N03	Failure to yield right of way to cyclist	10
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20
N07	Failure to yield right of way to overtaking vehicle ~~(Serious violation)~~	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20

N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary/roundabout/circular intersection	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20
N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10
N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10

N56	Making improper U turn	20
N60	Driving wrong way ~~(Serious violation)~~	5
N61	Driving wrong way at rotary/roundabout/circular intersection	5
N62	Driving wrong way on divided highway ~~(Serious violation)~~	5
N63	Driving wrong way on one way street or road ~~(Serious violation)~~	5
N70	Driving on wrong side ~~(Serious violation)~~	20
N71	Driving on wrong side of divided highway ~~(Serious violation)~~	20
N72	Driving on wrong side of undivided street or road ~~(Serious violation)~~	20
N82	Improper backing	10
N83	Improper start from a parked position	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S14	11-14 mph over speed limit	15
S15	Speeding 15 mph or more over the speed limit (detail optional) (Serious violation)	20
S16	16-20 mph over speed limit (detail optional) (Serious violation)	20
S21	21-25 mph over speed limit (detail optional) (Serious violation)	20
S26	26-30 mph over speed limit (detail optional) (Serious violation)	50

S31	31-35 mph over the speed limit (detail optional) (Serious violation)	50
S36	36-40 mph over the speed limit (detail optional) (Serious violation)	50
S41	41 mph or more over the speed limit (detail optional) (Serious violation)	50
S51	01-10 mph over speed limit (detail optional)	5
S71	21-30 mph over speed limit (detail optional) (Serious violation)	20
S81	31-40 mph over speed limit (detail optional) (Serious violation)	50
S91	41 mph or more over speed limit (detail optional) (Serious violation)	50
S92	Speeding – speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions ~~(Serious violation)~~	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10
U31	Violation resulting in fatal accident (Serious violation)	20

z) The following withdrawals will not be assigned points but will be entered on the driving record as Type Action -89- withdrawal:

ACD CODE	DESCRIPTION OF OFFENSE

********** **********

A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A24	Driving under the influence of medication not intended to intoxicate
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A31	Illegal possession of alcohol
A33	Illegal possession of drugs (controlled substances)
A35	Possession of open alcohol container
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance
A60	Underage convicted of drinking and driving at .02 or higher BAC

A61	Underage Administrative Per Se – drinking and driving at .02 or higher BAC
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin
B01	Hit and run – failure to stop and render aid after accident
B02	Hit and run – failure to stop and render aid after accident – fatal accident
B03	Hit and run – failure to stop and render aid after accident – personal injury accident
B04	Hit and run – failure to stop and render aid after accident – property damage accident
B05	Leaving accident scene before police arrive
B06	Leaving accident scene before police arrive – fatal accident
B07	Leaving accident scene before police arrive – personal injury accident
B08	Leaving accident scene before police arrive – property damage accident
B14	Failure to reveal identity after fatal or personal injury accident
B19	Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard
B20	Driving while license withdrawn
B21	Driving while license barred
B22	Driving while license cancelled
B23	Driving while license denied

B24	Driving while license disqualified
B25	Driving while license revoked
B26	Driving while license suspended
B27	Driving while license out of service order is in effect
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit)
B56	Driving a CMV without obtaining a CDL
B61	Failed to file accident report
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical certification/disability information
B74	Failed to show insurance certification
B78	Failed to show non-commercial driver's license (includes Instruction Permit)
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D06	Misrepresentation of identity or other facts to obtain alcohol
D07	Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)

D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D16	Present or use improperly – driver's license (includes DL, CDL and Instruction Permit)
D27	Violate limited license conditions
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D45	Failure to appear for trial or court appearance
D51	Failure to make required payment of child support
D53	Failure to make required payment of fines and costs
D56	Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
D70	Driver's view obstructed
D72	Inability to control vehicle
D74	Operating a motor vehicle improperly because of drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
D78	Perjury about the operation of a motor vehicle

E01	Operating without equipment as required by law
E02	Operating without brakes as required by law
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E05	Operating without lights as required by law
E06	Operating without school bus equipment as required by law
E23	Use of radar or laser detector prohibited by law
E31	Defective brakes
E33	Defective HAZMAT safety devices
E34	Defective lights
E36	Defective school bus equipment
E37	Defective tires
E50	Failure to use equipment as required
E51	Failure to use brakes
E53	Failure to use HAZMAT safety devices as required
E55	Failure to use lights as required
E56	Failure to use school bus safety equipment as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed

E71	Brakes used improperly
F02	Child or youth restraint not used properly as required
F03	Motorcycle safety equipment not used properly as required
F04	Seat belt not used properly as required
F05	Carrying unsecured passengers in open area of vehicle
F06	Improper operation of or riding on a motorcycle
F34	Stopping, standing, or parking: obstructing or impeding traffic
F66	Unsafe condition of vehicle (no specified component)
M02	Failure to obey barrier
M03	Failure to obey construction or maintenance zone markers
M04	Failure to obey flagger
M05	Failure to obey lane markings or signal
M08	Failure to obey police or peace officer
M09	Failure to obey railroad highway traffic control device
M10	Failure to obey railroad traffic control device
M11	Failure to obey restricted lane
M12	Failure to obey safety zone
M13	Failure to obey school crossing guard
M14	Failure to obey sign or traffic control device
M15	Failure to obey stop sign

M16	Failure to obey traffic signal or light
M17	Failure to obey traffic signal
M18	Failure to obey warning light or flasher
M19	Failure to obey yield sign
M20	Failure to slow down at a railroad crossing and check tracks are clear
M21	Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear
M22	Failure to stop as required before driving onto railroad-highway grade crossing
M23	Failure to have sufficient space to drive completely through the highway crossing
M24	Failure to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance
M25	Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
M30	Following improperly
M31	Failure to leave sufficient distance for overtaking by other vehicles
M32	Following emergency vehicle unlawfully
M33	Following fire equipment unlawfully
M34	Following too closely
M40	Improper lane or location
M41	Failure to keep in proper lane

M42	Improper or erratic (unsafe) lane changes
M43	Ran off road
M44	Improper lane or location – crossover
M45	Improper lane or location – crosswalk
M46	Improper lane or location – entrance/exit ramp or way
M47	Improper lane or location – in bicycle lane
M48	Improper lane or location – in occupied lane
M49	Improper lane or location – in human occupant violator or restricted lane
M50	Improper lane or location – limited access highway
M51	Improper lane or location – median
M55	Improper lane or location – on rail or streetcar tracks
M56	Improper lane or location – on fire hose
M57	Improper lane or location – oncoming traffic lane
M58	Improper lane or location – road shoulder, ditch or sidewalk
M60	Improper lane or location – slower vehicle lane
M61	Improper lane or location – straddling center line(s)
M62	Improper lane or location – traveling in turn (or center) lane
M70	Improper passing
M71	Passing in violation of posted sign or pavement marking

M72	Passing in violation of opposite directions restriction
M73	Passing on wrong side
M74	Passing on hill or curve
M75	Passing school bus displaying warning not to pass
M76	Passing where prohibited
M77	Passing with insufficient distance or visibility
M80	Inattentive, careless, or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
M84	Reckless driving
N01	Failure to yield right of way
N02	Failure to yield right of way to animal rider or animal drawn vehicle
N03	Failure to yield right of way to cyclist
N04	Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)
N05	Failure to yield right of way to funeral procession, procession or parade
N06	Failure to yield right of way to other vehicle
N07	Failure to yield right of way to overtaking vehicle
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)

N09	Failure to yield right of way to school bus
N20	Failure to yield right of way at crosswalk
N21	Failure to yield right of way at rotary/roundabout/circular intersection
N22	Failure to yield right of way at stop sign
N23	Failure to yield right of way at traffic sign
N24	Failure to yield right of way at traffic signal
N25	Failure to yield right of way at unsigned intersection
N26	Failure to yield right of way at yield sign
N30	Failure to yield right of way when warning displayed on other vehicle
N31	Failure to yield right of way when turning
N40	Failure to use signal or improper signal
N41	Failure to cancel directional signals
N42	Failure to signal intention to pass
N43	Failure to signal lane change
N44	Giving wrong signal
N50	Improper turn
N51	Improper method of turning
N52	Improper position for turning
N53	Making improper left turn
N54	Making improper right turn

N55	Making improper turn around (not U turn)
N56	Making improper U turn
N60	Driving wrong way
N61	Driving wrong way at rotary/roundabout/circular intersection
N62	Driving wrong way on divided highway
N63	Driving wrong way on one way street or road
N70	Driving on wrong side
N71	Driving on wrong side of divided highway
N72	Driving on wrong side of undivided street or road
N80	Coasting (operating with gears disengaged)
N82	Improper backing
N83	Improper start from parked position
N84	Unsafe operations
S01	01-05 mph above speed limit (detail optional)
S06	06-10 mph above speed limit (detail optional)
S14	11-14 mph over speed limit
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 mph above speed limit (detail optional)
S21	21-25 mph above speed-limit (detail optional)

S26	26-30 mph above speed limit (detail optional)
S31	31-35 mph above speed limit (detail optional)
S36	36-40 mph above speed limit (detail optional)
S41	41 mph or more above speed limit (detail optional)
S51	01-10 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic
S96	Speed less than minimum
S97	Operating at erratic or suddenly changing speeds
S98	Speeding or freeway (wasting fuel)
U01	Fleeing or evading police or roadblock
U02	Resisting arrest
U03	Using motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)

U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
U09	Negligent homicide while operating a CMV
U10	Causing a fatality through the negligent operation of a CMV
U21	Illegal operation of emergency vehicle
U27	Vehicular feticide (first degree)
U28	Vehicular feticide (second degree)
U31	Violation resulting in fatal accident
W00	Withdrawal, non-ACD violation
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
W09	Failure to surrender hazmat endorsement as required by the USA Patriot Act
W13	Parental consent withdrawn
W14	Physical or mental disability
W15	Physician's or specialist's report recommended
W20	Unable to pass DL test(s) or meet qualifications
W30	2 serious violations within 3 years
W31	3 serious violations within 3 years

W40	The accumulation of two or more major offenses
W41	An additional major offense after reinstatement
W45	Suspended for driving a CMV while disqualified for previous violations in a CMV
W50	The accumulation, within 10 years, of two out-of-service general violations
W51	The accumulation of two out-of-service order violations within 10 years when the second is while transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
W52	The accumulation of three or more out-of-service order violations within 10 years
W60	Accumulation of two railroad-highway grade crossing violations within a three year period
W61	Accumulation of three or more railroad-highway grade crossing violations in a three year period
W70	Imminent hazard
W72	Suspended pending final disposition
W80	Failed employer-directed drug test
W81	Refusal to submit to an employer-directed drug test

(Source: Amended at 36 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Contested Cases and Other Formal Hearings

2) Code Citation: 23 Ill. Adm. Code 475

3)

Section Numbers:	Proposed Action:
475.10	Repeal
475.15	Repeal
475.20	Repeal
475.30	Repeal
475.40	Repeal
475.50	Repeal
475.60	Repeal
475.70	Repeal
475.80	Repeal
475.90	Repeal
475.100	Repeal

4) Statutory Authority: Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)]

5) A Complete Description of the Subjects and Issues Involved: The overall goal of the repeal of old Part 475 and its replacement with new language is to ensure a timely administration of cases and application of due process in order to provide a fair hearing and just outcome. A companion rulemaking is being conducted to revise Part 475 rules to update them in keeping with several changes that were effected by PA 96-431, to improve and streamline the State Superintendent's ability to investigate allegations of misconduct by license holders and, where warranted, to initiate an action before the State Educator Preparation and Licensure Board (SEPLB) to suspend or revoke a teaching license.

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

9) Does this rulemaking contain incorporations by reference? No

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: 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:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

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 2012

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 475
CONTESTED CASES AND OTHER FORMAL HEARINGS (REPEALED)

Section
475.10 Authority and Applicability
475.15 Alternatives to Appointment of Hearing Officers
475.20 Filing and Form of Documents
475.30 Appearance of Parties
475.40 Notice of Hearing
475.50 Motion and Answer
475.60 Hearing Officer: Qualifications, Powers and Duties
475.70 Pre-Hearing Conferences and Consent Orders
475.80 Depositions and Discovery
475.90 Hearings
475.100 Orders

AUTHORITY: Implementing Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and Sections 21-1 and 21-23 of the School Code [105 ILCS 5/21-1 and 21-23] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act.

SOURCE: Adopted at 4 Ill. Reg. 28, p. 253, effective July 9, 1980; codified at 8 Ill. Reg. 13757; amended at 29 Ill. Reg. 10146, effective June 30, 2005; amended at 31 Ill. Reg. 10035, effective June 26, 2007; repealed at 36 Ill. Reg. _____, effective _____.

Section 475.10 Authority and Applicability

a) This Part is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

b) This Part shall apply to all administrative hearings conducted under the jurisdiction of the Illinois State Board of Education (ISBE), the State Superintendent of Education, or the State Teacher Certification Board (STCB) wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases apply or where provided by the rules of the State Board of

Education governing formal administrative hearings, except as provided in subsection (c) of this Section.

c) Where statutes or other rules applicable to the ISBE or the STCB contain practices different from those set forth in this Part, then those separate statutes and rules shall apply insofar as they differ from this Part, e.g., in the case of hearings related to renewal of teaching certificates conducted under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Certification).

Section 475.15 Alternatives to Appointment of Hearing Officers

a) When an administrative hearing is to be held pursuant to this Part, the entity under whose jurisdiction the hearing will be held may determine whether a hearing officer will be designated. When no hearing officer is designated, all authority to conduct the hearing pursuant to this Part shall be exercised by:

1) the State Superintendent or his representative, for hearings conducted under the jurisdiction of the ISBE or the State Superintendent;

2) the STCB or its representative, for hearings conducted under the jurisdiction of the STCB.

b) For purposes of this Part, the term "hearing officer" shall, as applicable, include the individuals described in subsection (a) of this Section.

Section 475.20 Filing and Form of Documents

a) Documents and requests permitted or required to be filed with the ISBE or the State Superintendent of Education pursuant to this Part shall be addressed and mailed or personally delivered in duplicate to the State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the notice of hearing. The office of the State Board of Education is open for filing of documents from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on federal and State legal holidays.

b) Documents and requests permitted or required to be filed with the STCB in connection with an evidentiary hearing shall be directed to the Secretary of the

STCB in the same manner specified under subsection (a) of this Section.

c) Documents shall clearly show the title of the proceedings in connection with which they are filed.

d) Except as otherwise provided, a copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the designated hearing officer and the General Counsel to the ISBE (General Counsel) at 100 North First Street, Springfield, Illinois 62777.

e) Documents shall be presented in letter-quality print on one side only of letter-sized paper, and one copy of each document filed shall be signed by the party or by the party's authorized representative.

f) Computation of any period of time prescribed by this Part or any other applicable requirement shall begin with the first business day following the date of filing of the document with the State Superintendent of Education and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. Notice requirements shall be construed to mean notice received, but proof that notice was sent by certified or registered mail at least four days prior to the prescribed date shall be prima facie proof that notice was timely received.

Section 475.30 Appearance of Parties

Any person entitled to participation in proceedings may appear as follows:

a) A natural person may appear on his/her own behalf or by a representative designated in writing.

b) An association or other business, nonprofit or government organization may appear by any bona fide officer, employee or representative designated in writing.

c) For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, a designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the State Superintendent. For hearings conducted under the jurisdiction of the STCB, a designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the STCB, the

Secretary of the STCB, or the State Superintendent, as provided in Section 475.60 of this Part.

Section 475.40 Notice of Hearing

a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by issuance by the ISBE or the State Superintendent of Education, upon written request or upon the Superintendent's own motion, of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.

b) All hearings conducted under the jurisdiction of the STCB shall be initiated when the STCB or the State Superintendent of Education issues a written Notice of Opportunity for Hearing. Such a notice shall be served upon all known parties to the hearing and shall be issued:

1) upon written request of a person entitled to a hearing; or

2) upon presentation of evidence to the STCB or the State Superintendent demonstrating that a certificate should be suspended or revoked under Section 21-1 or 21-23 of the School Code [105 ILCS 5/21-1 or 21-23].

c) Any party receiving a Notice of Opportunity for Hearing must file a request for hearing within ten days after receipt. When such a request is received, a Notice of Hearing shall be issued by the entity under whose jurisdiction the hearing will be held.

d) Requirements for Service of Notices

1) Service of either a Notice of Opportunity for Hearing or a Notice of Hearing shall be complete when it has been:

A) served in person; or

B) served by certified or registered United States Mail, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved.

2) A Notice of Hearing shall be served no fewer than 30 days before the day designated for the hearing.

3) The person serving the notice shall certify to the manner and date of service in the following form:

> I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on _____, 20 _____, addressed to the following at the address shown:
>
> _____
> Signature

If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

e) A Notice of Hearing served under this Section shall include:

1) The time, place and nature of the hearing;

2) The legal authority and jurisdiction under which the hearing is to be held;

3) A reference to the particular section of the statutes and rules involved;

4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and

5) A designation of a hearing officer, if any, to preside over the hearing, and the hearing officer's address.

f) A copy of a Notice of Hearing served pursuant to this Section shall be referred to the designated hearing officer or other designated individual, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

g) Service of any document other than a notice upon any party may be made by personal delivery or by depositing it in the United States Mail, postage prepaid, addressed to the last known address of the party. The person serving the document shall certify to the manner and date of service as specified in subsection

(d)(3) of this Section.

Section 475.50 Motion and Answer

a) A written answer to a Notice of Hearing may be filed not later than seven days prior to the date of the hearing. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, all answers or motions preliminary to a hearing shall be presented to the State Superintendent or a designated hearing officer in accordance with Section 475.20 of this Part at least seven days prior to the date of the hearing. For hearings conducted under the jurisdiction of the STCB, all answers or motions preliminary to a hearing shall be presented to the Secretary of the STCB or a designated hearing officer in accordance with Section 475.20 of this Part at least seven days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted.

b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon, and, when appropriate, by a proposed order. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, at least two copies of all motions shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and at least one copy shall be served on each additional party, if any, to the hearing. For hearings conducted under the jurisdiction of the STCB, at least two copies of all motions shall be filed with the Secretary to the STCB, one copy shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and at least one copy shall be served on each additional party, if any, to the hearing.

c) Within seven days after service of a written motion, or such other period of time as the hearing officer may prescribe, owing to the complexity of the issues involved, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.

d) No oral argument will be heard on a motion unless the hearing officer directs otherwise. If oral argument is permitted, then the hearing officer shall issue an order setting a date, time, and place for such argument. A telephone conference may be scheduled. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.

e) A written motion will be disposed of by written order, with notice to all parties.

f) The hearing officer shall rule upon all motions, except that the hearing officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.

g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

h) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files an answer or motion, or, if no answer or motion is made, before the commencement of the hearing.

i) Additional Parties

1) In the interest of convenient, expeditious and complete determination of matters, the hearing officer may consolidate or sever hearing proceedings involving any number of parties and may order additional parties to be joined.

2) Upon timely written application, the hearing officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any of the following conditions is met:

A) The party is so situated as to be adversely affected by a final order arising from the hearing;

B) The party has an unconditional statutory right to intervene in the proceedings; or

C) A party's circumstances and the hearing proceeding have a question of law or fact in common.

3) Two copies of a petition for intervention shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and one copy shall be served on each party, no later than 48 hours prior to the date set for hearing of matters set forth in the Notice of Hearing. The hearing

officer may permit later intervention when there is good cause shown for the delay.

4) An intervenor shall have all the rights of an original party, except that the hearing officer may, in the Order allowing intervention, provide that the party shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay might require.

j) A hearing may be postponed or continued for due cause by the hearing officer upon the hearing officer's own motion or upon motion of a party to the hearing. Such motion of the party shall set forth facts attesting that the request for continuance is not for the purpose of delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repeated postponements or continuances so that the subject matter may be resolved expeditiously.

Section 475.60 Hearing Officer: Qualifications, Powers and Duties

a) *The State Superintendent or an attorney licensed to practice law in Illinois may act as a hearing officer to preside over a hearing and to exercise all the powers of a hearing officer enumerated in this Part.* [5 ILCS 100/10-20]

b) Appointment of Hearing Officer

1) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the ISBE or the State Superintendent, the appointment shall be made by the State Superintendent.

2) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the STCB, the STCB may either appoint the hearing officer or request that the State Superintendent appoint a hearing officer. At the direction of the STCB, a hearing officer may either preside over the hearing in the presence of the STCB or conduct an independent hearing.

A hearing officer may also afford the STCB such legal counsel as it may require during the course of a hearing and until a final order is executed.

c) A hearing officer designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:

1) To administer oaths and affirmations;

2) To rule upon offers of proof and receive relevant evidence;

3) To exercise the power of the Superintendent and issue subpoenas under any applicable statute;

4) To provide for discovery and determine its scope;

5) To initiate, schedule, and conduct a pre-hearing conference;

6) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

7) To consider and rule upon procedural requests;

8) To rule upon motions, objections, and evidentiary questions;

9) To hold conferences for the settlement or simplification of the issues;

10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;

11) To make decisions in accordance with the appropriate Act, any rules adopted pursuant to that Act, this Part, and the Illinois Administrative Procedure Act [5 ILCS 100].

d) *Except in the disposition of matters that are authorized by law to be entertained or disposed of on an ex parte basis, no agency employee or hearing officer shall, after notice of hearing pursuant to this Part, communicate directly or indirectly, in connection with any issue of fact, with any person or party, or in connection*

with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency and an agency member or hearing officer may have the aid and advice of one or more personal assistants. [5 ILCS 100/10-60]

e) Disqualification

1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw by notice on the record directed to the State Superintendent of Education for hearings conducted under the jurisdiction of the ISBE or the State Superintendent or to the Secretary of the STCB for hearings conducted under the jurisdiction of the STCB.

2) The ISBE, State Superintendent, or STCB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)], for physical or mental incapacity, or for persistent failure to meet statutory or other timelines. A party's motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the ISBE, the State Superintendent, or the STCB shall state the alleged grounds for disqualification.

f) Failure or Refusal to Appear or to Obey the Rulings of a Hearing Officer

1) Contumacious or improper conduct at any hearing before the hearing officer shall be grounds for exclusion from the hearing.

2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, the hearing officer may make such orders with regard to the refusal as are just and appropriate, including an order denying the application or complaint of a party or regulating the contents of the record of the hearing.

g) Exclusion

At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present, even if that representative is

also a witness. Individuals who are not witnesses are not affected by this subsection (g).

h) On any procedural question not regulated by this Part, the appropriate Act, or the Illinois Administrative Procedure Act, a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].

Section 475.70 Pre-Hearing Conferences and Consent Orders

a) Convening a Conference: Upon the hearing officer's own motion or the motion of a party, the hearing officer may direct the parties or their counsel to meet with the hearing officer for a conference to consider:

1) Simplification of the issues;

2) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;

3) Stipulations, admissions of fact and of contents and authenticity of documents;

4) Limitation of the number of witnesses;

5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and

6) Such other matters as may tend to expedite disposition of the proceedings and assure a just conclusion thereof.

b) Record of Conference: The hearing officer shall make an order that recites the action taken at the conference, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered. This order shall limit the issues for hearing to those not disposed of by admissions or agreements, and such an order, when entered, shall control the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.

c) Consent Orders: At any time before the reception of evidence in any hearing or

during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement that will result in a just disposition of the issues involved.

1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

   A) That the rule or order shall have the same force and effect as if made after a full hearing;

   B) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;

   C) A waiver of any further procedural steps before the hearing officer; and

   D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

2) On or before the expiration of the time granted for negotiations, the parties or their counsel may:

   A) Submit the proposed agreement in writing to the hearing officer for his or her consideration; or

   B) Inform the hearing officer that agreement cannot be reached.

3) In the event that an agreement contains consent findings and a rule or order is submitted in the time allowed, the hearing officer, upon written approval of the final decision-maker, i.e., the ISBE, the STCB, or the State Superintendent, may accept the agreement by issuing a decision based upon the agreed findings in accordance with Section 10-25(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-25(c)].

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 475.80 Depositions and Discovery

a) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally, or upon written interrogatories before any person designated by the hearing officer and having the power to administer oaths.

b) Any party desiring to take the deposition of a witness may make application in writing to the hearing officer, setting forth:

1) The reasons why such deposition should be taken;

2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

3) The name and address of each witness; and

4) The subject matter concerning which each witness is expected to testify.

c) Such notice as the hearing officer may order shall be given by the party taking the deposition to every other party.

d) Each witness testifying upon deposition shall be sworn, and the parties not calling this witness shall have the right to cross-examination. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed to by the witness and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing officer. Subject to such objections to the questions and answers as were noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or had due notice of the taking of the deposition. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.

e) Whenever appropriate to a just disposition of any issue in a hearing, the hearing officer may allow discovery by any other appropriate procedure, such as by

written interrogatories upon a party, by requests for admission, or by entry for inspection of the employment or place of employment involved.

Section 475.90 Hearings

a) All hearings shall be public unless required by statute to be otherwise.

b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:

1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;

2) Presentation of complainant's opening statement;

3) Presentation of respondent's opening statement;

4) Complainant's case;

5) Respondent's case;

6) Complainant's rebuttal, if any;

7) Respondent's rebuttal, if any;

8) Complainant's closing statement;

9) Respondent's closing statement;

10) Presentation and argument of all motions prior to final order;

11) Presentation of written briefs if required or allowed by the hearing officer;

12) Filing of proposed findings of fact and conclusions of law and recommendations of the hearing officer.

c) The complainant shall have the burden of proof except in cases under the jurisdiction of the STCB pursuant to Section 21-1 of the School Code where the STCB must determine the good character of an applicant, in which case the

applicant has the burden of proof.

d) Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the hearing officer may, at the sole discretion of the hearing officer, constitute a default. In the case of a default, the hearing officer shall enter such findings, opinions, and recommendations as are appropriate based on the pleadings and evidence received into the record.

e) Evidence

1) A party shall be entitled to present the party's case or defense and oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for full and true disclosure of the facts. *Any oral or documentary evidence may be received but a presiding hearing officer may exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where excluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a hearing officer may allow evidence to be received in written form.* [5 ILCS 100/10-40]

2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer.

3) If a party objects to the admission or rejection of any examination, or to the failure to limit its scope, the party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit such evidence subject to the right of the hearing officer to strike the evidence from the record either during the hearing or as a part of the findings of fact and conclusions of law if the hearing officer determines that it was improperly admitted, in which case it shall not be considered in making findings of fact, conclusions of law and recommendations.

4) Formal exception to an adverse ruling is not required.

f) *Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the STCB's, or the ISBE's or its employees' specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts so noticed. The agency's expertise, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.* [5 ILCS 100/10-40(c)]

g) Hostile or Adverse Witness:

1) If the hearing officer determines that a witness is hostile or unwilling or adverse, the witness may be examined by the party calling the witness as if under cross-examination.

2) The party calling an occurrence witness, upon the showing that the party called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.

h) *Oral proceedings or any part thereof shall be recorded* [5 ILCS 100/10-35(b)] by a certified court reporter. Such records shall be transcribed either:

1) upon written application filed with the reporter or hearing officer by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the State Superintendent of Education, or

2) upon receipt of summons in administrative review or an order of a court, with payment of fees when allowed or required by statute. Any recording or transcription will be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the ISBE, the State Superintendent of Education, the STCB, the hearing officer, or by law.

i) The official record of each hearing conducted pursuant to this Part shall consist of the items enumerated in Section 10-35(a) of the Illinois Administrative Procedure

Act [5 ILCS 100/10-35(a)].

j) The hearing officer may require or allow parties to submit written briefs to the hearing officer within 21 days after the close of the hearing or such other reasonable time as the hearing officer shall determine consistent with the ISBE's, the STCB's, or the State Superintendent of Education's responsibility for expeditious decision.

Section 475.100 Orders

a) The provisions of this subsection (a) shall apply in those cases where the hearing officer is authorized by statute or rule to act as the personal representative of the State Superintendent of Education and in those cases where no hearing officer has been designated by the entity authorized to conduct the hearing and that entity or its representative is acting as the hearing officer, as provided in Section 475.15 of this Part.

1) The hearing officer's findings and conclusions shall be in writing and shall include findings of fact and conclusions of law separately stated and in conformance with Section 10-50(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-50(a)]. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying, supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

2) The hearing officer shall, in addition to the findings of fact and opinion required by subsection (a)(1) of this Section, render a decision and issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the ISBE, the State Superintendent of Education, or the STCB, as applicable.

b) The provisions of this subsection (b) shall apply in those cases where the final decision is required to be rendered by an individual or entity other than the hearing officer, including all hearings conducted under the jurisdiction of the State Teacher Certification Board pursuant to Section 21-1 or Section 21-23 of the School Code for which hearing officers are appointed.

1) Hearing Officer's Recommendations

A) Initial Recommendations: The hearing officer shall prepare proposed findings of fact and conclusions of law and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act. These recommendations shall be made upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence.

B) Opportunity to File Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, conclusions of law and recommendations to each party of record in the hearing and each party of record shall be allowed 21 days in which to submit exceptions to the findings, conclusions and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party.

2) Preparation of Final Order: Upon the hearing officer's recommendations, the ISBE, the STCB, or the State Superintendent of Education shall review the record and the hearing officer's findings, conclusions, and recommendations, together with exceptions thereto and briefs in support thereof, and shall either:

A) request the hearing officer to prepare a final set of findings and conclusions and a recommended order for approval and issuance; or

B) issue a final order, within 90 days unless an extension is agreed to by the parties, that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and as set forth by applicable statutes.

c) Effectiveness of Orders: The final decision in each case will become effective immediately upon the execution of the order or as specified by applicable statute. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the party's

attorney of record. *Each order shall indicate whether it is final and, if so, that it is subject to the Administrative Review Law* [735 ILCS 5/Art. III]. [5 ILCS 100/10-50(b)]

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULE

1) Heading of the Part: Contested Cases and Other Formal Hearings

2) Code Citation: 23 Ill. Adm. Code 475

3)

Section Numbers:	Proposed Action:
475.10	New Section
475.20	New Section
475.30	New Section
475.40	New Section
475.50	New Section
475.60	New Section
475.70	New Section
475.80	New Section
475.90	New Section
475.100	New Section
475.110	New Section
475.120	New Section
475.210	New Section
475.220	New Section
475.230	New Section
475.240	New Section
475.250	New Section
475.260	New Section
475.270	New Section
475.280	New Section
475.290	New Section
475.300	New Section
475.310	New Section
475.320	New Section

4) Statutory Authority: Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)]

5) A Complete Description of the Subjects and Issues Involved: These rules required revision due to changes in PA 96-431 and the need to better organize Part 475 so as to be more useful to those being regulated by its requirements. The new Part separates in two Subparts hearings specific to certification revocation and suspension from those heard by the State Superintendent of Education for other reasons. A summary of each Subpart as well as of the changes recommended by PA 96-431 follows.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULE

Subpart A: Hearings before the State Educator Preparation and Licensure Board

Sections in Subpart A of new Part 475 reflect the chronological flow of a contested case, from the Issuance of a Notice of Opportunity for Hearing (the charges or compliant filed against an educator) through the final decision issued by the SEPLB and applicable reporting of that decision and sanction to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.

The following procedural changes were made to conform the new rules to the law:

- The State Superintendent (the complainant) will serve the complaint on the educator, a change from the former practice of having the SEPLB serve the complaint;
- Electronic filing of most documents associated with the hearing process (with the exception of the Notice of Opportunity for Hearing) is allowed and encouraged;
- The process for the filing of and responses to motions, and the resolution of all pre-hearing matters, has been set forth more clearly;
- The hearing officer is required to hold at least one pre-hearing conference; and
- The discovery process has been limited. The State Superintendent will disclose his or her investigative file (minus privileged documents) as a matter of course, but the process for evidence, discovery and expert witness depositions and all other written discovery has been clarified as follows:

    1. Evidence depositions will be allowed by application to the hearing officer showing that the witness will be unavailable to testify at hearing.
    2. Discovery depositions will be allowed by application to the hearing officer and limited to witnesses who have not previously testified or made a statement on the relevant evidence or charges.
    3. Expert witness depositions will be allowed with notice to the other party and hearing officer; and
    4. Interrogatories and requests to produce will be allowed with certain limitations.

- Obtaining testimony by witness via videoconference for good cause and with adequate safeguards has been incorporated in conformance with new Illinois Supreme Court Rule 241;
- The grounds on which the SEPLB can reject settlement or consent agreements entered into by the parties have been limited; and

- The timelines under which the hearing officer must issue his or her recommendation, and by which the SEPLB must issue an order for its decision, have been specified.

These changes to the process are expected to improve the State Superintendent's ability to initiate charges against educators and to resolve these cases in a more timely manner.

Subpart B: Hearings for Other Contested Cases

Subpart B of Part 475 is proposed to govern all other kinds of contested cases that may arise under the School Code or other laws and involve the State Superintendent or the State Board of Education. The processes set forth in Subpart B are similar to those in Subpart A, but more streamlined in certain places, such as the default limitation of one hour for each party to present its case in chief.

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

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:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULE

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

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 2012

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULE

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 475
CONTESTED CASES AND OTHER FORMAL HEARINGS

SUBPART A: HEARINGS BEFORE THE STATE
EDUCATOR PREPARATION AND LICENSURE BOARD

Section
475.10 Authority and Applicability
475.20 Filing and Form of Documents
475.30 Requirements for Service of Documents
475.40 Notice of Opportunity for Hearing
475.50 Hearing Officer: Qualifications, Powers and Duties, and Appointment
475.60 Appearance of Parties
475.70 Pre-Hearing Conferences
475.80 Motions
475.90 Discovery
475.100 Notice of Hearing
475.110 Hearings
475.120 Orders

SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

Section
475.210 Authority and Applicability
475.220 Filing and Form of Documents
475.230 Requirements for Service of Documents
475.240 Notice of Opportunity for Hearing
475.250 Hearing Officer: Qualifications, Powers and Duties, and Appointment
475.260 Appearance of Parties
475.270 Pre-Hearing Conferences
475.280 Motions
475.290 Depositions and Discovery
475.300 Notice of Hearing
475.310 Hearings

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULE

475.320 Orders

AUTHORITY: Implementing Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and Sections 21B-15 and 21B-75 of the School Code [105 ILCS 5/21B-15 and 21B-75] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

SOURCE: Old Part repealed at 36 Ill. Reg. _____, effective _____; new Part adopted at 36 Ill. Reg. _____, effective _____.

SUBPART A: HEARINGS BEFORE THE STATE
EDUCATOR PREPARATION AND LICENSURE BOARD

Section 475.10 Authority and Applicability

a) This Subpart A is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

b) This Subpart A shall apply to all administrative cases under the jurisdiction of the State Educator Preparation and Licensure Board (SEPLB) pursuant to Section 21B-15 or Section 21B-75 [105 ILCS 5/21B-15 or 21B-75] of the School Code, except as provided in this subsection (b) or in subsection (c) of this Section. Administrative cases pursuant to Section 21B-15 of the School Code heard under this Subpart A shall be limited to those in which an individual is alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license.

c) Pursuant to Section 21B-15 of the School Code, the State Superintendent may recommend that any other license held by an individual alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license be suspended or revoked by the SEPLB depending on the severity of the alleged alteration or misrepresentation. Pursuant to Section 21B-75 of the School Code, the State Superintendent may recommend that a license be revoked or suspended, or that professional development be required in lieu of or in addition to revocation or suspension, for those bases set forth in Section 21B-75. For purposes of this Subpart A, "revocation" shall mean the permanent removal of a license and "suspension" shall mean the temporary removal of a license for a period of up to five calendar years.

d) When statutes or other rules applicable to the Illinois State Board of Education (ISBE) or the SEPLB contain practices different from those set forth in this Subpart A, then those separate statutes and rules shall apply. Examples include, but are not limited to, proceedings related to the renewal of licenses under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Certification).

e) For the purposes of this Subpart A, all references to "license" shall be understood to mean a certificate issued under Article 21 of the School Code [105 ILCS 5/Art. 21], a license issued under Article 21B of the School Code [105 ILCS 5/Art. 21B], or a paraprofessional approval issued by the ISBE in accordance with 23 Ill. Adm. Code 25.510 (Paraprofessionals; Teacher Aides).

Section 475.20 Filing and Form of Documents

a) Documents and requests permitted or required to be filed with the SEPLB or hearing officer appointed by the SEPLB in connection with a hearing pursuant to this Subpart A shall be addressed and mailed or personally delivered to the Secretary of the SEPLB, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in any order of the SEPLB or hearing officer appointed by the SEPLB. The office of the SEPLB is open for filing of documents from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on federal and State legal holidays. Except as otherwise provided, a copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the designated hearing officer, if any, and the General Counsel to the ISBE (General Counsel) at 100 North First Street, Springfield, Illinois 62777 and to litigation counsel for the State Superintendent.

b) Documents shall clearly state a title for the proceedings in connection with which they are filed. Documents shall be presented in letter-quality print on one side only of letter-sized paper, and one copy of each document filed shall be signed by the party or by the party's authorized representative.

c) Computation of any period of time prescribed by this Subpart A or any other applicable requirement shall begin with the first ISBE business day following the date of filing of the document with the Secretary of the SEPLB and shall run until the end of the last day, or the next following ISBE business day if the last day is a Saturday, Sunday or legal holiday. The date of filing for any notice referenced in

this Subpart A shall be determined in accordance with Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25].

Section 475.30 Requirements for Service of Documents

a) Unless otherwise provided for in this Subpart A, service of any documents may be made by personal delivery; by delivery through the United States Postal Service, postage prepaid, addressed to the last known address of the party; or by electronically using the party's email address. Service by electronic mail is preferred. Parties having access to email are encouraged to serve documents via email. The hearing officer shall set any parameters for the use of email to serve documents to ensure the service is completed properly.

b) The person serving the document shall certify to the manner and date of service in the following form:

I certify that I served the foregoing by __(state method of delivery)__ on _____, 20___, addressed to the following at the address shown:

_____
Signature

c) If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

Section 475.40 Notice of Opportunity for Hearing

a) All actions conducted under the jurisdiction of the SEPLB shall be initiated when the State Superintendent of Education issues a written Notice of Opportunity for Hearing. The Notice shall be served by the State Superintendent or designee upon the licensee and the Secretary of the SEPLB.

b) The Notice of Opportunity for Hearing shall include:

1) A Statement of Charges alleged against the licensee, which shall consist of:

A) a short and plain statement of the material allegations asserted,

B) the citations to the statutes and rules that the licensee allegedly violated, and

C) the sanction recommended by the State Superintendent of Education;

2) The legal authority and jurisdiction under which the hearing is to be held;

3) The address to which a licensee shall send the request for hearing in accordance with subsection (e) of this Section;

4) A statement that failure to request a hearing within 10 days after receipt of the Notice of Opportunity for Hearing shall result in the recommended sanction set forth in the Notice immediately taking effect; and

5) A statement that upon the final order of the SEPLB to revoke or suspend a license, the SEPLB or its designee shall report the final disposition of the licensee to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse or its agent.

c) The service of a Notice of Opportunity for Hearing on the licensee shall be complete when it has been:

1) served in person; or

2) sent by certified or registered United States Mail, addressed to the last known address of the licensee; or

3) if service as described in subsection (c)(1) or (c)(2) of this Section cannot be perfected, then a Notice of Opportunity for Hearing shall be sent via regular United States Mail to the last known address of the licensee, and the State Superintendent shall cause publication to be made in some newspaper published in the county of the last known address of this person. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State having a circulation in the county in which action is pending. The publication shall contain, at a minimum, notice of the pendency of the State Superintendent's action; reference to the SEPLB as the relevant

tribunal; the name of the Secretary of the SEPLB; the name of the licensee; and the date on or after which default may be entered against the licensee. Pursuant to this subsection (c)(3), and for purposes of subsection (d) of this Section, receipt shall be deemed to occur upon publication.

d) If and once a licensee has requested a hearing in accordance with subsection (e) of this Section, any subsequent documents related to the matter that are served via regular United States Mail shall be sent to the address provided by the licensee on his or her written request.

e) If a licensee receiving a Notice of Opportunity for Hearing wishes to request a hearing, then he or she must file a written request for hearing within 10 days after receipt.

1) The written request for hearing shall be addressed to the State Superintendent of Education or designee, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the Notice of Opportunity for Hearing.

2) *If the State Superintendent does not receive from an individual a request for a hearing within 10 days after the individual receives notice, the suspension or revocation shall immediately take effect in accordance with the notice.* [105 ILCS 5/21B-75]

f) When the request for hearing is received, the State Superintendent or designee shall notify the Secretary of the SEPLB and request a hearing officer be designated in accordance with Section 475.50 of this Part.

Section 475.50 Hearing Officer: Qualifications, Powers and Duties, and Appointment

a) When a hearing is requested in accordance with Section 475.40(e) of this Part, the SEPLB or its designee may appoint a hearing officer.

b) For the purposes of this Subpart A, a "hearing officer" is defined as either the individual so appointed by the SEPLB or, when none is appointed, the SEPLB as a whole. The hearing officer shall be an attorney licensed to practice law in Illinois (see 5 ILCS 100/10-20) and, at the direction of the SEPLB, may either preside over the hearing in the presence of the SEPLB or conduct an independent

hearing. When a hearing officer is appointed, the parties shall be notified. When no hearing officer is appointed, all authority to conduct the hearing pursuant to this Subpart A shall be exercised by the SEPLB.

c) The hearing officer shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including without limitation the following:

1) To exercise the power of the State Superintendent of Education to issue subpoenas pursuant to any applicable statute;

2) To initiate, schedule, and conduct pre-hearing conferences, and issue related orders, pursuant to Section 475.70 of this Part;

3) To rule upon requests by either party for discovery in accordance with Section 475.90 of this Part;

4) To hold conferences for the settlement or simplification of the issues;

5) To regulate the course of the hearing and the conduct of the parties and their counsel during the hearing;

6) To administer oaths and affirmations;

7) To receive offers of proof and relevant evidence;

8) To consider and rule upon procedural requests;

9) To rule upon motions, objections, and evidentiary questions;

10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify; and

11) To make decisions in accordance with applicable law and rules.

d) *Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis,* no agency employee or hearing officer *shall, after notice of hearing* pursuant to this Part*, communicate, directly or*

indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or hearing officer *may have the aid and advice of one or more personal assistants.* [5 ILCS 100/10-60]

e) Disqualification

1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw by notice on the record directed to the Secretary of the SEPLB.

2) The SEPLB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)], for physical or mental incapacity, or for persistent failure to meet statutory or other timelines. A party's motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the SEPLB shall state the alleged grounds for disqualification.

3) In the event that a hearing officer is disqualified, the SEPLB or its designee shall appoint a new hearing officer in accordance with subsection (b) of this Section.

f) Failure or Refusal to Appear or to Obey the Rulings of a Hearing Officer

1) Contumacious or improper conduct at any hearing before the hearing officer may be grounds for exclusion from the hearing.

2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, then the hearing officer may make any orders with regard to the refusal as are just and appropriate, including an order regulating the contents of the record of the hearing or recommending the sanction recommended by the State Superintendent in the Notice of Opportunity for Hearing.

g) At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in

addition to counsel shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).

h) On any procedural question not regulated by this Subpart A, the appropriate Act, or the Illinois Administrative Procedure Act [5 ILCS 100], a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].

Section 475.60 Appearance of Parties

Any person entitled to participation in the proceedings may appear as follows:

a) A natural person may appear on his or her own behalf or by an attorney designated in writing; and

b) An attorney appearing on behalf of a party shall file a written notice of appearance.

Section 475.70 Pre-Hearing Conferences

a) Convening a Conference: Within 10 ISBE business days following the appointment of the hearing officer, the hearing officer shall contact the parties or their counsel for the purpose of scheduling an initial pre-hearing conference with the hearing officer that shall take place within the next 30 ISBE business days to consider:

1) Simplification of the issues;

2) The date by which the licensee shall file an Answer to the Statement of Charges, if the licensee intends to do so in accordance with Section 475.80(a) of this Part;

3) A schedule for each party to file requests for any applicable discovery;

4) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;

5) Stipulations, admissions of fact and of contents, and authenticity of documents;

6) Limitation of the number of witnesses;

7) Prior mutual exchange between and among the parties who have prepared testimony or exhibits; and

8) Other matters as may tend to expedite disposition of the proceedings and assure a just conclusion of the proceedings.

b) Subsequent pre-hearing conferences may be held upon the hearing officer's own motion or the motion of a party.

c) Record of Conference: The hearing officer shall make an order that recites the action taken at any conference held, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered. This order shall limit the issues for hearing to those not disposed of by admissions or agreements, and the order, when entered, shall control the subsequent course of the hearing unless modified by subsequent order of the hearing officer to prevent manifest injustice.

Section 475.80 Motions

a) A written answer to the Statement of Charges is not required; however, if a licensee desires to file a written answer, then he or she shall file that answer by the deadline set in any scheduling order established by the hearing officer at the initial pre-hearing conference (see Section 475.70(a) of this Part). Failure to file an answer shall be deemed a general denial of matters asserted.

b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, a motion shall be in writing. A written brief may be filed in support of a motion, and a response to a motion may take the form of a written brief, stating the arguments and authorities relied upon. Any written brief shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. Motions and any supporting briefs shall be filed and served in accordance with Sections 475.20 and 475.30 of this Part.

c) Within seven days after service of a written motion, or other period of time as the hearing officer may prescribe, owing to the complexity of the issues involved, a

party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.

d) Any motions contesting jurisdiction or otherwise seeking dismissal of a matter shall be filed no later than 21 days prior to the date of the hearing.

e) No oral argument shall be heard on a motion unless the hearing officer directs otherwise. If oral argument is permitted, then the hearing officer shall issue an order setting a date, time, and place for the argument. The hearing officer, in his or her sole discretion, may select the mode of communication for any such oral argument (e.g., telephone conference, video-conference, in-person).

f) A written motion shall be disposed of by written order by the hearing officer, with notice to all parties.

g) Prior to the commencement of any hearing, the State Superintendent may file a written motion seeking to amend the Statement of Charges. This motion may be granted by the hearing officer for reasons including, but not limited to, the discovery of new evidence. If the State Superintendent is granted leave by the hearing officer to file an amended Statement of Charges, then, unless otherwise agreed to by the parties, any hearing date previously set shall be stricken and re-set for a new date at least 30 days after the amended Statement of Charges is received by the licensee. The hearing officer, in the order granting leave to the State Superintendent to amend the Statement of Charges, shall include any changes to the pre-hearing schedule resulting from an amended Statement of Charges.

h) The hearing officer shall rule upon all motions prior to the presentation of evidence or testimony at the hearing, except that a hearing officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record. A hearing officer shall submit any recommendation on a licensee's motion for dismissal to the SEPLB, with a copy submitted to the parties of record, setting forth his or her legal and factual bases for the recommendation. Each party of record shall be allowed 14 days from receipt of the recommendation in which to submit exceptions to the recommendation and to present a brief to the hearing officer in support of the position of the party. If a party files an exception within 14 days, the other party shall be permitted seven days from the date the first party filed the exception to file its own exception. If the SEPLB denies the hearing officer's

recommendation to dismiss, then it shall order the hearing officer to continue with the hearing in accordance with Section 475.110 of this Part. If the SEPLB grants a party's motion to dismiss, then it shall enter an appropriate order.

i) Subject to the filing of a motion to amend the Statement of Charges, as referenced in subsection (g) of this Section, and unless otherwise ordered by the hearing officer, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

j) A hearing may be postponed or continued for good cause by the hearing officer upon the hearing officer's own motion or upon motion of a party to the hearing. The motion of the party shall set forth facts attesting that the request for continuance is not for the purpose of undue delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repeated postponements or continuances so that the subject matter may be resolved expeditiously.

Section 475.90 Discovery

a) Within 14 business days after a hearing officer has been appointed, the State Superintendent shall provide the licensee the full investigative file pertaining to the matters at issue, excluding only documents that are protected by a specific privilege. Parties shall exchange, and provide a copy to the hearing officer of, the documents or exhibits to be used at the hearing and list of witnesses to be called at the hearing no later than 14 days prior to the hearing, or by a deadline otherwise set by the hearing officer.

b) Evidence depositions may be taken with approval of the hearing officer for reasons of unavailability or for other good cause shown. The depositions may be taken orally or upon written interrogatories before any person designated by the hearing officer and having the power to administer oaths. Any party desiring to take the evidence deposition of a witness shall make application in writing to the hearing officer, supported by affidavit, setting forth:

1) The reasons why the deposition should be taken, including the reasons why the evidence deposition should be allowed in lieu of live testimony at the hearing; that is, a statement as to why the witness shall be unavailable

to testify at hearing, or what other good cause exists to allow the witness to testify through an evidence deposition rather than live testimony at the hearing;

2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

3) The name and address of each witness; and

4) The subject matter concerning which the witness is expected to testify.

c) Discovery depositions may be taken with approval of the hearing officer, under the following circumstances.

1) A party desiring to take the discovery deposition of a witness may make application in writing to the hearing officer, setting forth:

A) the reasons why the deposition should be taken, including that, to the best of the party's knowledge, there is no documentary evidence indicating the relevant knowledge of the individual to be deposed and that the individual to be deposed has not testified previously in a related matter or provided to ISBE a statement regarding his or her relevant knowledge;

B) that the deposition is necessary for a just disposition of any issue in a hearing;

C) the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

D) the name and address of each witness; and

E) the subject matter concerning which the witness is expected to testify.

2) The hearing officer may allow a party to take a discovery deposition upon a finding that:

A) there is no documentary evidence indicating the relevant knowledge of the individual to be deposed;

B) the individual to be deposed has not testified previously in a related matter or provided to ISBE a statement regarding his or her relevant knowledge; and

C) the deposition is necessary for a just disposition of any issue in a hearing.

d) Notwithstanding anything to the contrary in subsection (c) of this Section, the parties shall have the right to conduct a deposition of an expert witness (only if the expert witness has been identified as a witness who will testify at the hearing) and may do so by providing notice to the other party and the hearing officer, setting forth:

1) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; and

2) The name and address of the expert witness.

e) Any depositions shall be conducted pursuant to the Illinois Code of Civil Procedure [735 ILCS 5]. Any notice of deposition shall be given by the party taking the deposition to every other party.

f) The hearing officer shall allow for interrogatories and requests for production of documents, provided that:

1) A party may not serve more than 30 interrogatories, including subparts on any other party, except upon agreement of the parties or leave of the hearing officer granted upon a showing of good cause; and

2) Interrogatories and requests for production shall be restricted to the subject matter of the Statement of Charges or defense and shall avoid placing undue detail, excessive burden, or expense on the answering party.

g) The hearing officer may allow for other discovery if appropriate to a just disposition of any issue in a hearing.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULE

Section 475.100 Notice of Hearing

a) A Notice of Hearing shall be issued by the hearing officer and shall be served no fewer than 30 days before the day designated for the hearing, unless otherwise agreed to by all parties to a matter.

b) A Notice of Hearing served under this Section shall include:

1) The time and location of the hearing.

A) The location of the hearing shall be *in the educational service region where the educator is or was last employed* [105 ILCS 5/21B-75].

B) Alternatively, upon request by the licensee, the location of the hearing may be held in a location agreed upon by all of the parties to the hearing.

2) The name of the hearing officer, if any, to preside over the hearing, and the hearing officer's address.

Section 475.110 Hearings

a) The location of the hearing shall be the location included on the Notice of Hearing (see Section 475.100(b)(1) of this Part). All hearings shall be public unless required by statute or if the hearing officer determines, in his or her sole discretion, that the circumstances at any hearing warrant closure of the hearing in whole or in part.

b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:

1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the Notice of Opportunity for Hearing and Statement of Charges or answer;

2) Presentation of the State Superintendent's opening statement;

3) Presentation of the licensee's opening statement;

4) The State Superintendent's case;

5) The licensee's case;

6) The State Superintendent's rebuttal, if any;

7) The licensee's rebuttal, if any;

8) The State Superintendent's closing statement;

9) The licensee's closing statement;

10) Presentation and argument of all motions prior to final order;

11) Presentation of written briefs pursuant to subsection (j) of this Section; and

12) Filing of proposed findings of fact and conclusions of law, and recommendations of the hearing officer.

c) The State Superintendent of Education shall have the burden of proof. *The standard of proof for any administrative hearing held pursuant to* this Subpart A *shall be by the preponderance of the evidence.* [105 ILCS 5/21B-75]

d) Failure of a party to appear on the date set for the hearing or failure to proceed at the hearing as ordered by the hearing officer may, at the sole discretion of the hearing officer, constitute a default. In the case of a default, the hearing officer shall enter the findings, opinions, and recommendations as are appropriate based on the pleadings and evidence received into the record.

e) Evidence

1) A party shall be entitled to present the party's case or defense and oral or documentary evidence, to submit rebuttal evidence, and to conduct any cross-examination as may be required for full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding hearing officer may exclude evidence that is *irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil*

cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except where excluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a hearing officer may allow *evidence to be received in written form.* [5 ILCS 100/10-40]

2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer or a certified court reporter.

3) If a party objects to the admission or rejection of any examination, or to the failure to limit its scope, then the party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit the evidence subject to the right of the hearing officer to strike the evidence from the record either during the hearing or as a part of the proposed findings of fact and conclusions of law if the hearing officer determines that it was improperly admitted, in which case it shall not be considered in making proposed findings of fact, conclusions of law, and recommendations.

4) Formal exception to an adverse ruling is not required.

5) A hearing officer may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony at hearing by contemporaneous transmission from a different location (i.e., video-conference technology).

A) Good cause or compelling circumstances include when a witness is unexpectedly unable to attend the hearing, such as due to accident or illness, but is still able to testify remotely. Good cause can be established by agreement between the parties, and advance notice should be required.

B) Adequate safeguards are necessary to ensure accurate identification of the witness and protect against influences by other people present with the witness.

f) Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of this fact. *In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge* of the SEPLB. *Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts so noticed. The* SEPLB's *expertise, technical competence and specialized knowledge of the* SEPLB *may be utilized in the evaluation of the evidence.* [5 ILCS 100/10-40(c)]

g) Hostile or Adverse Witness

1) If the hearing officer determines that a witness is hostile or unwilling or adverse, then the witness may be examined by the party calling the witness as if under cross-examination.

2) The party calling an occurrence witness, upon the showing that the party called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.

h) *Oral proceedings or any part thereof shall be recorded* [5 ILCS 100/10-35(b)] by a certified court reporter. These records shall be transcribed either:

1) upon written application filed with the reporter or hearing officer by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the State Superintendent of Education, or

2) upon receipt of summons in administrative review or an order of a court, with payment of fees when allowed or required by statute. Any recording or transcription shall be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the SEPLB or by law.

i) The official record of each hearing conducted pursuant to this Subpart A shall consist of the items enumerated in Section 10-35(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-35(a)] and shall be maintained by the Secretary of the SEPLB.

j) The hearing officer shall allow parties to submit written briefs within 21 days after the close of the hearing or any other reasonable time as the hearing officer shall determine, consistent with the SEPLB's responsibility for expeditious decision.

Section 475.120 Orders

a) Consent Orders: At any time, the parties shall be afforded a reasonable opportunity to negotiate a settlement agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The parties shall notify the hearing officer that they have entered into settlement discussions or negotiations or have entered into an agreement disposing of the proceedings. Consent orders may constitute an agreement by the State Superintendent to amend the charges against the licensee, including the facts alleged and the recommendation for sanction, and shall constitute an agreement by the licensee to waive his or her request for a hearing.

1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

A) That the rule or order shall have the same force and effect as if made after a full hearing;

B) That the entire record on which any rule or order may be based shall consist solely of the Statement of Charges and the agreement;

C) A waiver of any further procedural steps before the hearing officer; and

D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

2) Any agreement reached by the parties in a case under this Subpart A shall be submitted as a consent order to the hearing officer for approval. Subject to subsection (a)(3) of this Section, upon approval of the agreement, the hearing officer shall forward it to the Secretary of the SEPLB for approval by the SEPLB.

3) The hearing officer and the SEPLB shall approve an agreement entered into by the parties unless the hearing officer or the SEPLB has evidence that one or more of the parties did not understand the terms of the agreement or was unduly influenced to enter into the agreement, or if the agreement is otherwise in violation of applicable law. Should either the hearing officer or the SEPLB reject a proposed consent order in accordance with this subsection (a)(3), the hearing officer or SEPLB must provide a written order explaining the basis for the rejection.

b) Hearing Officer's Recommendations

1) Initial Recommendations: Within 30 days after the later of the close of a hearing or the filing of written closing briefs, the hearing officer shall issue proposed findings of fact and conclusions of law, and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act [5 ILCS 100/10-45]. These recommendations shall be made upon consideration of the record as a whole or any portion of the record as may be supported by competent, material and substantial evidence.

2) Opportunity to File Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, conclusions of law, and recommendations to each party of record in the hearing and each party of record shall be allowed 21 days from the date the decision is sent via certified or electronic mail in which to submit exceptions to the findings of fact, conclusions of law, and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party. If a party files an exception within 21 days, then the other party shall be permitted 14 days from the date the first party filed the exception to file its own exception.

c) Final Order: The hearing officer shall present his or her proposed order in person to the SEPLB at either the first or the second next regularly scheduled meeting immediately following the last date by which a party is permitted to file an exception to the hearing officer's initial recommendation. Upon the hearing officer's presentation of his or her proposed order to the SEPLB, the SEPLB shall review the record and the hearing officer's findings of fact, conclusions of law, and recommendations, together with any exceptions thereto and briefs in support

thereof, and shall, within 30 days from the hearing officer's presentation, issue a final order that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50], accepting, rejecting or modifying the hearing officer's recommendation. The Secretary of the SEPLB is authorized to sign final orders on behalf of the SEPLB. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the attorney of record for that party. Each agency order shall specify whether it is final and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/Art. III].

d) Parties to the hearing are permitted to be present at the hearing officer's presentation to the SEPLB and may address the SEPLB during any public participation segment of the SEPLB meeting for a period of up to five minutes.

e) Upon final order of the SEPLB to revoke or suspend a license, the Secretary of the SEPLB or his or her designee shall report the final disposition of the license to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse or its agent.

SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

Section 475.210 Authority and Applicability

a) This Subpart B is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

b) This Subpart B shall apply to any contested case before the State Board of Education or State Superintendent of Education that is not conducted pursuant to Subpart A of this Part, except as provided in subsection (c) of this Section.

c) When statutes or other rules applicable to the ISBE contain practices different from those set forth in this Subpart B, then those separate statutes and rules shall apply insofar as they differ from this Subpart B.

d) In implementing the requirements of Subpart A referenced under this Subpart B, references to the "State Educator Preparation and Licensure Board" shall be understood to mean the "State Superintendent of Education". References to "licensee" shall be understood to mean the "party to the action".

Section 475.220 Filing and Form of Documents

All of the requirements set forth in Section 475.20 of this Part shall apply.

Section 475.230 Requirements for Service of Documents

All of the requirements set forth in Section 475.30 of this Part shall apply.

Section 475.240 Notice of Opportunity for Hearing

a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by issuance by the State Superintendent of Education of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.

b) The Notice of Opportunity for Hearing shall include:

1) The legal authority and jurisdiction under which the hearing is to be held;

2) A reference to the particular Section of the statutes and rules involved;

3) A short and plain statement of the matters asserted, except when a more detailed statement is otherwise provided by law;

4) The address to which the recipient of the Notice shall send the request for hearing in accordance with Section 475.40(e) of this Part; and

5) A statement that failure to request a hearing within 10 days after receipt of the Notice of Opportunity for Hearing shall result in the recommended action immediately taking effect as provided in the Notice.

c) Any recipient of a Notice of Opportunity for Hearing must file a written request for hearing within 10 days after receipt, which shall be addressed to the State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the Notice.

Section 475.250 Hearing Officer: Qualifications, Powers and Duties, and Appointment

All of the requirements set forth in Section 475.50 of this Part shall apply.

Section 475.260 Appearance of Parties

Any person entitled to participation in proceedings may appear as follows.

a) A natural person may appear on his/her own behalf or by a representative designated in writing.

b) An association or other business, nonprofit or government organization may appear by any bona fide officer, employee or representative designated in writing.

c) A designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the State Superintendent.

Section 475.270 Pre-Hearing Conferences

All of the requirements set forth in Section 475.70 of this Part shall apply.

Section 475.280 Motions

In addition to the requirements set forth in Section 475.80 of this Part, the following shall apply.

a) In the interest of convenient, expeditious and complete determination of matters, the hearing officer may consolidate or sever hearing proceedings involving any number of parties and may order additional parties to be joined.

b) Upon timely written application, the hearing officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any of the following conditions is met:

1) The party is so situated as to be adversely affected by a final order arising from the hearing;

2) The party has an unconditional statutory right to intervene in the proceedings; or

3) The party's circumstances and the hearing proceeding have a question of law or fact in common.

c) Two copies of a petition for intervention shall be filed with the General Counsel of ISBE at the address set forth in Section 475.20(a) of this Part, one copy shall be filed with the hearing officer, and one copy shall be served on each party no later than 48 hours prior to the date set for hearing of matters set forth in the Notice of Hearing. The hearing officer may permit later intervention when there is a good cause shown for the delay.

d) An intervenor shall have all the rights of an original party, except that the hearing officer may, in the order allowing the intervention, provide that the party shall not raise issues that might more properly have been raised at an earlier stage of the proceeding; that the party shall not raise new issues or add new parties; or that, in other respects, the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay might require.

Section 475.290 Depositions and Discovery

All of the requirements set forth in Section 475.90 of this Part shall apply, provided, however, that discovery depositions are prohibited.

Section 475.300 Notice of Hearing

The requirements set forth in Section 475.100 of this Part apply, provided, however, that the location of the hearing shall be either the State Board of Education's Springfield or Chicago office, chosen at the sole discretion of the State Board of Education, but taking into account the convenience of the other party or parties to the action.

Section 475.310 Hearings

All of the requirements set forth in Section 475.110 of this Part shall apply, provided, however, that each party has only one hour to present its case unless the hearing officer determines that more time is needed for any party to present adequate evidence and testimony.

Section 475.320 Orders

All of the requirements set forth in Section 475.120 of this Part shall apply.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Appeal Proceedings before the State Teacher Certification Board

2) Code Citation: 23 Ill. Adm. Code 485

3)

Section Numbers:	Proposed Action:
485.10	Repeal
485.20	Repeal
485.30	Repeal
485.40	Repeal
485.50	Repeal
485.60	Repeal
485.70	Repeal
485.80	Repeal

4) Statutory Authority: 105 ILCS 5/21-13

5) A Complete Description of the Subjects and Issues Involved: PA 96-431 removed the hearing authority previously held by the regional superintendent to initiate and hear certificate suspension cases (up to one year), and the authority of the State Superintendent to hear certificate suspension cases up to five years, making the requirements of Part 485 unnecessary. Therefore, Part 485 is proposed for repeal.

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

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 Objectives: 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:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

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 2012

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 485
APPEAL PROCEEDINGS BEFORE THE
STATE TEACHER CERTIFICATION BOARD (REPEALED)

Section

485.10 Authority and Applicability
485.20 Appeal of Decision to Suspend Certificate
485.30 Record of Suspension Proceedings
485.40 Briefs and Response
485.50 Oral Argument
485.60 Continuances and Extensions of Time
485.70 Withdrawal of Appeal
485.80 Decision of Board on Review

AUTHORITY: Implementing Section 21-23 of the School Code [105 ILCS 5/21-23] and authorized by Section 21-13 of the School Code [105 ILCS 5/21-13].

SOURCE: Adopted at 31 Ill. Reg. 10040, effective June 26, 2007; repealed at 36 Ill. Reg. _____, effective _____.

Section 485.10 Authority and Applicability

This Part is adopted pursuant to Section 21-13 of the School Code [105 ILCS 5/21-13]. This Part shall apply to all appeal proceedings conducted by the State Teacher Certification Board to review administrative decisions made by the State Superintendent of Education or the regional superintendent of schools to suspend certificates pursuant to Section 21-23 of the School Code.

Section 485.20 Appeal of Decision to Suspend Certificate

a) A holder of a certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21] shall have the right to appeal to the State Teacher Certification Board (Certification Board) a decision of the State Superintendent of Education or the regional superintendent of schools to suspend the holder's certificates. Prior to

rendering a decision, the Certification Board may avail itself of the services of a hearing officer to discharge any of its other responsibilities under this Part.

b) Form of Appeal
Each appeal shall conform to the following requirements:

1) The appeal shall be in writing, dated, and signed by the person appealing or his or her representative.

2) The appeal shall identify the certificate type and number and state the name of the certificate-holder, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order.

3) The appeal shall identify the parts of the suspension decision with which the holder disagrees and the specific reasons for that disagreement and shall state why the decision of the State Superintendent or the regional superintendent should be reversed.

c) Filing of Appeal
The certificate-holder shall file the appeal not later than ten days following receipt of the order of suspension. The appeal shall be submitted by certified mail, return receipt requested, or personally delivered, in duplicate, to the Secretary of the State Teacher Certification Board at the following address:

Secretary, State Teacher Certification Board
Illinois State Board of Education
100 North First Street
Springfield IL 62777

No electronic or facsimile transmissions will be accepted. Appeals postmarked later than ten days following the receipt of the order of suspension will not be processed.

d) Notice to Parties
The Board shall give written notice of the certificate-holder's appeal to the certificate-holder or his or her representative and the complaining party in the hearing that was held before the State Superintendent or regional superintendent.

This notice shall inform the certificate-holder of the required filing of a written brief and the opportunity:

1) to inspect the record; and

2) to file a request for oral argument and extension of stay before the Board.

e) Representation
Any party may be represented by legal counsel in the appeal proceeding.

Section 485.30 Record of Suspension Proceedings

a) The record of proceedings in a suspension case heard before the State Superintendent shall consist of:

1) The official record of the hearing as described in 23 Ill. Adm. Code 475.90(i), the rules of the State Board of Education for Contested Cases and Other Formal Hearings;

2) Any written briefs filed by the parties after the close of the hearing, as described in 23 Ill. Adm. Code 475.90(j); and

3) The order of the State Superintendent, including the findings, opinions, and recommendations of the Hearing Officer, as described in 23 Ill. Adm. Code 475.100.

b) The record of proceedings in a suspension case heard before a regional superintendent shall consist of:

1) All pleadings, notices, responses, motions, and rulings;

2) Evidence received;

3) A statement of matters officially noticed;

4) Offers of proof, objections, and rulings thereon;

5) Any proposed findings and exceptions;

6) Any decision, opinion, or report of the regional superintendent;

7) All staff memoranda or information submitted to the regional superintendent or regional office of education in connection with the regional superintendent's consideration of the case;

8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60], but no such communication shall form the basis for any finding of fact;

9) Any written briefs filed by the parties after the close of the hearing; and

10) The order of the regional superintendent, including the findings of fact, conclusions of law, opinions, or recommendations.

c) Upon reasonable notice, either written or oral, to the Secretary of the Board, a party may inspect the record of the suspension proceedings during normal business hours at the office of the Secretary. A party may also obtain a copy of the record at the party's own expense at the cost of $.25 per page.

d) No additional evidence outside the record of proceedings shall be presented by the parties before the Board.

Section 485.40 Briefs and Response

a) The certificate-holder shall file a written brief within 21 days after receipt of the notice provided pursuant to Section 485.20(d) of this Part. The brief shall include the following:

1) The certificate-holder's name, the certificate type and number, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order;

2) A summary of the portions of the suspension decision with which the holder disagrees and the specific reasons for that disagreement;

3) A statement of facts, with appropriate reference to the pages of the record on appeal; and

4) Argument, supported by reasons for contentions, with citation of legal authorities and the pages of the record relied on.

b) Briefs shall be filed with the Secretary of the Board in the same manner as is provided for the appeal in Section 485.20 of this Part, and a copy shall be served on the complaining party in the suspension hearing that was held before the regional superintendent or the State Superintendent.

c) The complaining party or the party's representative may file a response with the Board within 14 days after receipt of the certificate-holder's brief. Responses shall be supported by argument and served on all parties at the time they are filed.

d) Failure of a certificate-holder to file a timely brief as required by this Section shall constitute a withdrawal of the appeal.

Section 485.50 Oral Argument

The Board shall decide a case on the record of proceedings as defined in Section 485.30 of this Part and shall consider the certificate-holder's brief and any response, as defined in Section 485.40 of this Part, without oral argument; or shall grant oral argument where necessary or appropriate for a full and fair disposition of the appeal, as follows:

a) Request for Oral Argument
At the time of filing the brief, a certificate-holder may request in writing that the Board hear oral argument and extend the stay of proceedings. The requesting party must certify in writing that he or she has served a copy of the request for oral argument and extension of stay on the State Superintendent or regional superintendent.

b) Decision on Request
The Board shall grant or deny a request within 35 days after receiving it.

1) If the request is denied, the Board shall inform the certificate-holder in writing and thereafter issue its decision based on the record in accordance with Section 485.80 of this Part, and the decision shall contain the reasons for the denial of the request.

2) If the request is granted, the Board shall inform the parties in writing and shall order such review hearing as is necessary for a full and fair

disposition of the appeal. If a review hearing is scheduled, the Board shall hear oral argument from both the certificate-holder (or his or her representative) and the complaining party (or his or her representative).

c) Notice of Hearing
The Board shall give written notice to the parties of the date, time, and place set for the review hearing at least 14 days prior to the time fixed for the hearing.

d) Time Allotted for Oral Argument
Oral argument at the review hearing shall be limited to 20 minutes in length for each side, inclusive of rebuttal time.

e) Conduct of Review Hearing
The Board or hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel to ensure an orderly hearing and may consider and rule on procedural requests.

Section 485.60 Continuances and Extensions of Time

Parties shall make their oral arguments at the time and date set by the Board and timely file their briefs and responses. Continuances of an oral argument or extensions of time for filing briefs and responses shall be granted only by order of the Board for good cause shown (e.g., family emergency or scheduling conflict).

Section 485.70 Withdrawal of Appeal

The certificate-holder may voluntarily withdraw his or her appeal by submission of a signed, written statement to the Board at any time before the Board's decision is issued. The Board shall notify all parties when a notice of withdrawal is submitted.

Section 485.80 Decision of Board on Review

a) Standard of Review
In making its final decision with respect to an appeal of a suspension order, the Board shall not reverse the findings of the regional superintendent or State Superintendent unless they are against the manifest weight of the evidence.

b) Final Decision

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Within 75 days after receipt of the brief or any response, or after the review hearing, whichever occurs last, the Board shall make a final decision that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and shall serve by certified mail a copy of the final decision on each party.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: State Universities Civil Service System

2) Code Citation: 80 Ill. Adm. Code 250

3) Section Number: 250.30 — Proposed Action: Amendment

4) Statutory Authority: 110 ILCS 70

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will amend Section 250.30 by adding a new subsection (b) regarding Exemptions. Section 70/36e(3) of the State Universities Civil Service Act [110 ICLS 70/36e(3)] indicates that other principal administrative employees of each institution and agency may be exempt from civil service regulations as determined by the University Civil Service Merit Board. The new subsection (b) explicitly states who has authority to exempt positions from statutory jurisdiction. Each exemption under Section 70/36e(3) of the Act shall be reviewed and approved by the board of the agency, or as designated by the board to the Executive Director of the agency. The proposed rulemaking also makes minor, non-substantive, grammatical edits to existing subsections.

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
250.60	Amendment	35 Ill. Reg. 17415; October 28, 2011
250.70	Amendment	35 Ill. Reg. 17415; October 28, 2011
250.90	Amendment	35 Ill. Reg. 17415; October 28, 2011
250.110	Amendment	35 Ill. Reg. 17415; October 28, 2011

11) Statement of Statewide Policy Objectives: This proposed amendment will not create or enlarge a State mandate.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit written comments on this proposed amendment within 45 days after the date of publication to:

Abby K. Daniels
Manager, Legal Services and Legal Counsel
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

Phone: 217/278-3150, ext. 226
Email: abbyd@sucss.state.il.us

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: The agency did not anticipate this rulemaking.

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section
250.5 Definitions
250.10 Purpose, Adoption, and Amendment of Rules
250.20 The State Universities Civil Service System and its Divisions
250.30 The Classification Plan
250.40 Military Service Preference, Veterans Preference
250.50 Examinations
250.60 Eligible Registers
250.70 Nonstatus Appointments
250.80 Status Appointments
250.90 Probationary Period
250.100 Reassignments and Transfers
250.110 Separations and Demotions
250.120 Seniority
250.130 Review Procedures
250.140 Delegation of Authority and Responsibilities
250.150 Training
250.160 Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. _____, effective _____.

Section 250.30 The Classification Plan

a) Coverage. The classification plan shall include all classes, as approved, and from time to time amended, by the Merit Board, except those exempted by Section 36e of the Act~~Statute~~. ~~Exemptions under Section 36e(3) of the Statute shall be by position. When approved by the Merit Board, a position shall remain exempt until such exemption is terminated by the Merit Board. The Director shall publish guidelines for such exemptions, as approved by the Merit Board.~~ This classification plan shall apply to all positions subject to Section 250.20(a).

b) Exemptions

1) The Executive Director shall publish guidelines, as approved by the Merit Board, for exemptions identified in Section 36e of the Act.

2) Each position proposed to be exempt under Section 36e(3) of the Act shall be reviewed and approved by the Merit Board or, as designated by the Merit Board, by the Executive Director. Exemption authority in this respect lies solely with the Merit Board or, as designated by the Merit Board, with the Executive Director. When approved by the Merit Board, a position exempt under Section 36e(3) of the Act shall remain exempt until the exemption is terminated by the Merit Board.

c) Class Specifications~~.~~

1) The University System shall maintain written specifications, as approved by the Merit Board, for each class in the classification plan. The~~Such~~ specifications shall include the class title, function of position, characteristic duties and responsibilities, minimum acceptable qualifications, including any special licenses or certificates required by State~~state~~ or federal laws, and additional desirable qualifications.

2) The employer shall post notice of the addition of a new class or of the reactivation of a former class, together with a copy of the class

specification, at each appropriate place of employment for a period of at least 10~~ten~~ calendar days prior to the date a position of the new~~,~~ or ~~of the~~ reactivated~~,~~ class is filled;~~,~~ except that, for status employees affected by reclassification or reallocation of their positions, as provided in subsections ~~Section 250.30(f)~~(g)(1) and ~~250.30(f)~~(g)(2), this Section does not apply. The notice of the addition of a new class or ~~of~~ the reactivation of a former class~~, as provided for in this Section,~~ shall be posted in all public places allocated for Civil Service employment information.

d~~c~~) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title shall be used on all personnel records and transactions. A functional title may also be given to a position by the employer, but that~~such~~ functional title cannot be a title approved by the Merit Board as a Civil Service class title.

e~~d~~) Allocation of New Positions. When a new position is established, the employer shall recommend in writing to the Executive Director its allocation to an appropriate class, and the Executive Director shall act upon the~~such~~ recommendation.

f~~e~~) Reallocation or Reclassification of Existing Positions~~.~~

1) A request to reallocate or reclassify any existing position may originate with the employee and/or the employer. When material changes occur in the duties and responsibilities of a position, the employer shall recommend to the Executive Director in writing the reallocation or reclassification of the position to its appropriate class, and the Executive Director shall review the request, shall act upon it, and shall notify the employer of his/her action.

2) A position may be abolished, the class of a position may be changed, or a new class specification may be prepared, provided that no such change shall be made for the purpose of separating an employee from employment in a position in his/her class.

3) In order to maintain a sound classification program, the employers, working with the staff of the University System office, shall carry on continuous classification studies.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

g~~f~~) Status of an Employee Whose Position is Reallocated or Reclassified~~.~~

1) An employee~~,~~ whose position is reallocated or reclassified~~,~~ shall be eligible for continued employment in the position that~~which~~ is reallocated or reclassified, provided the employee~~he~~ establishes eligibility for the~~such a~~ new class. The employee~~He~~ may establish eligibility by meeting the minimum qualifications for the new class to which the position has been reallocated or reclassified~~,~~ and by passing an examination for the new class. The employee~~He~~ must complete a probationary period in the position in the new class.

2) A status employee in a position that~~which~~ is reallocated or reclassified, who chooses not to qualify for, or who fails to gain eligibility for, the new class, shall have his/her name placed by the employer on the reemployment register for the former class in accordance with Section 250.60(b)(1).

3) An employee~~,~~ serving a probationary period in a position that~~which~~ is reallocated or reclassified~~,~~ who fails to gain eligibility for the new class, and for whom no vacant position exists in the class from which his/her position has been reallocated or reclassified, shall have his/her name placed by the employer on the register from which he/she was certified to a position in the former class in accordance with Section 250.60(b)(3)~~(2)~~ or ~~Section 250.60~~(b)(4)~~(3)~~. If the employee~~he~~ has completed a probationary period in a position in a lower class in the same promotional line as that of his/her former position, the employee's~~his~~ name shall be placed by the employer on the reemployment register of the lower class in accordance with Section 250.60(b)(1) and (b)(2).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible

2) Code Citation: 89 Ill. Adm. Code 325

3)

Section Numbers:	Adopted Action:
325.10	Amend
325.20	Amend
325.30	Amend
325.40	Amend
325.50	Amend
325.55	New
325.60	Amend
325.70	Amend
325.80	New
325.APPENDIX A	New
325.APPENDIX B	New

4) Statutory Authority: The Administration of Psychotropic Medications to Children Act [20 ILCS 535]

5) Effective Date of Rulemaking: February 24, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 14, 2011; 35 Ill. Reg. 16169

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:
New Section 325.55 titled "Children in Temporary Living and Independent Living Programs" was added.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

New Section 325.APPENDIX A titled "Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care" was added.

New Section 325.APPENDIX B titled "DCFS Psychotropic Medications List" was added.

In Section 325.20, adds definitions of "Child Care Facility" and "Foster Child".

In Section 325.20, deletes from definition of PRN medications: "that allow caregivers in group home, residential or hospital settings".

In Section 325.30(h), adds "The caseworker shall ask each youth age 18 or older to sign a consent for release of information for this purpose.".

In Section 325.30(i)(8), deletes "In the case of children who are 12 years of age or older," and adds "and the reason for the child's objection".

In Section 325.30(k), "(See Appendix B of this Part.)" was added.

In Section 325.30(o)(1), added "I) When requested by the DCFS Guardian.".

Section 325.55 titled "Children in Temporary Living and Independent Living Programs" was added.

In Section 325.60(a), "and materials" was added.

In Section 325.80(d), "or with a properly executed consent" was added.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes. However, some of the changes that JCAR thought were nonsubstantive in nature were actually substantive. Therefore, the changes would not have afforded the public an opportunity to review and comment on them. The Department has removed them from the rulemaking but agrees to consider such changes for a future rulemaking.

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

14) Are there any amendments pending on this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

- Requires investigators/caseworkers to identify potential medical and mental health issues when children enter foster care. If the child is taking psychotropic medication, the worker shall ensure appropriate consent is provided to continue administration of that medication.
- Requires DCFS to publish *Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care* and *DCFS Psychotropic Medications List* on its website and on websites of DCFS psychiatric consultants. These publications shall be provided to all authorized agents and to substitute care agencies and hospitals that accept DCFS wards for placement or treatment.
- Requires prescribers to use a Psychotropic Medications Request Form provided by DCFS when requesting consent to prescribe these medications.
- Describes the use and approval process for one-time, non-emergency medication.
- Requires DCFS to designate an Oversight Treatment Team to conduct reviews of psychotropic medication use by DCFS wards in specified circumstances.
- Designates staff of the Centralized Consent Unit and Emergency Reception Center as the only DCFS staff that may consent to administration of psychotropic medications for DCFS wards. Requires initial and periodic training for these staff.
- Requires facilities and licensed prescribers to monitor a child's response to medications.
- Requires Administrative Case Reviewers at 6-month case reviews to ask whether a ward is taking psychotropic medications, ensure that appropriate consents for medications were obtained, and to report deviations in practice to the DCFS guardian and appropriate management staff.
- Requires that residential facilities licensed by DCFS have a written policy for the safe and accurate administration of medications to all children in the facility.
- Requires that temporary living and independent living programs serving DCFS wards have a written policy for the safe and accurate administration of medications to all children in the program.
- Requires DCFS to offer training for residential facilities, hospitals, foster parents and relative caregivers concerning the requirements of this Part.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62701-1498

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The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 325
ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS
TO CHILDREN FOR WHOM THE DEPARTMENT OF
CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section

325.10 Purpose
325.20 Definitions
325.30 General Provisions
325.40 Medication Approval Standards
325.50 Children in Residential Facilities and/or Psychiatric Hospital Settings
325.55 Children in Temporary Living and Independent Living Programs
325.60 Children in Foster Care
325.70 Miscellaneous Provisions
325.80 Violations of this Part
325.APPENDIX A Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care
325.APPENDIX B DCFS Psychotropic Medications List

AUTHORITY: Implementing Section 5 of the Children and Family Services Act [20 ILCS 505/5], the Juvenile Court Act of 1987 [705 ILCS 405], the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100] and the Administration of Psychotropic Medications to Children Act [20 ILCS 535].

SOURCE: Adopted at 19 Ill. Reg. 8600, effective June 15, 1995; emergency amendment at 35 Ill. Reg. 16877, effective October 1, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3846, effective February 24, 2012.

Section 325.10 Purpose

The following standards and procedures shall govern the administration of psychotropic medications to persons under the guardianship of the Department pursuant to court order or for whom the Department has custody and has, by court order or via an adoptive surrender, been authorized to consent to major medical procedures. It is the purpose of this rule to create a system which promptly identifies and evaluates the needs of children for psychotropic

medication, provides timely access to such medication, and monitors children on such medication, while recognizing the risks that such medications pose, particularly if they are not prescribed and monitored with care. Psychotropic medication must not be used simply for the convenience of staff members or caregivers, to punish children, or as a substitute for adequate staffing and programming.

(Source: Amended at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.20 Definitions

"Administrative Case Review" means a review of permanency planning, open to the participation of the parents of the child, conducted by a person who is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review. (See 42 USCA 675.) The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents or relative caregivers as specified in 89 Ill. Adm. Code 316.50 (Conduct and Participation at Administrative Case Reviews).

"Administrative Case Review Chronic Report" means a report generated as a result of an administrative case review that identifies unmet services or casework needs identified in previous reviews. Categories of service or casework needs include counseling, medical, dental, school reports, visitation, assessments and worker contacts.

"Administrative Case Review Critical Alert Report" means a report generated as a result of an administrative case review that identifies actions or inactions in violations of rule, procedure or law, or acts of gross impropriety that endanger the safety, well being and permanency of children. Examples of critical issues include caregiver violation of licensing standards or law; worker violation of law; court ordered visitation changed without notification; and neglect of a child's critical medical needs.

"Administrative Case Reviewer" means a trained professional who is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subjects of the review.

"Authorized Agent~~agent~~" means Department staff who have been appointed and authorized by the ~~Director to officially act in the place of the~~ Guardianship

Administrator to officially act in the place of the Guardianship Administrator to authorize and consent to matters concerning children for whom the Department has legal responsibility.

"Centralized Consent Unit" means the staff of authorized agents under the Department's Division of Guardian and Advocacy responsible for processing all psychotropic medication consents on a statewide basis during working hours.

"Child Care Facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Child Care Act of 1969*, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of* the Child Care Act of 1969. [225 ILCS 10/2.05]

"Children for Whom~~whom~~ the Department Is Legally Responsible ~~is legally responsible~~" means children for whom the Department has temporary protective custody as authorized by the Abused and Neglected Child Reporting Act, children for whom the Department has been appointed legal custodian or guardian by order of a Juvenile Court, children whose parents~~parent(s)~~ have signed an adoptive surrender, or children for whom the Department has temporary custody via a voluntary placement agreement. For purposes of consenting to the administration of psychotropic medications, the Department must be the legal guardian or custodian with~~which has been granted~~ the authority to consent to major medical care.

"Department" or "DCFS" means the Illinois Department of Children and Family Services.

"Emergency Medication" means psychotropic medication given to a child when circumstances exist in which a child for whom the Department is legally responsible poses a threat of imminent serious harm to self or others.

"Emergency Reception Center" or "ERC" means the staff of authorized agents under the Department's Division of Child Protection responsible for processing all psychotropic medication consents on a statewide basis after working hours and on holidays and weekends.

"Foster Child" means a child in the custody or guardianship of the Department who is currently living in a child care facility licensed by the Department.

"Licensed Prescriber", for purposes of this Part, means a physician, a physician assistant licensed in accordance with the Physician Assistant Practice Act of 1997, or an advanced practice nurse in accordance with a written collaborative agreement required under the Nurse Practice Act.

"Medication Monitoring" means the use of clinical observation, physical examination, and laboratory testing to monitor a child's or youth's response to one or more prescribed psychotropic medications to determine if a psychotropic medication is safe, effective and being prescribed at the optimal dose using approved best practice monitoring methods.

"One-time, Non-emergency Medication" means the one-time administration of a psychotropic medication prescribed by a licensed prescriber to a child or youth for whom the Department is legally responsible for the acute management of symptoms of insomnia or other troublesome symptoms that may adversely affect a child's or youth's sense of well being following an evaluation conducted by a qualified health professional.

"Oversight Treatment Team"~~Pharmacological Review Committee~~" means a committee appointed by the Department that~~which~~ is comprised of the Department's Chief Psychiatric Consultant, Medical Director and Chief Nurse and representatives from the Division of Guardian and Advocacy and the Division of Clinical Services. At~~at least three representatives, at~~ least one representative must be~~of whom is~~ a Board certified Child and Adolescent Psychiatrist~~psychiatrist who specializes in the treatment of children and adolescents~~. This Committee shall have the~~certain~~ powers and duties ~~as~~ prescribed in this Part.

"PRN Medication" or "Pro re nata medication" means standing medication orders to administer a psychotropic medication for the emergency management of aggression, psychotic agitation, insomnia and other troublesome symptoms without a physician assessment or specific approval according to parameters set by the licensed prescriber.

"Psychiatric Consultant~~consultant~~" means a Board-certified Child and Adolescent Psychiatrist~~psychiatrist~~ as defined in 405 ILCS 5/1-121 who has specialized in

child and adolescent psychiatry and who provides consultation to the Department's Guardian and Advocacy Division and authorized agents.

"Psychiatric Hospital" means a mental health facility that can provide 24-hour psychiatric services. This includes:

psychiatric facilities operated by the Illinois Department of Human Services-Division of Mental Health;

private psychiatric hospitals licensed by the Illinois Department of Public Health; or

a specific unit in a general hospital in which diagnosis, treatment, and care for persons with mental illness is provided and that is licensed by the Illinois Department of Public Health.

"Psychotropic Medication" means any medication capable of affecting the mind, emotions and behavior. This includes medications whose *use for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification or behavioral management purposes is listed in AMA Drug Evaluations, latest edition, or Physician's Desk Reference, latest edition or* that *are administered for any of these purposes* [405 ILCS 5/1-121.1]. For the purpose of this definition, medications used to induce or sustain sleep or to treat symptoms of aggression, enuresis and psychotropic medication-induced adverse effects are also included.

~~*"Psychotropic medication" means medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification or behavioral management purposes is listed in AMA Drug Evaluations, latest edition, or Physician's Desk Reference, latest edition, or which are administered for any of these purposes.* [405 ILCS 5/1-121.1]~~

"Residential Facility~~facility~~" means a group home, child care institution, maternity center, youth transitional living program, or secure child care facility licensed by the Department or an institution or group home licensed by the Illinois Department of Public Health that provides full time treatment and/or care for children.~~any facility in which one or more children for whom the Department of Children and Family Services is legally responsible are housed, whether or not that facility is located within the State of Illinois, including but not limited to group homes, child care institutions, inpatient mental health facilities, including~~

~~those operated by the Illinois Department of Mental Health and Developmental Disabilities.~~ Facilities operated by the Illinois Department of Corrections and the Illinois Department of Juvenile Justice are not residential facilities~~,~~ as defined in this Part.

"Substitute Care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, and care provided in a residential facility as defined in this Part.

(Source: Amended at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.30 General Provisions

a) The administration of psychotropic medication is prohibited to children for whom the Department is legally responsible as punishment for disruptive or inappropriate~~bad~~ behavior, for the convenience of staff members or caregivers or as a substitute for adequate ongoing programming for the children's needs ~~is prohibited~~.

b) Except in an emergency, and subject to subsections~~subsection~~ (a), (c), (d) and (g) ~~above~~, psychotropic medication shall never be administered to children for whom the Department is legally responsible without the prior approval of an authorized agent as set forth in this Part.

c) PRN medications for the purpose of behavioral management, inducing sleep, or treating other emotional, behavioral or psychiatric illnesses are prohibited.

d) One-time, non-emergency medications may be used for the acute management of sleep disturbances or to treat other non-emergent emotional, behavioral or psychiatric symptoms that adversely affect a patient's well being. Licensed prescribers are required to notify the Department's Division of Guardian and Advocacy, in writing, of the administration of an emergency psychotropic medication or a one-time, non-emergency medication.

e) Upon taking protective custody, the Department's investigation specialists shall identify potential medical and mental health issues through contact with the child's parents, relatives, schools or current and/or previous physicians and observation of the child's behaviors. The investigation specialist shall attempt to

obtain information on all medications and/or medical equipment needed by the child. If the child is on psychotropic medication, when possible, the investigation specialist shall ensure appropriate consent is provided from the parent or legal guardian.

f) The child's caseworker shall ask parents, relatives and foster parents if the child is on any medications and whether the child has any known or suspected medical or mental health issues. The caseworker shall obtain identified mental health documents and all medications and/or medical equipment needed by the child. If the child is on psychotropic medication, the caseworker shall ensure appropriate consent is provided from the parent or legal guardian to continue administration of that medication.

g)~~e)~~ Children for whom the Department ~~of Children and Family Services~~ is legally responsible who have been committed to facilities operated by the Illinois Department of Corrections or the Illinois Department of Juvenile Justice are governed solely by the rules of the Illinois Department of Corrections (20 Ill. Adm. Code 415, Health Care) which also pertains to committed adults and emancipated minors, the Unified Code of Corrections [730 ILCS 5], and corrections case law for purposes of the administration of psychotropic medications. In its role as guardian, the Department of Children and Family Services may contest decisions made by the Illinois Department of Corrections or Department of Juvenile Justice in accordance with 20 Ill. Adm. Code 415 regarding the involuntary administration of psychotropic medications to Department wards placed in those facilities ~~operated by the Illinois Department of Corrections~~.

h) A Psychotropic Medication Consent Form shall be attached as an exhibit to each child's Client Service Plan for each psychotropic medication being administered to the child. The caseworker shall ask each youth age 18 or older to sign a consent for release of information for this purpose.

i) The Department shall provide a Psychotropic Medication Request Form. Copies of the Request Form shall be completed by licensed prescribers prescribing psychotropic medications for wards of the Department. Additionally, the Department shall distribute the Request Form to all substitute care agencies and hospitals in which wards of the Department reside and to all authorized agents. At a minimum, the Request Form shall request the following information:

1) The child's name, date of birth and weight;

2) The medication to be administered;

3) The dosage and frequency of administration;

4) The duration, which in no event shall exceed 180 days;

5) Diagnosis, target symptoms and behavior;

6) Other medications the child is taking;

7) The name and specialty of the licensed prescriber;

8) Whether the child objects to the administration of the medication and the reason for the child's objection;

9) Cultural/ethnic information about the child;

10) Tests/procedures that monitor potential side effects that are of greatest concern;

11) Over the counter or herbal supplements the child is taking;

12) Medications that were discontinued and the reason for the discontinuation; and

13) Whether completion of the form is notification of emergency administration of a psychotropic medication and, if so, a brief explanation of the nature and circumstances for administering that medication.

j) The Department shall employ or contract with one or more psychiatric consultants. The psychiatric consultants shall provide clinical consultation for all requests to administer psychotropic medication to a Department ward as provided in Section 325.40 (Medication Approval Standards).

k) The Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care are listed in Appendix A. The Department will also publish these Guidelines on its website and the websites of the Department's psychiatric

consultants. The Guidelines shall include basic information for licensed prescribers regarding the administration of psychotropic medications to foster children. In addition, the Department shall publish the DCFS Psychotropic Medications List on its website and the website of the Department's psychiatric consultants. The Medications List shall include all psychotropic medications, including medications used to treat sleep problems, bedwetting and medication-induced adverse effects, that may be prescribed for children in the custody or guardianship of the Department; their FDA indications; contraindications; the acceptable range of dosages; and monitoring requirements, if any. (See Appendix B of this Part.) The Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care and the DCFS Psychotropic Medications List shall be approved, reviewed at least annually, and updated as necessary by the Oversight Treatment Team. The names, qualifications and professional positions of the members of the Oversight Treatment Team shall be listed in the Guidelines and the DCFS Psychotropic Medications List.

l) The Guidelines and the DCFS Psychotropic Medications List (and any revisions) shall be provided to all authorized agents and to substitute care agencies and hospitals that accept children in the custody or guardianship of the Department for placement or treatment.

~~d) The Department shall establish a Pharmacological Review Committee which shall develop and publish a Pharmacy and Therapeutic Manual. The manual shall list all acceptable psychotropic medications which are approved by the Committee for use with children for whom the Department is legally responsible and shall list their purposes, the acceptable range of dosages, contraindications and time limits, if any. The names, qualifications, and professional positions of the members of the Pharmacological Review Committee shall be listed in the front of the manual. The Committee shall also review the Pharmacy and Therapeutic Manual on at least an annual basis and make recommendations for change, as necessary.~~

~~e) The Pharmacy and Therapeutic Manual and any revisions to it shall be provided to all authorized agents and to all residential facilities in which children for whom the Department is legally responsible reside.~~

m)~~f)~~ The Centralized Consent Unit and Emergency Reception Center (ERC) staff~~Authorized agents~~ shall be provided with regular periodic training in the use and contents of the Guidelines and the DCFS Psychotropic Medications List~~manual~~. The Guardianship Administrator~~Department~~ shall appoint, subject to

the review of the Oversight Treatment Team~~Pharmacological Review Committee~~, an individual~~a professional who specializes in treating children and adolescents~~ to provide training to the Centralized Consent Unit and ERC Staff~~authorized agents~~ on the use of the Guidelines and the DCFS Psychotropic Medications List~~manual and its contents~~. The training shall include:

1) initial training before the authorized agent assumes the responsibilities of the Centralized Consent Unit or ERC position. This training shall include an explanation of the purpose of the Guidelines~~manual, how to use the manual~~, the contents of the Guidelines,~~manual~~ including an explanation of commonly prescribed psychotropic medications, the appropriate dosages for children and adolescents, ~~common~~ side effects, conditions~~danger signs, illnesses~~ for which medications are~~medication is~~ commonly prescribed, ~~the discretion left to the authorized agent~~, and the procedure for approval or denial of the psychotropic medications~~medication~~;

2) annual training; and

3) training before any revisions to the Guidelines~~manual~~ take effect.

n) Administrative Case Reviews

1) During the Administrative Case Review process, the reviewer shall inquire into the following:

A) Whether the child has any mental health issues and, if so, whether those issues are being addressed;

B) Whether the child is on psychotropic medications;

C) Verification that appropriate consents and other documentation are present in the child's case record;

D) Verification that psychotropic medications are being monitored according to accepted standards of care;

E) Identification of the licensed prescriber; and

F) Whether a referral has been or should be made to a DCFS Regional Nurse.

2) If the reviewer finds any deviation from the requirements of the six areas listed in subsection (n)(1), the reviewer shall issue an ACR Critical or Chronic Alert Report to the Guardianship Administrator and other appropriate Department management staff.

o) Oversight Treatment Reviews

1) The Oversight Treatment Team shall conduct reviews of a child's psychotropic medications when:

A) A child or youth has been prescribed more than four psychotropic medications at one time;

B) Psychotropic medications are prescribed for a child under four years of age (excluding stimulants);

C) A child has been taking the same psychotropic medication for more than two years with no changes in dosage;

D) A child has been prescribed more that one psychotropic medication from the same class;

E) A child is prescribed frequent changes of psychotropic medications for the same condition or illness (occurring more frequently than every four weeks) without a clear rationale (e.g., side effects);

F) Dosages prescribed for a child exceed standard weight and age protocols;

G) Notices for emergency medications administered to a child exceed more than two a day for three consecutive days;

H) A worker's observations of the child or youth or the child's behavior raise concerns that have been referred to the DCFS Regional Nurse; and

I) When requested by the DCFS Guardian.

2) The Oversight Treatment Team may contact the licensed prescriber to discuss the rationale for the prescribed medications and will make decisions and give approval for actions needed regarding service delivery based on the outcome of the treatment team's review.

~~g) The Guardianship Administrator shall review the authorized agent's consents given pursuant to this Part within 30 days after the start of the authroized agent's use of the manual and at least once every 90 days thereafter.~~

~~h) The Department shall employ or contract with one or more psychiatric consultants. Authorized agents shall consult with the psychiatric consultant employed or contracted by the Department as provided in Section 325.40, Medication Approval Standards.~~

~~i) The Department shall provide the Pharmacological Review Committee with statistical and non-identifying data regarding the administration of psychotropic medication to children governed by this Part including, where applicable, data from foster parent licensure reviews and administrative case reviews. The Committee shall review such data at least annually to determine whether psychotropic medication is being administered appropriately and in compliance with this Part. The Committee shall determine whether additional or different data shall be collected and whether this Part should be modified to achieve the goals set forth above.~~

(Source: Amended at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.40 Medication Approval Standards

a) Centralized Consent Unit and Emergency Reception Center staff may provide consent for~~Authorized agents may, at their discretion, approve~~ the administration of a~~any~~ psychotropic medication only after the Department's Psychiatric Consultant has provided clinical consultation and deemed the requested medication as appropriate. If a request for~~whose use and dosage is listed in the Pharmacy and Therapeutic Manual, provided that children for whom the Department is legally responsible are not taking any other psychotropic medications and subject to the provisions of Section 325.30(a). Authorized agents may approve the~~ administration of any psychotropic medication that~~which~~

does not meet the criteria listed in this subsection is deemed appropriate by the Department's Psychiatric Consultant and the Centralized Consent Unit or ERC staff consents, the staff shall note this fact on the consent form. If all requested information has been provided to the Centralized Consent Unit or ERC staff and consultation has occurred, the staff must provide consent or denial of psychotropic medication within 24 hours for inpatient requests and 48 hours for all other requests. If approval or denial of the request for medication is not provided within specified time frames, the requesting party may contact the Office of the Guardianship Administrator or designee for assistance in obtaining a response. ~~only following consultation with the Department's psychiatric consultant. The authorized agent shall note on the consent form when consent has been given for the administration of a psychotropic medication which is not listed in the Pharmacy and Therapeutic Manual.~~

b) Additionally, whenever the Centralized Consent Unit or ERC staff~~authorized agent~~ is advised that a child for whom the Department is legally responsible objects to the administration of psychotropic medication, Centralized Consent Unit or ERC staff may~~the authorized agent must~~ consult with both the licensed prescriber~~physician~~ who is recommending the medication and the Department's psychiatric consultant ~~employed or contracted by the Department~~ prior to approving or denying the medication. Centralized Consent Unit or ERC staff~~Authorized agents~~ shall assess the basis for the child's objection to the psychotropic medication. This assessment may include asking the child's caseworker to interview the child to determine the basis for his/her objection. The reason for the child's objection must be fully documented on the Psychotropic Medication Request Form~~approval form provided for in Section 325.50(a) below~~. Although the Guardianship Administrator may give consent notwithstanding the child's objection, the licensed prescriber must follow all provisions of the Illinois Mental Health and Developmental Disabilities Code [405 ILCS 5].

c) Every consent~~authorization~~ for the administration of psychotropic medication shall be limited in time. Under no circumstance may psychotropic medication be authorized for a period exceeding 180 days. At the expiration of the period set forth in the authorization, psychotropic medication may be reauthorized pursuant to the standards and procedures contained in this Part. The duration of consent may be less than 180 days if deemed clinically appropriate by the Department's psychiatric consultant.

d) When the Department grants consent for the administration of a psychotropic medication to a foster child, it is granting consent to all prescribers who subsequently care for the child in other treatment settings until the consent expires.

e) Psychotropic Medication Monitoring. The licensed prescriber and facility shall monitor a child's response to medications according to the Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care and the DCFS Psychotropic Medications List to determine if the psychotropic medications being administered are safe and effective based on criteria identified in the treatment plan and are being prescribed at the appropriate dosage. Means of monitoring safety, effectiveness and appropriateness of dosage include but are not limited to:

1) Clinical observations of symptoms and/or side effects documented in the patient's chart;

2) Vital signs (blood pressure, pulse and temperature);

3) Weight and height;

4) Symptom severity scales;

5) Adverse effects scales;

6) Blood tests to assess the medications' effects on the body, such as a complete blood count, metabolic panel, and thyroid function tests; and

7) Blood levels of specific medications such as lithium and various anticonvulsant mood stabilizers.

f) Continued use of medications that appear not to have the desired clinical effects or that are associated with problematic adverse effects must be re-evaluated by the licensed prescriber to determine the appropriateness of continuing the medication.

g) At least every 90 days, the licensed prescriber shall assess and document the status of the child/youth for any adverse reactions and document the presence or absence of tardive dyskinesia in a child/youth on antipsychotic medications. The licensed prescriber shall assess the continued need for the medication at least

annually. The caseworker shall document this assessment in the child's case record.

h) Centralized Consent Unit and ERC staff may deny consent to the administration of psychotropic medications, whether the medications are among those listed in the Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care and the DCFS Psychotropic Medications List or have been approved by the psychiatric consultant. However, Centralized Consent Unit and ERC staff may only deny consent after consulting both the licensed prescriber and the Department's psychiatric consultant. The Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care and the DCFS Psychotropic Medications List shall contain a statement setting forth this authority. In the event of a denial of a medication request, the specific reasons for the denial shall be set forth on the Psychotropic Medication Consent Form.

i)~~d)~~ Whenever a licensed prescriber~~physician~~ recommends the administration of one or more psychotropic medications~~medication~~ to a child for whom the Department is legally responsible, the child shall be advised of the purposes and effects of the medication and of the potential side effects of the medication to the extent that such advice is consistent with the nature and frequency of the side effects and the child's ability to understand the information communicated. The child shall also be provided written information concerning the medication and its side effects, unless it has been determined that such information could not be understood by the child. This written information shall be provided in the child's primary language. ~~Nothing in this Section shall be deemed to create any liability on the part of the physician or the residential facility based upon the failure to provide the child with complete and accurate information.~~

~~e)~~ ~~Authorized agents retain the authority to deny consent to the administration of psychotropic medications whether or not they are among those listed in the Pharmacy and Therapeutic Manual or whether they have been approved by the psychiatric consultant. Authorized agents may only deny consent to the administration of psychotropic medication after consulting both the prescribing physician and the psychiatric consultant. The Pharmacy and Therapeutic Manual shall contain a statement setting forth this authority. In the event of a denial of a medication request, the specific reasons for the denial shall be set forth on the Psychotropic Medication Approval form provided for in Section 325.50(a) below.~~

~~f)~~ ~~Authorized agents must render their oral approval or denial of psychotropic~~

~~medication within 24 hours from the time they receive the request for approval, and shall confirm their approval in writing within two working days, unless the reason for the delay is the unavailability of the prescribing physician to consult with the authorized agent. If oral approval or denial of the request for medication is not rendered within 24 hours from the time the request was received, the requesting party shall contact the Office of the Guardianship Administrator or designee for assistance in obtaining a response.~~

(Source: Amended at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.50 Children in Residential Facilities and/or Psychiatric Hospital Settings

Residential facilities licensed by the Department shall have a written policy, approved by each facility's on-call physician and governing body, for the safe and accurate administration of medications to all children and youth in the facility.

~~a) The Department shall create and distribute a Psychotropic Medication Approval form. Copies of the form shall be distributed to all residential facilities in which wards of the Department reside and to all authorized agents. That form shall include the following information:~~

~~1) the child's name, age, weight, and diagnosis;~~

~~2) the medication to be administered;~~

~~3) the dosage and frequency of the medication;~~

~~4) the duration, which in no event shall exceed 180 days;~~

~~5) target symptom(s) and behavior;~~

~~6) other medication the child is receiving;~~

~~7) the potential side effects of the medication which are of greatest concern;~~

~~8) the name of the prescribing physician;~~

~~9) in the case of children who are 14 years of age or older, whether the ward objects to the administration of the medication.~~

a)~~b)~~ Residential facilities and psychiatric hospitals that~~which~~ provide care to children for whom the Department is legally responsible shall submit a~~be advised by the Department that, whenever they seek approval of an authorized agent for the administration of a psychotropic medication, they will be asked the questions on the~~ Psychotropic Medication Request Form when requesting consent from Centralized Consent Unit or Emergency Reception Center staff for the administration of psychotropic medications~~Approval form~~. When consent is granted, the authorized agent shall ensure that a copy of the Psychotropic Medication Consent Form is provided to the child welfare worker and the residential facility or hospital that submitted the request. The residential facility and/or hospital shall place~~complete~~ a copy of the Psychotropic Medication Consent Form~~approval form which is to be kept~~ in the child's case or medical record~~ at the facility~~. For after hours consent requests, authorized agents at the ERC shall send a copy of the Psychotropic Medication Consent Form to the Department's psychiatric consultant. ~~Whenever approval is granted by an authorized agent, the agent shall complete and sign three copies of the form, retain one copy for the child's case record and forward a copy to the Guardianship Administrator and to the residential facility where the child resides.~~

b)~~c)~~ Prior consent from an authorized agent at the Centralized Consent Unit or ERC~~an authorized agent~~ is not required when an emergency exists as defined in this Part, or for the administration of a one-time non-emergency medication. However, the Centralized Consent Unit~~authorized agent~~ shall be notified in writing of the administration of medication within one week of its initial administration. The ~~Department shall provide each residential facility with Emergency~~ Psychotropic Medication Request Form shall~~forms to~~ be used by the residential facility or psychiatric hospital~~in reporting~~ to report~~the authorized agent~~ the administration of emergency medication or for the administration of one-time non-emergency medication. When used for notification of the use of a psychotropic medication due to an emergency or a one-time non-emergency situation, the Request Form~~This form~~ shall be completed by either a registered nurse or a physician who has examined the child and shall contain the information set forth in Section~~subsection~~ 325.30(h)~~(a) above~~. Additionally, the Request Form~~form~~ shall require a brief explanation of the nature and circumstances for the administration of the emergency medication or for the administration of a one-time non-emergency medication. A copy of the Request Form~~this form~~ shall be placed in the child's case record or medical file~~at the residential facility and a copy shall be forwarded to the Guardianship Administrator and the authorized agent for the~~

~~child~~. Emergency or one-time non-emergency medications~~medication~~ may only be administered on a one-time basis. Each administration of an emergency or one-time non-emergency medication requires submission of the Psychotropic Medication Request Form, notifying the Department of the use of the one-time emergency or non-emergency medication. ~~not continue for more than 48 hours, excluding Saturdays, Sundays and holidays. The administration of psychotropic medication beyond this period may only occur if approved by an authorized agent as provided for in this Part.~~

c) PRN medications are prohibited under this Part.

d) The administration of psychotropic medication shall be monitored as follows:

1) The medical director of each residential facility or hospital, or designee who has been licensed in accordance with the provisions of the Nurse Practice~~Illinois Nursing~~ Act ~~of 1987~~ [225 ILCS 65], shall conduct a monthly review of all psychotropic medications and record that review in writing. This record shall be reviewed during the on-site inspections required by this Part. During this monthly review, the medical director or designee shall conduct an inventory of all psychotropic medications and shall verify that:

A) psychotropic medications are labeled~~labelled~~ with the child's name, directions for administering the medication, the date and licensed prescriber's~~prescribing physician's~~ name, prescription number, and drug store or pharmacy;

B) all medications are stored in a locked cabinet or within a locked refrigerator, if required for proper storage;

C) all controlled substances are accounted for or, if any amount of a controlled substance is missing, an incident report has been filed with the Director of the facility or hospital;

D) psychotropic medications are dispensed in accordance with the requirements of the prescription;

E) written consents for administration~~the provision~~ of psychotropic medications have been received from the parent or guardian, as

appropriate;

F) any medications for children who have left the facility or hospital or who have been on runaway status 14 days or longer have been properly disposed.

~~2) The Guardianship Administrator's office shall collate all Emergency Psychotropic Medication forms and all Psychotropic Medication Approval forms in binders divided according to residential facility. The Guardianship Administrator's office shall review these binders monthly. The psychiatric consultant shall also review these binders every 90 days.~~

2)~~3)~~ The Department shall conduct unannounced on-site reviews at least annually to assure that the approval forms reflect the actual practice in the residential facility or hospital and that the ~~residential~~ facility/setting is in compliance with this Part. Such reviews shall include an investigation into whether the Psychotropic Medication Approval Forms, whether for notification of emergency administration, one-time non-emergency administration or routine use,~~Emergency Psychotropic Medication Request forms and the Psychotropic Medication Request forms~~ accurately reflect those children/youth~~minors~~ who have objected to the administration of medication.

e) The Department shall offer training at least once a year~~every six months~~ for personnel employed by residential facilities and/or hospitals concerning the content of this Part and the procedures through which psychotropic medication may be authorized. This training shall also encompass medical consultation, consent, general psychiatric admission processes, and review of the Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care and the DCFS Psychotropic Medications List as training resources and informational tools.

(Source: Amended at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.55 Children in Temporary Living and Independent Living Programs

a) Temporary Living and Independent Living programs shall have a written policy, approved by each program's on-call physician and governing body, for the safe and accurate administration of medications to all youth in the program.

b) Youth entering Temporary Living and Independent Living programs should be able to self-administer their medications.

1) If a youth entering a Temporary Living program is unable to self-administer his/her medications, the program staff shall determine whether it is appropriate to support and train the youth to do so, or to deny placement.

2) If a youth entering an Independent Living program is unable to self-administer his/her medications, the program staff shall deny admission.

c) Each youth age 18 and over entering a Temporary Living or Independent Living program shall be asked to sign a consent authorizing program staff to obtain information from the youth's medical and psychiatric providers. If a youth refuses or is reluctant to sign a consent, the caseworker shall be contacted. The caseworker shall explain to the youth that program staff need this information to help the youth learn to meet his/her medical and mental health needs and provide appropriate consultation review of prescribed psychotropic medication. If a youth over age 18 still refuses to sign a consent, it should be noted in the youth's service plan.

d) Centralized Consent Unit and ERC staff shall use the same standards, forms and rules for approving psychotropic medication for youth under 18 years of age in Temporary Living and Independent Living programs as are set forth in Section 325.40.

(Source: Added at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.60 Children in Foster Care

a) The Department shall offer~~provide~~ training and materials for ~~all~~ foster parents and relative caregivers~~(including but not limited to relative family homes and foster homes supervised directly by the Department as well as homes supervised by private agencies)~~ concerning the procedures for approving psychotropic medication, and the need for and use of psychotropic medications and possible side effects. This training shall also address~~include training in the those~~ circumstances in which the child may self-medicate, where appropriate.

b) No~~Except in an emergency, no~~ psychotropic medication shall be administered to any child for whom the Department is legally responsible who resides in foster care unless the licensed prescriber~~physician who is prescribing the medication~~ has obtained prior consent~~approval~~ for the~~such~~ medication from the Centralized Consent Unit or Emergency Reception Center staff~~an authorized agent~~.

c) The Health Passport,~~ which is~~ issued by the Department to all children for whom it is legally responsible, shall contain the following~~a~~ statement: "Consent of the DCFS Guardian is required prior to the administration of any psychotropic medication. Consent must be obtained from the Centralized Consent Unit or Emergency Reception Center."~~ that, except in an emergency, no psychotropic medication may be administered to any such child without the approval of an authorized agent.~~

d) Centralized Consent Unit and ERC staff~~Authorized agents~~ shall use the same standards, forms and rules for approving psychotropic medication for children in foster care as are set forth above in Section 325.40~~325.50~~.

e) The foster parent shall inform the licensed prescriber~~prescribing physician~~ that:

1) the child is in foster care;

2) the consent of the Centralized Consent Unit or ERC staff~~an authorized agent~~ is required before psychotropic medication may be administered to the child; and

3) psychotropic medications~~medication~~ may only be administered pursuant to this Part.

(Source: Amended at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.70 Miscellaneous Provisions

~~a) The Psychotropic Medication Approval form specified in Section 325.50(a) shall be attached as an exhibit to the Client Service Plan form for each psychotropic medication which is being administered.~~

~~b) When a child has a neurological or psychiatric condition for which the administration of psychotropic medications is likely, the Department shall request~~

~~from the Juvenile Court the power to consent to major medical care including specifically the administration of psychotropic medication.~~

a)~~c)~~ Youth~~Minors~~ who have been declared emancipated for the purposes of consent to medical treatment by any court shall have the qualified right to refuse psychotropic medication as provided for adults in Sections 2-107 and 2-107.1 of the Illinois Mental Health and Developmental Disabilities Code [405 ILCS 5/2-107 and 2-107.1] but subject to Section 325.30(g)~~(c)~~.

b)~~d)~~ Youth~~Children~~ for whom the Department is legally responsible who have reached the age of 18 shall have the qualified right to refuse psychotropic medication as provided for adults in Sections 2-107 and 2-107.1 of the Illinois Mental Health and Developmental Disabilities Code [405 ILCS 5/2-107 and 2-107.1] but subject to Section 325.30(g)~~(c)~~.

(Source: Amended at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.80 Violations of this Part

a) Violations by Physicians

1) For psychotropic medications that were started without consent, the Psychotropic Medication Consent Form from the Centralized Consent Unit shall indicate that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian.

2) A first warning letter from the Department's Division of Guardian and Advocacy shall be sent to physicians who have received five such notifications. The letter shall inform the physician that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part may result in a complaint being filed with the Illinois Department of Financial and Professional Regulation.

3) A second warning letter from the Division of Guardian and Advocacy shall be sent to any physician who has received an additional five such notifications. The letter shall inform the physician that it is a violation of this Part to prescribe a psychotropic medication to a foster child without

the consent of the Guardian and that any further violations of this Part shall result in a complaint being filed with the Illinois Department of Financial and Professional Regulation.

4) A Violation Notification letter from the Division of Guardian and Advocacy shall be sent to any physician who has received an additional such notification. The letter shall inform the physician that the Guardian is lodging a complaint with the Illinois Department of Financial and Professional Regulation. The Guardian shall notify the Illinois Department of Financial and Professional Regulation by certified mail that the physician has repeatedly violated the consent requirement of this Part.

b) Violations by Group Homes and Residential Treatment Facilities

1) For psychotropic medications that were started without consent, the Psychotropic Medication Consent Form from the Centralized Consent Unit shall indicate that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian.

2) A first warning letter from the Division of Guardian and Advocacy shall be sent to group homes and residential treatment facilities (institutions) who have received 10 warning letters. The letter shall inform the institution that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part may result in a licensing complaint being filed with the DCFS Division of Monitoring.

3) A second warning letter from the Division of Guardian and Advocacy shall be sent to institutions who have received an additional 10 warning letters. The letter shall inform the institution that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part shall result in a licensing complaint being filed with the Division of Monitoring.

4) A Violation Notification letter from the Division of Guardian and Advocacy shall be sent to any institution that has received an additional notification. The letter shall inform the Director of the institution that the Guardian is lodging a licensing complaint with the Division of

Monitoring. The Guardian shall notify the Division of Monitoring that the institution has repeatedly violated the consent requirement of this Part.

c) Violations by Psychiatric Hospitals or Psychiatric Units

1) For psychotropic medications that were started without consent, the Psychotropic Medication Consent Form from the Centralized Consent Unit shall indicate that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian.

2) A first warning letter from the Division of Guardian and Advocacy shall be sent to psychiatric hospitals or psychiatric units (hospitals) who have received 10 warning letters. The letter shall inform the hospital that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part may result in a licensing complaint being filed with the Illinois Department of Public Health.

3) A second warning letter from the Division of Guardian and Advocacy shall be sent to hospitals who have received an additional 10 warning letters. The letter shall inform the hospital that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part shall result in a licensing complaint being filed with the Illinois Department of Public Health.

4) A Violation Notification letter from the Division of Guardian and Advocacy shall be sent to any hospital that has received an additional notification. The letter shall inform the Director of the hospital that the Guardian is lodging a complaint with the Illinois Department of Public Health as a licensing violation. The Guardian shall notify the Illinois Department of Public Health by certified mail that the hospital has repeatedly violated the consent requirement of this Part.

d) Notice to Guardian ad Litem
The Guardian shall notify *the guardian ad litem appointed pursuant to Section 2-17 of the Juvenile Court Act of 1987* [705 ILCS 405/2.17] *of a ward who has been administered a psychotropic medication in violation of* this Part when *the*

guardian ad litem has requested notification and provides the Department with documentation verifying that, pursuant to the Mental Health and Developmental Disabilities Confidentiality Act, the court has entered an order granting the guardian ad litem authority to receive and review this information or with a properly executed consent. [20 ILCS 535/10(e)]

(Source: Added at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.APPENDIX A Guidelines for the Utilization of Psychotropic Medications for Children in Foster Care

Introduction

With few exceptions, children and youth in State custody have experienced abuse and/or neglect and often have chaotic caretaking histories with disrupted attachments and multiple placements. Additionally, they may be genetically predisposed to mental illness and may have been exposed in utero to substances of abuse. Not surprisingly, children in foster care are at higher risk for developing emotional and behavioral disturbances and mental illness, utilize mental health services at higher rates, and are more likely to receive psychotropic medications than children from comparable backgrounds.

The utilization of psychotropic medications, defined as drugs used to affect psychological functioning, perception, behavior or mood, for the treatment of children and youth in foster care with severe emotional and behavioral disturbances, has increased dramatically over recent years. The increased utilization of psychotropic medications is paralleled by an equally dramatic increase in the rate of polypharmacy, the co-administration of two or more psychotropic medications. Data on the safety and efficacy of many of the psychotropic medications used in children and youth and research supporting the practice of polypharmacy in this population is limited.

As a result of the increased use of psychotropic medications in children and youth, several highly publicized cases of seemingly inappropriate prescribing, and the recent FDA warnings on the psychostimulants (such as Adderall, Ritalin and Concerta) and the SSRIs (e.g., Prozac, Zoloft, Celexa, Lexapro and Luvox), the treatment of children and youth in State custody with psychotropic medications has come under intense scrutiny from the press, child advocacy groups, and State and federal regulatory agencies.

The provision of psychiatric care for children and youth in the child welfare system faces several hurdles. Not uncommonly, children in foster care are treated in multiple settings, including psychiatric hospitals, residential treatment centers, juvenile detention facilities, outpatient clinics and therapeutic day schools. Communication between providers in each of the settings is often quite poor resulting in fragmented psychiatric care. Additionally, the dependable, ongoing therapeutic and caregiving relationships these children desperately need are hampered by the high turnover among child welfare caseworkers and child care providers. Furthermore, unlike mentally ill children from intact families, often no consistent interested party is available to coordinate treatment planning and clinical care, provide informed consent for treatment, or provide longitudinal oversight of a foster child's treatment.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

By law, the Illinois Department of Children and Family Services (DCFS) is responsible for consenting to the medical, surgical and psychiatric care for children and youth in its custody. To meet these guardianship responsibilities, DCFS established the Centralized Psychotropic Medication Consent Program in the Office of the Guardian to provide consent for the prescription of psychotropic medications. To support the consent process, DCFS has contracted with the University of Illinois at Chicago to provide an independent review of all consent requests from clinicians to prescribe psychotropic medications for children in its care.

In June 2006, DCFS convened an Expert Panel to provide consultation to the Department to establish a set of treatment guidelines for these children and youth. It was the consensus of the participants in the Expert Panel that children in the child welfare system present with such complicated clinical pictures that the formation of rigid treatment algorithms that clinicians must rigidly adhere to is unrealistic. Instead, the Expert Panel recommended principles to guide prescriptive practices. The guidelines that follow serve to inform the practice of pediatric psychopharmacology in this population and to provide a framework to assure the provision of quality psychiatric services to DCFS wards. These guidelines are not meant to supersede clinical judgment.

Guidelines

1. **This Part requires that written consent from the DCFS Guardian must be obtained prior to prescribing a psychotropic medication to a child or youth under 18 years of age.** In addition the child should give informed assent prior to starting the medication. In order to be effective, informed assent should be based on an honest discussion of risks versus benefits and potential side effects of the proposed treatment, availability of alternative treatments, prognosis with and without the proposed medication treatment, and potential for drug interactions. The treating clinician should document this discussion in the patient's medical record.

2. **The prescription of psychotropic medications is just one component of a comprehensive treatment plan that includes psychosocial and behavioral interventions.** Psychotropic medications are not to be used in place of psychosocial or behavioral interventions that the child or youth requires. Furthermore, 89 Ill. Adm. Code 384 (Behavioral Treatment in Residential Child Care Facilities) specifically prohibits the use of psychotropic medications for chemical restraint. Chemical restraint is defined as the use of any psychoactive medication that is not a part of the patient's treatment plan during a behavioral crisis or psychiatric emergency that results in the sedation of the child for the express purpose of restricting an individual's freedom of movement.

3. **All children and youth must receive a diagnostic assessment prior to starting a psychotropic medication.** A diagnostic assessment should include, at minimum:

   a. history of the present illness;

   b. past psychiatric history, including medication history;

   c. medical and surgical history;

   d. allergies;

   e. current medications;

   f. family history (when available and relevant);

   g. mental status examination;

   h. DSM-IV[1] diagnosis; and

   i. treatment plan.

   In addition, a physical examination should be done. Baseline laboratory studies and/or an EKG should be obtained if medically indicated and in accordance with accepted standards of care and in congruence with the prescribing clinician's medical judgment.

4. **It is strongly recommended that the prescribing clinician communicate with other clinicians involved in the child's care, particularly other prescribers. The clinician must document that attempt in the medical record.** The purpose of this recommendation is to obtain collateral information to enhance continuity of care and to facilitate the monitoring of the outcome of the medication trial. This communication is particularly important in the treatment of wards hospitalized on a psychiatric unit. According to the Illinois Department of Healthcare and Family Services, 50% of all medications prescribed to patients discharged from State operated psychiatric facilities are discontinued and alternative medications initiated within 2 weeks after discharge. Communication among prescribers is also important when a ward moves from one treatment setting to another (i.e., a lateral move from one residential treatment facility to another) or from one level of care to another (e.g., discharge from a psychiatric hospital back to a foster home). Treatment summaries from the treating clinician should follow

the patient detailing the treatment course with particular emphasis on results of psychotropic medication trials.

5. **Prescription of a psychotropic medication should be based on research showing it to be safe and effective for the disorder being treated. Medications that have been approved by the Federal Drug Administration (FDA) for the treatment of a specific disorder in children or youth meet this requirement by definition and should be used preferentially over non-FDA approved medications when they are available.** Exceptions can be made when a patient has had a history of a successful trial of an off-label medication, if a first degree relative has responded to the medication being requested, if the patient is allergic to the FDA approved medication, or if the patient is on other medications that react unfavorably with the preferred medication. Few medications used to treat psychiatric disorders in children and youth are approved by the FDA for use in this age group; however, off-label use of drugs by prescribers is not only legal, but may represent the standard of care. Prescribers have the responsibility to be well informed about the product, to base its off-label use on firm scientific rationale and sound medical evidence, and to maintain records of the product's use and effects. If data supporting the use of the medication in children and youth are not available, data can be extrapolated from the adult literature, though caution is advised.

6. **Medications prescribed should be appropriate to the patient's diagnosis and target symptoms and must be part of the treatment plan.** For patients in whom the diagnosis is not clear or there is no appropriate DSM-IV diagnosis, the decision to prescribe a psychotropic medication may be based on the presence of target symptoms that are likely to be responsive to psychotropic medications.

7. **Existing medication algorithms should be consulted when making the decision about which medication to use for a specific disorder.** Algorithms designed for use by the consultants to the DCFS Centralized Psychotropic Medications Consent Line are based on the Children's Medication Algorithm Project (ADHD and depression), the American Academy of Child and Adolescent Psychiatry (AACAP) Practice Parameter for the Assessment and "Treatment of Children and Adolescents with Bipolar Disorder, and various AACAP Practice Parameters all available from the American Academy of Child and Adolescent Psychiatry, 3615 Wisconsin Avenue, NW, Washington DC 20016-3007, (202)966-7300 or AACAP's website at http://www.aacap.org and the American Academy of Pediatrics Attention Deficit Hyperactivity Disorder diagnostic guidelines available from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village IL 60007-1098, (847)434-4000 or AAP's website at http://www.aap.org.

8. **The decision to utilize polypharmacy (more than one psychotropic medication) or copharmacy (more than one psychotropic medication in the same medication class) should be based on a solid clinical rationale and accepted medical practice.** Research supports the use of polypharmacy in the treatment of certain co-morbid conditions, for augmentation for partial responders, for treating the adverse effects of other psychotropic medications, and for treating multiple symptoms of a single disorder. The following guidelines should be followed when considering polypharmacy or copharmacy:

   a. Unless otherwise indicated in published treatment algorithms for children and youth, monotherapeutic options should be exhausted before considering polypharmacy or copharmacy.

   b. When polypharmacy is necessary, the fewest medications should be used as possible.

   c. Clinicians should be ready to support their use of polypharmacy or copharmacy should DCFS request a review of the case.

   d. The concurrent use of slow-release and immediate-release formulations of the same chemical (e.g., Concerta and methylphenidate) is not considered to be polypharmacy or copharmacy.

   e. To the extent possible, medications should be started and titrated one at a time. Copharmacy with antipsychotic medications has little evidence to support its use in adults and no quality data to support that practice in children and youth. All requests for concurrent pharmacotherapy with two or more antipsychotic medications will be closely scrutinized.

9. **The prescription of psychotropic medications should be accompanied by education for the patient, his or her foster family or treatment team, and (when indicated) his or her family of origin.** The nature of the diagnosis, the prognosis, and the risks and benefits of treatment, as well as non-treatment, and alternative treatment options should be discussed in detail.

10. **Pharmacotherapy with psychotropic medications must be monitored closely. The frequency of visits depends on the phase of treatment.**

   a. Initiation phase – the initiation phase of treatment warrants frequent visits, weekly for some treatments, to monitor early treatment emergent side effects, the

development of suicidal ideation in patients treated with antidepressant medications, and the effectiveness of treatment. Clinicians should not implement treatment with psychotropic medications that cannot be monitored closely.

b. Acute treatment phase – this phase is defined as the period of time between initiation of treatment and remission of symptoms and is characterized by frequent visits. The duration of the acute duration phase of treatment is variable.

c. Continuation phase – once the symptoms have remitted, treatment continues to prevent relapse. This phase of treatment lasts between four and six months and is characterized by regular visits.

d. Maintenance phase – treatment after the continuation phase is for the prevention of recurrence of the underlying disorder. Not all pharmacotherapy requires maintenance treatment. For example, successful treatment of a single episode of depression in a child does not require maintenance treatment. In contrast, treatment of ADHD with stimulants often requires a long maintenance phase. Visits during the maintenance phase can be less frequent. Depending on the stability of the patient, visits could be as infrequent as two to three times per year.

e. Discontinuation phase – the prescribing clinician should consider discontinuation of the psychotropic medications when the patient has recovered from the underlying episode and is no longer at risk for relapse. Medication discontinuation requires a separate treatment plan with increased frequency of visits to monitor for signs of relapse. Medications should be tapered slowly to prevent withdrawal effects.

11. **Response to treatment should be monitored through the use of standardized symptom severity scales and instruments to measure treatment emergent side effects.** Follow-up may also include height, weight, abdominal girth, blood pressure, pulse, CBC with differential, thyroid function studies, lipid profile panels, liver function tests, EKGs and drug levels as indicated by the patient's medication regimen.

12. **In order to be effective, medication trials must be adequate in terms of dosage and duration.** A medication may be falsely characterized as ineffective if the trial is inadequate. Inadequate medication trials frequently occur due to changes in treatment setting. For example, admission to and discharge from an inpatient unit is often accompanied by a change in medication, often before an adequate trial has been completed. When available, blood levels of medications should be followed to assure an

adequate dosage. At times the dose of a medication needed to maintain a therapeutic blood level may exceed the maximum recommended dosage for that medication. In those cases, the blood levels, not the dosage, should inform treatment.

13. **If a child does not respond to the medication trial despite adequate dosage and duration, the prescribing clinician should assess patient compliance, reassess the diagnosis, rule-out the presence of co-morbid conditions, including substance abuse and general medical disorders, and evaluate the influence of psychosocial stressors.**

14. **DCFS specifically prohibits the use of pro re nata (PRN) medications.** Prior consent for the one-time administration of a psychotropic medication is not necessary when an emergency exists. However, all administration of emergency medications must be reported to DCFS.

Case Review

The following situations will trigger a closer review of a patient's care and possible denial of psychotropic medication requests:

1. Four or more psychotropic medications prescribed concomitantly (three or more for children six years of age or younger).

2. Prescription of psychotropic medications, with the exception of stimulants, for children under the age of four.

3. The concomitant prescription of:

   a. two or more antidepressants[2];

   b. two or more antipsychotic medications;

   c. two or more stimulant medications[3]; or

   d. three or more mood stabilizer medications.

4. Frequent changes of psychotropic medications without a clear rationale, such as adjusting medication dosages or in response to treatment emergent side effects.

5. The requested psychotropic medication is not consistent with the patient's diagnosis or the patient's target symptoms.

6. Polypharmacy is utilized before exhausting monotherapeutic options.

7. The psychotropic medication dose exceeds usually recommended doses for weight and age.

8. The prescription of psychostimulants to an actively psychotic child.

9. Children for whom emergency medications are used more than twice a day for three or more consecutive days.

End Notes:

1 "DSM-IV" means the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (American Psychiatric Association, 1400 K Street NW, Washington DC 20005 (1994)) or most current edition.

2 The prescription of trazodone or mirtazepine as a sleep aid in addition to another antidepressant does not constitute concomitant prescribing.

3 The prescription of a long-acting stimulant and an immediate release stimulant of the same chemical entity (e.g., Concerta and methylphenidate) does not constitute concomitant prescribing.

(Source: Added at 36 Ill. Reg. 3846, effective February 24, 2012)

Section 325.APPENDIX B DCFS Psychotropic Medications List

The DCFS Psychotropic Medications List identifies all psychotropic medications, including medications used to treat sleep problems, bedwetting and medication-induced adverse effects that may be prescribed for children in DCFS custody or guardianship; their FDA indications; contraindications; the acceptable range of dosages; and monitoring requirements, if any. The DCFS Psychotropic Medication List is compiled by the University of Illinois Chicago (UIC) Department of Psychiatry, 1747 W. Roosevelt Rd., Chicago IL 60608, (312)996-7723 (2011).

The DCFS Psychotropic Medications List is available on the DCFS website (www.state.il.us/dcfs) and the UIC Department of Psychiatry website (http://www.psych.uic.edu/csp/DCFS_Psychotropic_Medication.pdf).

(Source: Added at 36 Ill. Reg. 3846, effective February 24, 2012)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Money Pool Agreements

2) Code Citation: 83 Ill. Adm. Code 340

3)

Section Numbers:	Adopted Action:
340.10	Amendment
340.20	Amendment
340.30	Amendment

4) Statutory Authority: Implementing Sections 7-101 and 7-102 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-101, 7-102, and 10-101]

5) Effective Date of Amendments: March 1, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 10, 2011; 35 Ill. Reg. 8615

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? None required

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: 83 Ill. Adm. Code 340, "Money Pool Agreements" regulates any affiliated interest agreement that provides a mechanism for borrowing or lending monies among affiliated parties. Money pool agreements are established to coordinate and provide for the short-term cash requirements of the participating parties. The rules are designed protect the interests of those regulated

entities and their customers. The amendments implement PA 96-0927 by specifying that the provisions of Part 340 apply to local exchange telecommunications carriers that elect market regulation for their competitive retail telecommunications services.

16) Information and questions regarding this rulemaking shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER B: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 340
MONEY POOL AGREEMENTS

Section
340.10 Applicability
340.20 Definitions
340.30 Minimum Requirements for Short-Term Loans from Affiliates to Utilities
340.40 Minimum Requirements for Short-Term Loans from Utilities to Affiliates
340.50 Investment of Money Pool Funds
340.60 Required Filings and Procedures

AUTHORITY: Implementing Sections 7-101 and 7-102 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-101, 7-102, and 10-101].

SOURCE: Adopted at 28 Ill. Reg. 8473, effective June 15, 2004; amended at 36 Ill. Reg. 3884, effective March 1, 2012.

Section 340.10 Applicability

a) This Part shall apply to public utilities as defined in Section 3-105 of the Public Utilities Act (Act) [220 ILCS 5/3-105], ~~and~~ incumbent local exchange carriers that provide noncompetitive services as defined in Section 13-202.5 of the Act [220 ILCS 5/13-202.5], and electing providers as defined in Section 13-506.2 of the Act [220 ILCS 5/13-506.2], but shall exclude local exchange telecommunications carriers with no more than 35,000 subscriber access lines pursuant to Section 13-504(d) of the Act [220 ILCS 5/13-504(d)] that are not electing providers as defined in Section 13-506.2 of the Act.

b) This Part shall apply to any agreement that provides a mechanism for borrowing or lending monies among affiliates, except:

1) Routine bank transactions as defined in 83 Ill. Adm. Code 105.10;

2) Cash management and treasury services whereby funds are not transferred, loaned or advanced; and

3) Loans between affiliates and utilities that have original terms to maturity greater than one year.

c) All affiliated interest agreements that are subject to the requirements of this Part must be filed with the Illinois Commerce Commission (Commission) for approval pursuant to Section~~Sections~~ 7-101 or 7-102 of the Act [220 ILCS 5/7-101 or~~and~~ 7-102]. This Part shall not limit the Commission from imposing conditions on its approval of a money pool agreement as it may deem necessary to safeguard the public interest. These conditions include, but are not limited to, imposing higher eligibility requirements for affiliates to borrow from utilities, further restricting the amount of utility funds available for lending, or requiring repayment of utility funds under specific circumstances.

~~d) Incumbent local exchange carriers are not subject to the requirements of Section 340.30 pursuant to Section 13-601 of the Act [220 ILCS 5/13-601].~~

(Source: Amended at 36 Ill. Reg. 3884, effective March 1, 2012)

Section 340.20 Definitions

"Affiliate" has the same meaning as the phrase affiliated interests as defined in Section 7-101(2)(ii) [220 ILCS 5/7-101(2)(ii)].

"Cash management" means aggregating customer receipts and paying all vendors and other operating requirements.

"Credit rating agency" means Standard & Poor's or its successor, Moody's Investors Service or its successor, or Fitch Ratings or its successor.

"Financial Institution" means a bank, savings and loan, savings bank, credit union, insurance company, or other institution that collects funds from the public to place in financial assets such as stocks, bonds, money market instruments, bank deposits or loans.

"High-grade credit issuer" means a company that has the following credit ratings from at least two of the following three major credit rating agencies and a higher,

equivalent or no credit rating from the third credit rating agency: A- or above by Standard & Poor's or its successor; A3 or above by Moody's Investors Service or its successor; or A- or above by Fitch Ratings or its successor.

"High-grade committed credit facility" means credit lines that permit the person to draw funds from financial institutions that are high-grade credit issuers.

"Issuance costs" means any interest, premiums, discounts, commissions, or fees paid in connection with any loans to a party to the money pool agreement.

"Large utility" means a utility that has $50,000,000 or more in total capitalization as reported in the annual report the utility files with the Chief Clerk of the Commission.

"Medium-grade credit issuer" means a company that has the following issuer credit ratings from at least two of the following three major credit rating agencies and a higher, equivalent or no credit rating from the third credit rating agency: BBB or above by Standard & Poor's or its successor; Baa2 or above by Moody's Investors Service or its successor; or BBB or above by Fitch Ratings or its successor.

"Medium-term note" means a note with a maturity of greater than one but no more than ten years.

"Money pool agreement" means any agreement that provides a mechanism for borrowing or lending monies among affiliates repayable on demand or for original terms to maturity of 365 days or less, but excluding routine bank transactions as defined in 83 Ill. Adm. Code 105.10.

"Parent company" means every company owning or holding, directly or indirectly, 10% or more of the voting capital stock of a utility or every company in any chain of successive ownership of 10% or more of voting capital stock.

"Service company" means a mutual or subsidiary service company approved by the Securities and Exchange Commission pursuant to 17 CFR 250.88 or a company providing services to utilities pursuant to an agreement that has been approved by the Commission under Section 7-101 or 7-102 of the Act.

"Short-term" means one year or less.

"Small utility" means a utility that has less than $50,000,000 in total capitalization as reported in the annual report the utility files with the Chief Clerk of the Commission.

"Surplus funds" means funds that are not needed for the immediate short-term cash requirements of the utility.

"Total capitalization" means the sum of short-term debt, long-term debt, preferred stock and common equity for the entire company.

"Utility" means ~~both~~ public utilities as defined in Section 3-105 of the Act, ~~and~~ incumbent local exchange carriers that provide noncompetitive services as defined in Section 13-202.5 of the Act, and electing providers as defined in Section 13-506.2 of the Act, but excluding local exchange telecommunications carriers with no more than 35,000 subscriber access lines pursuant to Section 13-504(d) of the Act that are not electing providers as defined in Section 13-506.2 of the Act.

(Source: Amended at 36 Ill. Reg. 3884, effective March 1, 2012)

Section 340.30 Minimum Requirements for Short-Term Loans from Affiliates to Utilities

Incumbent local exchange carriers shall not be subject to the requirements of this Section pursuant to Section 13-601 of the Act [220 ILCS 5/13-601]. Electing providers shall not be subject to the requirements of this Section pursuant to Section 13-506.2(j) of the Act. Utilities may borrow funds on a day-to-day basis from affiliates subject to the following restrictions:

a) The money pool agreement shall set forth a form of promissory note to be used for loans to the utility or shall itself set out the terms of the loans. All short-term loans may be prepaid by the utility without premium or penalty.

b) No utility shall borrow through or from an affiliate if the utility determines that it can borrow at lower cost directly from banks or other financial institutions or through the sale of its own commercial paper.

c) Interest. The interest rate on borrowings made by the utility from the affiliate shall not exceed the affiliate's actual interest cost, including issuance costs, for the funds obtained or used to provide the funds borrowed by the utility.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 36 Ill. Reg. 3884, effective March 1, 2012)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Provision of Advanced Telecommunications Services

2) Code Citation: 83 Ill. Adm. Code 733

3) Section Number: 733.10 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517]

5) Effective Date of Amendment: March 1, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 17, 2011; 35 Ill. Reg. 8915

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? No changes were required.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This Part regulates the provision, by incumbent local exchange carriers (ILECs), of the specified services. The amendment specifies that the provisions of Part 733 do not apply to ILECs that elect market regulation for their competitive retail telecommunications services, as mandated by Public Act 96-927.

16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION

PART 733
PROVISION OF ADVANCED TELECOMMUNICATIONS SERVICES

SUBPART A: GENERAL PROVISIONS

Section
733.10 Applicability
733.20 Definitions
733.30 Provision of Advanced Telecommunications Services
733.40 Monitoring

SUBPART B: WAIVERS

Section
733.100 Waiver
733.105 Application of Waiver Standards
733.110 Notice of Application for Waiver
733.120 Deadline for Application for Waiver
733.130 Application for Waiver
733.140 Prepared Direct Testimony
733.150 Commission Action Upon Petition
733.160 Reconsideration of Waiver

AUTHORITY: Implementing and authorized by Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517].

SOURCE: Adopted at 27 Ill. Reg. 5724, effective April 1, 2003; amended at 36 Ill. Reg. 3891, effective March 1, 2012.

SUBPART A: GENERAL PROVISIONS

Section 733.10 Applicability

This Part applies to Incumbent Local Exchange Carriers (ILECs) subject to the requirements of Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517]. Pursuant to Section 13-506.2(k)

of the Act, Section 13-517 of the Public Utilities Act does not apply to electing providers, as that term is defined in Section 13-506.2(a)(1) of the Act.

(Source: Amended at 36 Ill. Reg. 3891, effective March 1, 2012)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Genetic Counselor Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1251

3)

Section Numbers:	Adopted Action:
1251.20	Amendment
1251.60	Amendment
1251.70	Amendment
1251.100	Amendment

4) Statutory Authority: Implementing the Genetic Counselor Licensing Act [225 ILCS 135] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]

5) Effective Date of Amendments: March 9, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: November 18, 2011; 35 Ill. Reg. 18986

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? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking amends Section 1251.20 to allow applicants to submit an official transcript and letter of completion from an

approved graduate program in lieu of an actual diploma as verification of graduation. Schools often do not issue the actual diploma until several months after students have officially graduated (for example, a student may have officially completed the graduate program in March but his or her diploma may not be issued until sometime after August following the graduation ceremonies); this amendment will help alleviate this unnecessary delay. The National Society of Genetic Counselors (NSGC) is added to the list of approved continuing education sponsors. The renewal date is also updated, and the fee for restoration of a lapsed license is increased from $20 to $50.

16) Information and questions regarding this rulemaking shall be directed to:

Craig Cellini, Rules Coordinator
Department of Financial and Professional Regulation
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813
Fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1251
GENETIC COUNSELOR LICENSING ACT

Section
1251.10 Definitions
1251.20 Qualifications for Licensure
1251.30 Examination
1251.40 Temporary License
1251.50 Endorsement
1251.60 Renewals
1251.70 Fees
1251.80 Restoration
1251.90 Inactive Status
1251.100 Continuing Education
1251.110 Granting Variances

AUTHORITY: Implementing the Genetic Counselor Licensing Act [225 ILCS 135] and authorized by Sections 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 30 Ill. Reg. 19717, effective December 18, 2006; amended at 36 Ill. Reg. 3895, effective March 9, 2012.

Section 1251.20 Qualifications for Licensure

An applicant for licensure as a genetic counselor shall file an application on forms provided by the Division that shall include:

a) One of the following:

1) Verification that the applicant has successfully completed a Master's degree in genetic counseling from an American Board of Genetic Counseling (ABGC) or an American Board of Medical Genetics (ABMG) accredited training program or an equivalent program approved by the ABGC or the ABMG;

2) Verification that the applicant is a physician licensed to practice medicine in all of its branches; or

3) Verification of a doctoral degree and successful completion of an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG;

b) Proof of passage of an examination provided by the American Board of Genetic Counseling or the American Board of Medical Genetics;

c) Current certification from the American Board of Genetic Counseling or the American Board of Medical Genetics; ~~and~~

d) The required fee set forth in Section 1251.70; and~~.~~

e) In lieu of providing an actual diploma as required under subsection (a)(1), the applicant may submit an official transcript and a letter of completion from the approved graduate program signed by the graduate program director. Should the applicant not receive a diploma, the program director shall be required to notify the Division, which shall be grounds for immediate termination of the license, without hearing.

(Source: Amended at 36 Ill. Reg. 3895, effective March 9, 2012)

Section 1251.60 Renewals

a) The first renewal date for licensure under the Act shall be January 31, 2011~~2009~~. Thereafter, every license issued under the Act shall expire on January 31 of odd numbered years. The holder of the license may renew the license during the month preceding the expiration date by paying the required fee and submitting proof of 30 hours of continuing education in accordance with Section 1251.100.

b) It is the responsibility of each license holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.

c) Practice on an expired license shall be considered the unlicensed practice of genetic counseling and will subject the individual to discipline or other penalties set forth in Section 95 of the Act.

(Source: Amended at 36 Ill. Reg. 3895, effective March 9, 2012)

Section 1251.70 Fees

The following fees shall be paid to the Division and are not refundable:

a) Application Fees

1) The fee for application for a license as a genetic counselor is $150.

2) The fee for a temporary license is $50.

b) Renewal Fees

The fee for the renewal of a license shall be calculated at the rate of $75 per year.

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $50~~$20~~ plus payment of all lapsed renewal fees, not to exceed $470.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Division records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is $20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as genetic counselors in this State shall be the actual cost of producing the roster.

(Source: Amended at 36 Ill. Reg. 3895, effective March 9, 2012)

Section 1251.100 Continuing Education

a) Continuing Education Hour Requirements

1) Every renewal applicant shall complete 30 contact hours of continuing education (CE) relevant to the practice of genetic counseling during the prerenewal period. A prerenewal period is the 24 months preceding January 31 of each odd-numbered year.

2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

3) Genetic Counselors licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

1) All continuing education hours must be earned by verified attendance at, or participation in, a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) of this Section.

2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of CE requirements of the State of Illinois.

3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Approved continuing education sponsors and programs, as used in this Section, shall mean:

1) The American Counseling Association;

2) The American Board of Genetic Counselors;

3) The American Board of Medical Genetics; ~~or Any other entity approved by the Division.~~

4) The National Society of Genetic Counselors (NSGC); or

5) Any other entity approved by the Division.

(Source: Amended at 36 Ill. Reg. 3895, effective March 9, 2012)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Resident Armed Forces Fee Exemptions and Illinois Resident Veteran Fee Reductions

2) Code Citation: 17 Ill. Adm. Code 2510

3)

Section Numbers:	Adopted Action:
2510.10	Amendment
2510.20	Amendment
2510.30	Amendment
2510.40	Amendment

4) Statutory Authority: Implementing and authorized by Section 805-305 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305], Sections 20-45 and 20-47 of the Fish and Aquatic Life Code [515 ILCS 5/20-45 and 20-47] and by Section 3.1-4 and 3.2 of the Wildlife Code [520 ILCS 5/3.1-4 and 3.2]

5) Effective Date of Amendments: February 24, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 18, 2011; 35 Ill. Reg. 19055

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version:

In Section 2510.30(b)(1), after "license", added "(see 515 ILCS 5/20-45(a))".

In Section 2510.30(b)(2), after "license", added "(see 515 ILCS 5/20-45(c))".

In Section 2510.30(b)(3), after "license", added "(see 515 ILCS 5/20-3.2)".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking was amended to incorporate provisions contained in Public Act 97-498, effective April 1, 2012, which provide, commencing with the 2012 license year, one-half price fishing licenses, sportsmen's combination licenses and hunting licenses to resident veterans of the United States Armed Forces after they return from service abroad or mobilization by the President of the United States.

16) Information and questions regarding these adopted amendments shall be directed to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2510
ILLINOIS RESIDENT ARMED FORCES FEE EXEMPTIONS
AND ILLINOIS RESIDENT VETERAN FEE REDUCTIONS

Section
2510.10 Purpose
2510.20 Definitions
2510.30 Fee Exemptions and Fee Reductions
2510.40 Application
2510.50 Violations

AUTHORITY: Implementing and authorized by Section 805-305 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305], Sections 20-45 and 20-47 of the Fish and Aquatic Life Code [515 ILCS 5/20-45 and 20-47] and by Sections 3.1-4 and 3.2 of the Wildlife Code [520 ILCS 5/3.1-4 and 3.2].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14396, effective September 9, 2005, for a maximum of 150 days; adopted at 30 Ill. Reg. 461, effective January 3, 2006; amended at 35 Ill. Reg. 10779, effective June 23, 2011; amended at 36 Ill. Reg. 3902, effective February 24, 2012.

Section 2510.10 Purpose

a) The purpose of this Part is to acknowledge and recognize the contribution of:

1) *Illinois residents returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces* [20 ILCS 805/805-305]; and

2) Illinois *resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States* [515 ILCS 5/20-45].

b) In recognition of the~~their~~ services of Illinois resident service members, the Department of Natural Resources will waive specified fees for camping, fishing and hunting for the amount of time that the active duty member spent in service abroad or mobilized.

c) In recognition of the services of Illinois resident veterans, the Department of Natural Resources will issue veterans a current fishing license, sportsmen's combination license or hunting license at one-half the current fee.

(Source: Amended at 36 Ill. Reg. 3902, effective February 24, 2012)

Section 2510.20 Definitions

Active Duty − means active duty in the Armed Forces of the United States, as evidenced by a DD form 2, United States Uniformed Service Identification Card, marked "Active" or "Active Duty".

Department − means the Department of Natural Resources.

Members − means Illinois resident military, guard or reserve members.

Mobilization − means that Reserves or Guard Members were called to active duty by the President of the United States under Title 10 or Title 32, United States Code.

Service Abroad − means active duty service outside of the 50 United States and the District of Columbia, and includes all active duty service in territories and possessions of the United States.

Verification of Service or Mobilization − means official documentation from the Department of Defense or the appropriate Major Command showing mobilization dates or service abroad dates, including a DD-214, a letter from the Illinois Department of Military Affairs for members of the Illinois National Guard, a letter from the Regional Reserve Command for members of the Armed Forces Reserve, a letter from the Major Command covering Illinois for active duty members, or personnel records for mobilized State employees. A copy of orders shall not be accepted as verification.

Veteran − means an Illinois resident who is a former member of the Armed Forces of the United States, as evidenced by a form DD-214.

(Source: Amended at 36 Ill. Reg. 3902, effective February 24, 2012)

Section 2510.30 Fee Exemptions and Fee Reductions

a) Illinois resident military members who have served abroad, or guard or reserve members who were mobilized, are eligible for the following without fee:

1) Camping, with no camping fee except:

A) camper is responsible for applicable utility fees; and

B) camper is responsible for applicable rent-a-tent fees and cabin fees.

2) Sport fishing and hunting:

A) Members will be issued a current Combined Sportsman's License and Habitat Stamp.

B) If requested by the member, one statewide archery deer permit will be issued upon verification if currently available. One free firearm deer permit for the county of choice (and the archery deer permit if not available at time of verification) will be mailed to the applicant when available.

b) Illinois resident veterans of the United States Armed Forces are eligible to purchase licenses at one-half the fee charged for the following:

1) fishing license (see 515 ILCS 5/20-45(a));

2) sportsmen's combination license (see 515 ILCS 5/20-45(c)); and

3) hunting license (see 520 ILCS 5/20-3.2).

c)~~b)~~ Non-resident military members are not eligible for no-fee hunting, fishing or camping.

d) Non-resident veterans are not eligible for reduced fee hunting or fishing licenses.

(Source: Amended at 36 Ill. Reg. 3902, effective February 24, 2012)

Section 2510.40 Application

a) Military members are eligible for free sport fishing, hunting and camping for one year for each year served and for one year for each portion of a year served.

b) To receive free passes, licenses, stamps and permits, ~~receive a camping pass, sportsman's license, habitat stamp and/or deer permit,~~ eligible military members and veterans shall:

1) Appear in person at the following Department of Natural Resources offices:

One Natural Resources Way
Springfield, Illinois

2317 E. Lincolnway
Sterling, Illinois

15676 State Highway 54
Clinton, Illinois

11731 State Highway 37
Benton, Illinois

4521 Alton Commerce Parkway
Alton, Illinois

2) Eligible military members must apply~~Apply~~ within two years after their return from abroad or release from mobilization, provide~~. 3) Provide~~ verification of dates of service abroad or verification of dates of mobilization (see Section 2510.20) and provide~~. 4) Provide~~ a photo identification card.

3) Veterans can apply at any time and must provide a form DD-214 and a photo identification card.

c) The Armed Forces Special Pass (camping), issued to eligible military members, shall become effective on the date of application and shall expire on the same month and day in the year the entitlement expires.

d) The Combined Sportsman's License will expire March 31 of each year. If eligible, a~~A~~ new Combined Sportsman's License, stamp and deer permit may be obtained by following the procedures under subsection (b). Eligible military members can show ~~or by showing~~ an unexpired Armed Forces Special Pass to obtain a new license, stamp or permit.

e) After the initial issuance of one-half price licenses under subsection (b), eligible veterans may obtain one-half price licenses in subsequent years through the Department website or over-the-counter from any of the Department's direct license agents.

(Source: Amended at 36 Ill. Reg. 3902, effective February 24, 2012)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: AIDS Drug Assistance Program

2) Code Citation: 77 Ill. Adm. Code 692

3)

Section Numbers:	Adopted Action:
692.5	New
692.6	New
692.10	Amended
692.15	New
692.16	New
692.APPENDIX A	Amended
692.APPENDIX B	Amended

4) Statutory Authority: Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]

5) Effective Date of Rulemaking: February 22, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposed Amendments Published in Illinois Register: October 7, 2011; 35 Ill. Reg. 15976

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 692.5, a definition of "Prescription insurance" was added.

2. In Section 692.10(a), "Medical requirements" was changed to "Eligibility requirements".

3. In Section 692.10(b), a new subsection (2)(C) was added.

4. In Section 692.10(b)(4), the following was added after "entity": ", except Medicare, Medicaid (if spend-down is met) or Illinois Cares Rx".

5. In Section 692.10(b)(5), the following was added after "shall": "enroll in Medicare Part D and".

6. In Section 692.10(b)(7), "or denial" was deleted in the second sentence.

7. In Section 692.15(c), "(name, date of birth, relationship)" was added after "Demographic".

The following changes were made in response to comments and suggestions of JCAR:

1. In Section 692.10(a)(2), "through submission of a CD4 and…recertification date;" was changed to "and be currently receiving HIV care, including having received a viral load test result and CD4 count within the six months prior to the date of the application or recertification.".

2. In Section 692.10(b)(2), "insurance" was deleted; "of the most" was changed to "FPL".

3. In Section 692.10(b)(2)(C), "renewals" was changed to "recertifications".

4. In Section 692.10(b)(4~~6~~), the existing label and text were stricken and the new text was deleted.

5. In Section 692.10(b)(5 (new (4)), the text in the second and third lines was deleted and "D and provide information on the Part D coverage plan" was added.

6. In Section 692.10(b)(6 (new (5)), the text in the second and third lines was deleted and "provide information on Medigap plan and coverage" was added.

7. In Section 692.10(b)(7(new (6)), the text in the second, third, and fourth lines was deleted and "applicant must enroll and provide information on coverage" was added.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

8. In Section 692.10(d), "recertify their eligibility" was added after "shall" and "reapply" was stricken.

9. Section 692.10(d)(1) was amended as follows:
"The Department will establish recertification procedures, as required by federal regulations and guidelines. Recertification applications, and any necessary new verifications, ~~Renewal applications must be~~ shall be received by the Department at least three business days prior to ~~by~~ the expiration date of the client's current enrollment to avoid any interruption in service."

10. In Section 692.10(d)(2), "renewal" in the first line was stricken and "recertification" was added.

11. A new subsection was added at Section 692.10(d)(3).

12. In Section 692.10(e)(1), existing text was stricken and new text was deleted.

13. In Section 692.10(e)(2 (new (1)), "initial or recertification" was added after "completed".

14. New subsections were added at Section 692.10(e)(3) and (f).

15. A new sentence was added at the end of Section 692.10 (new g) after "~~enrollments~~".

16. In Section 692.10(new (k)), "renewal" was stricken and "recertification" was added; after "application", the following was added: ", accompanied by all supporting verification documents that are provided by the applicant or on record with the Department".

17. In Section 692.10(new (k)), after "application", ", recertification application, or suspension or termination of benefits" was added.

18. In Section 692.15(d)(2), "or available to the Department" was added after "applicant".

19. In Section 692.15(g), "blood" was changed to "load".

20. A new Section 692.16 was added.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

21. Appendix A was amended to add the 2012 Poverty Income Guidelines.

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Due to expanded growth of the AIDS Drug Assistance Program (ADAP) operated by the Illinois Department of Public Health, and the fiscal limitations in funding streams (Federal and State), the program was required to adjust eligibility criteria. The rulemaking process was required to ensure current eligibility rules were in line with new policies drafted by the Department. The rulemaking includes new definitions to better explain these changes and references to new assistance programs in Illinois, including Medicare Part D, Extra Help, and Illinois Cares Rx. A new Section providing application requirements is added. Referenced materials are also added. Appendix A was amended during the first notice period to include the 2011 federal poverty guidelines and has since been updated to the 2012 guidelines. A new Section on non-discrimination has been added, and references to "renewal" have been replaced with "recertification". Changes made during second notice make the application and recertification process easier and clarify provisions regarding suspension or termination from the program.

16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

217/785-9128
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692
AIDS DRUG ASSISTANCE PROGRAM

Section
692.5 Definitions
692.6 Referenced Materials
692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
692.15 Application Requirements
692.16 Non-Discrimination
692.APPENDIX A 2012~~2000~~ Poverty Income Guidelines
692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009~~CARE Act~~ Sliding Fee Scale

AUTHORITY: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 212.

Section 692.5 Definitions

"CD4 count" means the measurement of the number of CD4 cells in a sample of blood, which tells how strong the immune system is and indicates the stage of HIV disease.

"Department" means the Illinois Department of Public Health.

"Extra Help Program" means a federal program that assists very low income (less than $1,000/month) Medicare Part D eligible individuals with their prescription drug coverage. The program pays Medicare Part D premiums and all copayments except $2 and $3 on generic and brand, respectively. The program was established by the Patient Protection and Affordable Care Act (P.L. 111-148).

"Illinois Cares Rx" means a State program that provides prescription drug assistance to low-income senior citizens and disabled persons, obtainable through the Department of Healthcare and Family Services (HFS).

"Medicaid" means the State-managed program under the federal Social Security Act (42 USC 1396) that pays medical care expenses for low-income individuals, including those with HIV/AIDS.

"Medicare" means the federal program under the Social Security Act (42 USC 1395) that pays for certain health care expenses for people age 65 or older. Enrolled individuals must pay deductibles and co-payments.

"Prescription insurance" means insurance paid for or provided by an employer, family member or the applicant that covers prescription medications.

"Viral load" means a measurement of human immunodeficiency virus (HIV) in a sample of blood or other body fluids.

(Source: Added at 36 Ill. Reg. 3909, effective February 22, 212)

Section 692.6 Referenced Materials

The following materials are referenced in this Part:

a) Illinois Statutes

1) Civil Administrative Code of Illinois [20 ILCS 2310]

2) Illinois Public Aid Code [305 ILCS 5]

b) Federal Statutes

1) Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87)

2) Patient Protection and Affordable Care Act (P.L. 111-148)

3) Social Security Act (42 USC 1395 and 1396)

c) Illinois Administrative Rules

Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Added at 36 Ill. Reg. 3909, effective February 22, 212)

Section 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

Drugs provided under this Part~~Section~~ are paid for on behalf of low-income individuals with acquired immunodeficiency syndrome~~Acquired Immunodeficiency Syndrome~~ (AIDS) or human immunodeficiency virus~~persons with the Human Immunodeficiency Virus~~ (HIV).

a) Eligibility requirements. To qualify for services under this Part~~Section~~, a person shall have been~~must be~~ enrolled in the AIDS Drug Assistance Program (ADAP) as of June 4, 1996, or:

1) Apply ~~make application with annual renewal~~ to the ~~Illinois Department of Public Health (~~Department~~)~~ for acceptance for ADAP and comply with all recertification requirements, which occur every six months from the point of enrollment; and

2) Be~~be~~ diagnosed as having AIDS or HIV and be currently receiving HIV care, including having received a viral load test result and CD4 count within the six months prior to the date of the application or recertification.~~;~~

b) Financial and insurance requirements

1)~~3)~~ Applicants with no active prescription insurance coverage at the time of enrollment shall qualify financially with anticipated gross monthly income, as determined by the Department, at or below 300% FPL~~400%~~ of the most recent Federal Poverty Guidelines published annually by the U.S. Department of Health and Human Services for the size of the household. (See~~see~~ Appendix A.)~~;~~

2)~~4)~~ Applicants with active prescription coverage at the time of enrollment shall qualify financially with anticipated gross monthly income, as determined by the Department, at or below 500% FPL for the size of the household.~~not be eligible for 80% or greater insurance coverage for drugs through another third party payor;~~

A) The applicant's health insurance provider must be willing to participate with the Department's contracted dispensing pharmacy for dispensing and billing purposes and only for drugs on the current ADAP formulary.

B) Only 30-day prescription fills will be accepted. If an applicant is planning to travel outside of Illinois for two to three months and needs a longer prescription fill, the applicant shall obtain prior approval from ADAP for a medication exception. The applicant shall provide a clear copy of the front and back of all prescription insurance cards.

C) Applicants who were enrolled in ADAP on July 1, 2011, in the 301-500% FPL income bracket shall be grandfathered into ADAP on a go-forward basis, as long as the applicant's recertifications are complete and submitted on time and do not exceed 500% FPL. If an applicant within this cohort is closed from the program due to failure to reapply on time, then the applicant will be assessed using the 300% FPL eligibility limit.

3)~~5)~~ Applicants shall not be eligible for the Medical Assistance Program (Medicaid) on the date that drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown unmet status may participate).~~;~~

4) If eligible for Medicare Part D, the applicant shall enroll in Medicare Part D and provide information on the Part D coverage plan.

5) If enrolled in a Medicare Supplement plan (Medigap), the applicant shall provide information on Medigap plan and coverage.

6) If eligible for federal Extra Help or Illinois Cares Rx Plan (ICRx), the applicant must enroll and provide information on coverage.

~~6) not be eligible for payment for prescription drugs from any other governmental entity; and~~

c)~~7)~~ Residency requirement. The applicant shall be a legal resident of Illinois, as defined by Section 2-10 of the Illinois Public Aid Code ~~[305 ILCS 5/2-10]~~, except that:

1)~~A)~~ The~~the~~ provision of Section 2-10 of the Illinois Public Aid Code stating that applicants for or recipients of public aid must meet the~~such durational~~ requirements for duration of~~as to~~ residence contained in applicable Sections of the Public Aid Code shall not apply to this Part; and

2)~~B)~~ The~~the~~ provision of Section 2-10 of the Illinois Public Aid Code regarding recipients of aid under Article III, IV, or VI ~~[305 ILCS 5/Art. III, IV or VI]~~ shall apply to any recipient of services under ~~the~~ ADAP~~AIDS Drug Assistance Program~~.

d)~~b)~~ Persons enrolled in ~~the~~ ADAP shall recertify their eligibility ~~AIDS Drug Assistance Program must reapply~~ every six months~~annually in order~~ to continue receiving drugs through ~~the~~ ADAP~~Program~~.

1) The Department will establish recertification procedures, as required by federal regulations and guidelines. Recertification applications, and any necessary new verifications,~~Renewal applications must be~~ shall be received by the Department at least three business days prior to~~by~~ the expiration date of the client's current enrollment to avoid any interruption in service.

2) If the Department does not receive a recertification~~renewal~~ application at least three business~~is not received by the Department within 15~~ days prior

toafter the expiration date of the client's current enrollment, the client will be removed from the ADAPProgram and will be required to meet the eligibility requirements of subsections (a)(1) through (c)(7) of this Section in order to continue receiving drugs through the ADAPProgram.

3) To avoid interruption in care, the Department will make reasonable attempts to notify recipients or their designees when an incomplete recertification application has been received.

e)e) The Department willmay suspend a client's enrollment in the ADAPAIDS Drug Assistance Program under the following circumstances:

1) submittal of fraudulent application information by an applicant or client;

12) Failurefailure to submit a completed initial or recertification an application at least three business days prior to the expiration date of the client's current enrollmentby the due date;

23) Failurefailure to use a minimum of one drug from any category of the ADAP formulary within 90 days after enrollment in ADAP; orutilize the Program for a six month period.

3) The Department will send written notice of suspension within 30 days after the suspension, which may be appealed in accordance with subsection (k). The suspension will be lifted when the circumstances that initiated suspension have been rectified.

f) The Department will permanently terminate a client's enrollment in ADAP if the client submits fraudulent application information. The Department will send written notice of termination with 30 days after the termination, which may be appealed in accordance with the provision of subsection (k).

g)d) Subject to the availability of funds, the Department may implement cost control measures at any time to ensure the long-term sustainability of the programsuch as client benefit maximums or limitations on new enrollments. Any cost control measures taken pursuant to this Section will be made only after a 90-day notice period to all applicants and providers.

h)e) All drugs provided under the ADAPAIDS Drug Assistance Program have been

approved by the federal Food and Drug Administration. ~~The following categories of drugs may be covered under the AIDS Drug Assistance Program.~~ The Department will request~~, with~~ the advice of the medical issues subcommittee of the ~~Title II~~ Ryan White ADAP Medical Issues Advisory Board when necessary to assist with determining~~AIDS Advisory Council, will determine~~ which drugs will be covered, based on criteria that include the medical appropriateness of the drug for treatment of HIV/AIDS and associated complications. The following categories of drugs may be covered under ADAP:

1) Category I − Drugs for Anti-Retroviral Therapy;

2) Category II − Drugs for Pneumocystis jiroveci (carinii) pneumonia (PCP) ~~for PCP~~ Prophylaxis and Treatment;

3) Category III − Drugs for Prophylaxis and Treatment of Opportunistic Infections and Anti-Microbials;

4) Category IV − Drugs for Treatment of Neoplasms; and

5) Category V − Other Drugs Requiring Prior Approval.

i)~~f)~~ All prescriptions shall~~must~~ be filled by the Department's pharmacy contractors.

j)~~g)~~ The Department may require participants to pay a copayment for prescriptions received. If a copayment is charged, it shall~~must~~ not exceed the sliding fee structure specified in Part B~~Title II~~ of the Ryan White HIV/AIDS Treatment Extension Act of 2009~~CARE Act~~ (see Appendix B).

k)~~h)~~ The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within 30 business~~15~~ days after~~from~~ the date the Department receives the application. The Department will make a disposition and issue a written decision on a recertification~~renewal~~ application filed pursuant to this Section within 30 business~~15~~ days after~~from~~ the date the Department receives the completed application, accompanied by all supporting verification documents that are provided by the applicant or on record with the Department. An applicant~~individual~~ may appeal the Department's denial of an initial~~his/her~~ application, recertification application, or suspension or termination of benefits~~. Such appeal shall be~~ in accordance with ~~the Department's Rules of~~ Practice and Procedure in Administrative Hearings ~~(77 Ill. Adm. Code 100)~~.

(Source: Amended at 36 Ill. Reg. 3909, effective February 22, 212)

Section 692.15 Application Requirements

Applications for participation in ADAP shall be submitted on forms provided by the Department. Information requested on the application will include, but not be limited to:

a) Patient information, including marital status, race/ethnicity, pregnancy information, and risk factors;

b) Residency information, including mailing address and prescription address, if different from mailing address;

c) Demographic (name, date of birth, relationship) and income information on household members who qualify as legal dependants to the ADAP applicant, and who may also contribute to the household income, which would affect the federal poverty level for the applicant as defined by ADAP's federal partner, the United States Health Resources and Services Administration (HRSA);

d) Applicant's income information, including, but not limited to:

1) Gross monthly income, from sources such as wages, unemployment compensation, Social Security, Social Security Disability, veterans' pension, veterans' disability, private disability, workers' compensation, temporary assistance for needy families, general assistance, retirement income, child support, alimony or other spousal support, or any/or all other sources of income provided by the applicant;

2) Documentation of income from paycheck stubs, benefit statement, award letter, court order, federal tax return, or other documentation provided by the applicant or available to the Department;

e) Medical provider information, including, but not limited to, HIV physician, prescribing physician if HIV physician does not prescribe HIV medication, and ADAP liaison (individual to contact on applicant's behalf);

f) Insurance/benefit information, including, but not limited to, prescription insurance, Medicare, Medicare Part D, Medicare Supplement, Medicaid, Illinois Cares Rx, and veterans' benefits;

g) Clinical information, including, but not limited to, current diagnosis, initial diagnosis, most recent CD4 count, and most recent viral load count; and

h) Client verification and authorization to release confidential information.

(Source: Added at 36 Ill. Reg. 3909, effective February 22, 212)

Section 692.16 Non-Discrimination

The Department will ensure that no individual participating in any program or activity of ADAP will be discriminated against because of race, color, religious belief, political affiliation, sex, sexual orientation, national origin or handicap. Pursuant to the requirements of State and federal law, the Department will make reasonable accommodations for individuals with disabilities.

(Source: Added at 36 Ill. Reg. 3909, effective February 22, 212)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 692.APPENDIX A 2012~~2000~~ Poverty Income Guidelines

2012 Health and Human Services Poverty Guidelines

Persons in Family	Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	$11,170	$ 33,510
2	$15,130	$ 45,390
3	$19,090	$ 57,270
4	$23,050	$ 69,030
5	$27,010	$ 81,030
6	$30,970	$ 92,910
7	$34,930	$104,790
8	$38,890	$116,670
For additional persons, add	$ 3,960	$ 11,880

NOTE: See 77 Fed. Reg. 4034-4035 (January 26, 2012).

~~Size of Family Unit~~	~~Poverty Guideline~~	~~Maximum Gross Annual Income ADAP Eligibility~~
~~1~~	~~$ 8,350~~	~~$ 33,400~~
~~2~~	~~11,250~~	~~45,000~~
~~3~~	~~14,150~~	~~56,600~~
~~4~~	~~17,050~~	~~68,200~~
~~5~~	~~19,950~~	~~79,800~~
~~6~~	~~22,850~~	~~91,400~~
~~7~~	~~25,750~~	~~103,000~~
~~8~~	~~28,650~~	~~114,600~~

~~For family units with more than 8 members, add $2,900 for each additional member.~~

(Source: Amended at 36 Ill. Reg. 3909, effective February 22, 212)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009~~CARE Act~~ Sliding Fee Scale

~~CARE Act~~ Sliding Fee Scale

Individual/Family Annual Gross Income	Total Allowable Annual Charges
Equal to or below the official poverty line	No charges permitted
101 to 200 percent of the official poverty line	5 percent or less of gross income level
201 to 300 percent of the official poverty line	7 percent or less of gross income level
more than 300 percent of the official poverty line	10 percent or less of gross income level

(Source: Amended at 36 Ill. Reg. 3909, effective February 22, 212)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number: 1030.63 — Adopted Action: Repealed

4) Statutory Authority: 625 ILCS 5/2-104

5) Effective Date of Amendment: February 27, 2002

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 18575; November 14, 2011

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Difference between Proposal and Final Version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
1030.1	Amendment	36 Ill. Reg. 461; January 13, 2012
1030.22	New Section	36 Ill. Reg. 461; January 13, 2012
1030.92	Amendment	36 Ill. Reg. 461; January 13, 2012

15) Summary and Purpose of Amendment: Effective August 5, 2011, Public Act 97-263 removed the Secretary of State's authority to issue a driver's license without the

application providing a social security number. As such, we are now repealing the administrative rule that set forth the process to be followed when a person applied for a driver's license but did not provide a social security number.

16) Information and questions regarding this adopted amendment shall be directed to:

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section
1030.1 Definitions
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12 Identification Cards for the Homeless
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.25 Safe Driver License Renewals
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers (Repealed)
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.82 Charter Bus Driver Endorsement Requirements
1030.83 Hazardous Material Endorsement
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts − Written and/or Road Tests
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License

1030.91 Disabled Person Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Endorsement or Instruction Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077,

effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill.

Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012.

Section 1030.63 Religious Exemption for Social Security Numbers (Repealed)

~~a) Members of religious groups whose faith will not permit them to obtain social security numbers may request the social security number be omitted on their driver's license application.~~

~~b) The applicant for a special religious number shall state in the person's own handwriting on an exception form, supplied by the Secretary of State at a Driver Services Facility , that he or she is a member of a certain religious group and that the person wants to apply for a driver's license without applying for a social security card. The applicant shall affix his or her signature immediately after the statement on the exception form.~~

~~c) Personnel at the Driver Services Facility shall complete the exception form, attach it to the application for a driver's license, and mail it to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The exception form shall contain the applicant's full name and address, including the county. It shall also contain the applicant's driver's license or identification card number. This information shall appear as it was furnished on the application.~~

~~d) The application and exception form shall indicate 000-00-0000 for the social security number.~~

~~e) The applicant shall be issued a 90-day temporary driver's license and a receipt if all other requirements have been met.~~

~~f) The applicant shall sign an affidavit, supplied by the Secretary of State, stating that the use of a social security number on a driver's license file is against his or her religious convictions and stating the reasons why the applicant holds these beliefs. The affidavit shall also contain a statement from his/her religious leader or minister attesting that the use of a social security number is against the religious convictions of the applicant's faith. The submitted affidavit shall be notarized.~~

~~g) The affidavit shall be sent to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The Department will contact the religious leader to verify the information. The affidavit shall be attached to the original application and examined for compliance with this Section.~~

~~h) The applicant shall be notified in writing by the Director of Driver Services that the application has been approved or rejected because the applicant failed to comply with the provisions of this Section.~~

~~i) If approved, the applicant shall return to the Driver Services Facility with the letter of approval receipt to be issued a driver's license with a distinctive number assigned by the Department in lieu of the social security number. If rejected, the applicant shall be notified of the right to request an administrative hearing pursuant to 92 Ill. Adm. Code 1001 and IVC Section 2-118.~~

(Source: Repealed at 36 Ill. Reg. 3924, effective February 27, 2012)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Uniform Commercial Code

2) Code Citation: 14 Ill. Adm. Code 180

3) Section Number: 180.18 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art.9]

5) Effective Date of Amendment: February 27, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: November 14, 2011; 35 Ill. Reg. 18582

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: No substantive changes were made between proposal and adoption. All nonsubstantive technical changes recommended by JCAR were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: Section 180.18 (b)(9) is amended. The word "AND" is converted to "&", and the "&" symbol is left the same. The results when searching The Secretary of State's Uniform Commercial Code for "AND" and "&" will, therefore, be identical.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this adopted amendment shall be directed to:

Dennis L. Hankins, Administrator
Illinois Secretary of State
Department of Business Services/UCC Division
Howlett Building Room #350 West
501 South Second Street
Springfield, IL 62756

217/785-2238

17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 180
UNIFORM COMMERCIAL CODE

Section
180.10 Definitions
180.11 Tender of UCC Records for Filing/Search Request Delivery
180.12 Forms
180.13 Filing Fees/Methods of Payment/Overpayment and Underpayment Policies
180.14 Public Record Services
180.15 Acceptance and Refusal of Records
180.16 UCC Information Management System
180.17 Filing and Data Entry Procedures
180.18 Search Requests and Reports
180.19 XML Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; emergency amendment at 25 Ill. Reg. 9984, effective July 23, 2001, for a maximum of 150 days; emergency expired December 19, 2001; amended at 26 Ill. Reg. 7448, effective May 2, 2002; amended at 29 Ill. Reg. 19704, effective November 28, 2005; amended at 30 Ill. Reg. 12977, effective July 11, 2006; amended at 31 Ill. Reg. 8559, effective June 15, 2007; amended at 32 Ill. Reg. 12057, effective July 16, 2008; amended at 34 Ill. Reg. 1411, effective February 1, 2010; amended at 36 Ill. Reg. 3931, effective February 27, 2012.

Section 180.18 Search Requests and Reports

General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement of each filed UCC record relating to the initial financing statement.

a) Search requests. Search requests shall contain the following information:

1) Name searched. A search request should set forth the name of the debtor to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted. Each search request shall be limited to one debtor name.

2) Requesting party. The name and address of the person to whom the search report is to be sent.

3) Fee. The appropriate fee shall be enclosed, payable by a method described in Section 180.13 of this Part.

4) Search request with filing. If a filer requests a search at the time a UCC record is filed, a UCC-11 form designating the exact debtor name from the initial financing statement shall be submitted. The requesting party shall be the name and address to whom the search report should be sent, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC record is filed. The filer shall submit the search request on a UCC-11 form.

b) Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

1) There is no limit to the number of matches that may be returned in response to the search criteria.

2) No distinction is made between upper and lower case letters.

3) Punctuation marks and accents are disregarded.

4) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Commercial Administrators are disregarded. Such words include, but are not limited to, the following:

Agency
Trustee
Assc
Assn
Assoc
Associates
Association
Attorneys at Law
Bank
Business Trust
Charter
Chartered
Co
Company
Corp
Corporation
Credit Union
CU
FCU
Federal Credit Union
Federal Savings Bank
FSB
Gen Part
General Partnership
GP
Inc
Incorporated
LC
Limited
Limited Liability Company
Limited Liability Partnership
Limited Partnership
LLC
LLLP
LLP
LP
Ltd.
Ltd. Partnership
MDPA
MDPC
Medical Doctors Professional Association
Medical Doctors Professional Corporation
NA
National Association
National Bank
PA
Partners
PLCC
Prof Assn
Prof Corp
Professional Association
Professional Corporation
Professional Limited Liability Company
Real Estate Investment Trust
Registered Limited Liability Partnership
REIT
RLLP
SA
Savings Association
Sole Proprietorship
SP
SPA
Trust
Trustee

5) The word "the" if used anyplace in the search criteria is disregarded.

6) All spaces are disregarded.

7) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial

"J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unlapsed financing statements and exactly match the name requested, as modified.

9) The word "AND" is converted to "&" and the "&" symbol is left the same. The results searching "AND" and "&" will be identical.

c) Optional information. A UCC search request may contain any of the following information:

1) The request may limit the records requested by limiting them by the address of the debtor, the city of the debtor, the date of filing (or a range of filing dates) on the financing statements. A report created by the filing officer in response to such a request shall contain the statement "A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search".

2) The request may ask for copies of UCC records identified on the primary search response.

3) Instructions on the mode of delivery desired, if other than by ordinary mail, which will be honored if the requested mode is available to the filing office.

4) UCC or Federal Tax Lien Search Requests. All information requests submitted on a UCC-11 Information Request Form will be assumed to be a UCC information search unless otherwise identified as a Federal Tax Lien search. Only one type of search may be requested per form. A separate fee and form are required for each search requested.

d) Search responses. Reports created in response to a search request shall include the following:

1) Filing officer. Identification of the filing officer and the certification of the filing officer required by law.

2) Report date. The date the report was generated.

3) Name searched. Identification of the name searched.

4) Certification date. The certification date and time for which the search is effective.

5) Identification of initial financing statements. Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

6) History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.

7) Copies. Copies of all UCC records revealed by the search and requested by the searcher.

8) Extensive search requests. The filing officer will need additional time to process any information or search request that is in excess of 100 pages in length due to system limitations for printing lengthy search requests as described under the provisions of 810 ILCS 5/9-524(1) and (2).

(Source: Amended at 36 Ill. Reg. 3931, effective February 27, 2012)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3)

Section Numbers:	Proposed Action:
1600.100	Amendment
1600.120	Amendment
1600.205	Amendment
1600.241	New Section

4) Statutory Authority: 40 ILCS 5/15-177

5) Effective Date of Amendments: February 22, 2012

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notices of Proposed Published in the Illinois Register: November 14, 2011; 35 Ill. Reg. 18589

10) Has JCAR issued a Statement of Objection to this amendment? 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 agreements issued by JCAR? No agreements are necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The amendments to Sections 1600.100, 1600.205 and 1600.241 ensure that SURS is in compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act"). The amendment to Section 1600.120 redefines the number of trustees needed to establish a quorum for a Board

meeting and deletes one obsolete sentence. These revisions are necessary due to the changes in the composition of the Board, as set forth in Public Act 96-6.

16) Information and questions regarding this rulemaking shall be directed to:

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive,
Champaign, IL 61820

217/378-8825 or 217/378-8838

The full text of the Adopted Amendments begins on the next page.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section
1600.100 Definitions
1600.110 Freedom of Information Act
1600.120 Open Meetings Act
1600.130 Procurement

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section
1600.202 Return to Employment
1600.203 Independent Contractors
1600.205 Compensation Subject to Withholding
1600.210 Crediting Interest on Participant Contributions and Other Reserves
1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
1600.250 Sick Leave Accrual Schedule
1600.260 Part-time/Concurrent Service Adjustment
1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section
1600.300 Effective Beneficiary Designations
1600.305 Full-Time Student Survivors Insurance Beneficiaries

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1600.310 Dependency of Beneficiaries
1600.320 Disability Claims Procedure

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section
1600.400 Determination of Final Rate of Earnings Period
1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
1600.420 Making Preliminary Estimated Payments
1600.430 Excess Benefit Arrangement
1600.431 Indirect Payments to Minors and Legally Disabled Persons
1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
1600.440 Voluntary Deductions from Annuity Payments
1600.450 Overpayment Recovery

SUBPART E: ADMINISTRATIVE REVIEW

Section
1600.500 Rules of Practice − Nature and Requirements of Formal Hearings

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1600.600 Definitions
1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.610 Invalid Orders
1600.615 Filing a QILDRO with the System
1600.620 Modified QILDROs
1600.625 Benefits Affected by a QILDRO
1600.630 Effect of a Valid QILDRO
1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.640 Alternate Payee's Address
1600.645 Electing Form of Payment
1600.650 Automatic Annual Increases
1600.655 Expiration of a QILDRO
1600.660 Reciprocal Systems QILDRO Policy Statement
1600.665 Providing Benefit Information for Divorce Purposes

SUBPART G: BOARD TRUSTEE ELECTION

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Section
1600.700 Nomination of Candidates
1600.705 Election Date/Election Day – Defined
1600.710 Petitions
1600.715 Eligible Voters
1600.720 Election Materials
1600.725 Marking of Ballots
1600.730 Return of Ballots and Ballot Counting Process
1600.735 Certification of Ballot Counting
1600.740 Challenges to Election Results
1600.745 Candidate Informational Communication
1600.750 Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. 3938, effective February 22, 2012.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL

Section 1600.100 Definitions

Certain terms used frequently throughout this Part are defined in this Section. Unless the context requires a different meaning, other terms used in this Part shall be defined and interpreted in accordance with Article 15 of the Illinois Pension Code [40 ILCS 5/Art. 15]. The definition of a term under a specific Section or Subpart shall supercede, for the purposes of that Section or Subpart, this Section.

"Annuitant" − *A person receiving a retirement, reversionary, survivors or beneficiary annuity or disability retirement annuity from the System.* [40 ILCS 5/15-119]

"Annuity Payment Period" – *The period beginning on the date specified by the participant submitting a written application, which shall not be prior to termination of employment or more than one year before the application is received by the Board of Trustees of SURS; however, if the participant is not an employee of an employer participating in SURS or in a participating system as defined in Article 20 of the Code on April 1 of the calendar year next following the calendar year in which the participant attains age 70½, the annuity payment period shall begin on that date regardless of whether an application has been filed.* [40 ILCS 5/15-135(b)]

"Board" − The Board of Trustees of the State Universities Retirement System as constituted under 40 ILCS 5/15-159.

"Chairperson" – The chairperson of the Board.

"Claims Panel~~Committee~~" − The quasi-adjudicative body constituted under the Board's bylaws that hears all administrative contested matters as fiduciaries pursuant to Section 1600.500.~~An appointed Board committee delegated with authority to hear cases and recommend findings of fact and conclusions of law according to Board policy and Section 1600.500.~~

"Code" or "Pension Code" − The Illinois Pension Code [40 ILCS 5].

"Effective Rate of Interest" − *The interest rate for all or any part of a fiscal year*

that is determined by the Board based on factors including the System's past and expected investment experience; historical and expected fluctuations in the market value of investments; the desirability of minimizing volatility in the effective rate of interest from year to year; and the provision of reserves for anticipated losses upon sales, redemptions, or other disposition of investments and for variations in interest experience. [40 ILCS 5/15-125(2)]

"Employee" − A person defined as an "employee" under 40 ILCS 5/15-107.

"Employer" − An entity defined as an "employer" under 40 ILCS 5/15-106.

"Executive Director" − The chief administrative officer of SURS, appointed by the Board.

"FOIA" − Freedom of Information Act [5 ILCS 140].

"General Counsel" − In-house legal counsel for SURS.

"IRS" − Internal Revenue Service of the U.S. Department of the Treasury.

"IRC" − Internal Revenue Code of 1986, as amended (26 USC 1 et seq.).

"Member" − A SURS participant or annuitant.

"Participant" − A person participating in SURS under Section 15-134 of the Code.

"Participating Employee" − A participant who at the time is an employee.

"Prescribed Rate of Interest" − *The rate of interest to be used in actuarial valuation and in development of actuarial tables.* The prescribed rate of interest is *determined by the Board on the basis of the probable average effective rate of interest on a long term basis.* [40 ILCS 5/15-125(1)]

"Principal Office of SURS" − State Universities Retirement System, 1901 Fox Drive, Champaign IL 61820.

"SURS" or "System" − ~~Illinois~~ State Universities Retirement System created by Article 15 of the Code [40 ILCS 5/Art. 15].

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

"USERRA" – Uniformed Services Employment and Reemployment Rights Act of 1994 (38 USC 4301 et seq.).

(Source: Amended at 36 Ill. Reg. 3938, effective February 22, 2012)

Section 1600.120 Open Meetings Act

a) Introduction

1) The Illinois Open Meetings Act [5 ILCS 120] sets forth *the public policy of the State of Illinois that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business.* It is also *the public policy of the State that its citizens be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way.*

2) *It is the intent of the Open Meetings Act:*

A) *to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly;*

B) *to protect the citizen's right to know; and*

C) *that provisions for exceptions to the open meeting requirements be strictly construed against closed meetings.* [5 ILCS 120/1]

3) By means of this Section, SURS has established procedures to conduct its business in accordance with the Open Meetings Act.

b) Definition

"Meeting" − Any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the Board held for the purpose of discussing SURS business. [5 ILCS 120/1.02] A quorum for a Board of Trustees meeting shall be six members of the Board.~~Unless the Board sets a quorum in excess of 5 members, a gathering of 3 or more members of the Board for the purpose of discussing SURS business shall be considered a meeting.~~ A

quorum for a Board committee is the least number more than one-half of the members of the committee. A quorum of the Board or of a Board committee must be physically present at the location of an open meeting of the Board or the committee, respectively. If, however, an open meeting of the Board or a Board committee is held simultaneously at one of its offices and one or more other locations in a public building, which may include other of its offices, through an interactive video conference and public notice is provided as required under the Open Meetings Act for all locations, then members physically present in those locations all count towards determining a quorum. "Public building", as used in this Section, means any building or portion of a building owned or leased by any public body. The requirement that a quorum be physically present at the location of an open meeting shall not apply, however, to Board committees that do not have authority to make binding recommendations or determinations or to take any other substantive action.

c) Attendance by a Means Other Than Physical Presence

1) If a quorum of the members of the Board or a Board committee is physically present as required by subsection (b), a majority of those physically present, or at least 3 physically present members of a committee consisting of 5 members, may allow a member of that body to attend the meeting by other means (video or audio conference) if the member is prevented from physically attending because of:

A) personal illness or disability;

B) employment purposes or the business of the public body; or

C) a family or other emergency.

2) If a member wishes to attend a meeting by other means, the member must notify the recording secretary of the Board or the Board committee before the meeting unless advance notice is impractical.

3) A majority of the Board or a committee may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by this subsection (c).

4) Except as provided in this subsection (c)(4), the limitations of this subsection (c) shall not apply to closed meetings of the Board or the Executive Committee or to open or closed meetings of any other subsidiary body, including without limitation any committee other than the Executive Committee, that does not have authority to make binding recommendations or determinations or to take any other substantive action. If the limitations of this subsection (c) do not apply, any or all members of the Board or a subsidiary body may attend a meeting by audio or video conference. An open meeting attended by audio or video conference will be broadcast at the properly noticed location of the meeting. Neither advance notice nor permission for such means of attendance is required. No minimum number of members need by physically present at the noticed location of the meeting.

d) Time and Place of Open Meetings

1) *All open meetings shall be held at specified times and places which are convenient and open to the public.*

2) *No open meeting shall be held on a legal holiday unless the regular meeting day falls on that holiday.* [5 ILCS 120/2.01]

e) Public Notice; Agenda; Schedule

1) Posting. *Public notice shall be given by posting a copy of the notice at the principal office of* SURS [5 ILCS 120/2.02(a)]. *Copies of the posted notice shall also be given to any news medium that has filed* with the Executive Director *an annual request for notice of meetings* [5 ILCS 120/2.02(b)].

2) News Medium Request. Any news medium may file with the Executive Director of SURS an annual request for public notice of all meetings of the Board of Trustees of SURS. The Executive Director shall maintain an updated list of all news media that have filed annual requests and shall be responsible for seeing that the news media receive the notices mandated by the Open Meetings Act and this Section.

3) Regular Meetings. *Public notice shall be given of the schedule of regular meetings at the beginning of each fiscal year, stating the regular dates,*

times, and places of each meeting.

A) *Agenda of Regular Meetings. An agenda for each regular meeting shall be posted* in accordance with subsection (e)(1) *at least 48 hours in advance of the holding of the meeting. However, this requirement shall not preclude the consideration of items not specifically set forth in the agenda.* [5 ILCS 120/2.02(a)]

B) Schedule of Regular Meetings. At the beginning of each fiscal year, the Executive Director of SURS shall prepare and make available a schedule of all its regular meetings for that fiscal year, listing the times and places of meetings.

C) Change in Regular Meeting Date. *If a change is made in a regular meeting date, at least 10 days' notice of the change shall be given by publication in the official* State *newspaper. Notice of the change shall also be posted at the principal office of* SURS. *Notice of the change shall also be given to any news medium that has filed* with the Executive Director *an annual request for notice of meetings.* [5 ILCS 120/2.03]

4) Special Meetings. Public notice of any special meeting shall be given at least 48 hours before the meeting.

A) Agenda of Special Meetings. *An agenda of a special meeting shall also be included with the public notice of the meeting. However, the validity of any action taken* by the Board *that is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda.* [5 ILCS 120/2.02(a)]

B) News Medium Notice. *Any news medium that has filed an annual request for notice shall be given the same notice of any special meeting in the same manner as is given to members* of the Board, *provided that the news medium has given* the Executive Director *an address or telephone number within Illinois at which notice may be given.* [5 ILCS 120/2.02(b)]

5) Rescheduled or Reconvened Meetings. *Public notice of any rescheduled or reconvened meeting shall be given at least 48 hours before the meeting.*

A) Exception to Notice Requirement. No public notice is required to be given of any reconvened meeting when *the meeting was open to the public and* either:

i) the meeting *is to be reconvened within 24 hours; or*

ii) *an announcement of the time and place of the reconvened meeting is made at the original meeting and there is no change in the agenda.* [5 ILCS 120/2.02(a)]

B) Agenda of Rescheduled or Reconvened Meeting. *An agenda of a rescheduled or reconvened meeting shall also be included with the public notice of the meeting. However, the validity of any action taken by the* Board *that is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda.* [5 ILCS 120/2.02(a)]

C) News Medium Notice. *Any news medium that has filed an annual request for notice shall be given the same notice of any rescheduled or reconvened meeting in the same manner as is given to members of* the Board, *provided that the news medium has given* the Executive Director *an address or telephone number within Illinois at which notice may be given.* [5 ILCS 120/2.02(b)]

6) Emergency Meeting. *Notice of an emergency meeting shall be given as soon as is practicable. In any event, prior to an emergency meeting being held, notice shall be given to any news medium that has filed an annual request for notice.* [5 ILCS 120/2.02(a)] *Any news medium that has filed an annual request for notice shall be given the same notice of any emergency meeting in the same manner as is given to members of the* Board, *provided that the news medium has given* the Executive Director *an address or telephone number within Illinois at which notice may be given.* [5 ILCS 120/2.02(b)]

f) Recording Meeting

1) *Any person may record by tape, film or other means the proceedings at any open meeting,* subject to rules as may be prescribed by the Board of

Trustees, and subject to subsection (f)(2) and the provisions of Section 8-701 of the Code of Civil Procedure [735 ILCS 120/8-701]. [5 ILCS 120/2.05]

2) *If any witness at any meeting required to be open under the* Open Meetings *Act refuses to testify on the grounds that he or she may not be compelled to testify if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken, then the authority holding the meeting shall prohibit any recording during the testimony of the witness. Nothing in this* subsection (f) *shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure.* [5 ILCS 120/2.05]

g) Closed Meetings

1) Subject. The Board or a Board committee may hold closed meetings to consider any subject permitted under Section 2(c) of the Open Meetings Act, including the following subjects:

A) *The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of* SURS, *including hearing testimony on a complaint lodged against an employee to determine its validity* [5 ILCS 120/2(c)(1)];

B) *Collective negotiating matters between* SURS *and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees* [5 ILCS 120/2(c)(2)];

C) *Evidence or testimony presented in open hearing, or in closed hearing when specifically authorized by law, to a quasi-adjudicative body, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning* [5 ILCS 120/2(c)(4)];

D) *The purchase or lease of real property for the use of* SURS [5 ILCS 120/2(c)(5)];

E) *The setting of a price for sale or lease of real property owned by*

SURS [5 ILCS 120/2(c)(6)];

F) *The sale or purchase of securities, investments, or investment contracts* [5 ILCS 120/2(c)(7)];

G) Emergency *security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, staff, or public property,* provided that a description of the actual danger shall be made a part of the motion to close the meeting [5 ILCS 120/2(c)(8)];

H) *Litigation, when an action against, affecting or on behalf of* SURS *has been filed and is pending before a court or administrative tribunal, or when the* Board or a Board committee *finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting* [5 ILCS 120/2(c)(11)];

I) *Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which* SURS *is a member* [5 ILCS 120/2(c)(16)];

J) *The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board* (see 20 ILCS 405/67.28) [5 ILCS 120/2(c)(20)]; and

K) *Discussion of minutes of closed meetings, whether for purposes of approval by the* Board or Board committee *of the minutes, or for purposes of semiannual review of the minutes* [5 ILCS 120/2(c)(21)].

2) Procedure

A) Vote. Upon the majority vote of a quorum present of the Board or Board committee at an open meeting, the Board *may hold a meeting closed to the public or may close a portion of a meeting to the public.* The motion to close a meeting, or a portion of the meeting, shall *state a citation to the specific exemption set forth in*

Section 2 of the Open Meetings Act. The vote of each member shall be taken by roll call vote, *shall be publicly disclosed, and shall be recorded and entered into the minutes of the meeting.*

B) Subject. *Only topics specified in the vote to close may be considered during the closed meeting.*

C) Series of Meetings. *A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in the series involves the same particular matters and is scheduled to be held within no more than 3 months after the vote.* [5 ILCS 120/2a]

h) Minutes of Meetings

1) Open Meetings

A) Content. The Board or Board committee shall keep written minutes of all open meetings. The minutes shall include:

i) the date, time and place of the meeting;

ii) the members of the Board recorded as either present or absent, and whether the members were physically present or present by means of video or audio conference; and

iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

B) Public Inspection. The minutes of any open meeting shall be available for public inspection within 7 days after the approval of the minutes by the Board or Board committee.

2) Closed Meetings

A) Content. The Board or Board committee *shall keep written minutes of all closed meetings. The minutes shall include:*

i) *the date, time and place of the meeting;*

ii) *the members of* the Board *recorded as either present or absent; and*

iii) *a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.*

B) Public Inspection. *The minutes of any closed meeting shall be available for public inspection only after the Board determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping the minutes confidential.*

C) Semiannual Review. The Board *shall semiannually review minutes of all closed meetings. At closed meetings, a determination shall be made, and reported in an open session, that either:*

i) *the need for confidentiality still exists as to all or a part of those minutes; or*

ii) *the minutes or portions of the minutes no longer require confidential treatment and are available for public inspection.* [5 ILCS 120/2.06]

(Source: Amended at 36 Ill. Reg. 3938, effective February 22, 2012)

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section 1600.205 Compensation Subject to Withholding

Section 15-157 of the Illinois Pension Code requires every participating employee to make contributions of 8% of his or her pay to fund the benefits payable under SURS. This contribution is deducted from the participating employee's pay on a pre-tax basis and remitted to SURS via payroll deduction. The contributions are made as a percentage of the participating employee's "earnings". Earnings are defined at Section 15-111 of the Code. This Section states SURS' interpretation of what items of compensation are includable as earnings for the purposes of Section 15-111. The following shall be used when determining whether certain payments to employees are subject to SURS withholding.

a) Determination of the Purpose of the Payment

1) If the payment is for services rendered, then the payment is subject to SURS withholding.

2) If the payment is for a reason other than services rendered, it would not be subject to SURS withholding.

3) Other Payments

A) Bonuses; Awards. Bonuses received by an employee that are related to services rendered for a specific period of time, not to exceed one academic year, shall be included in earnings subject to SURS withholding. Awards, such as longevity of service awards or outstanding employee awards, that are not associated with a particular time period are not subject to SURS withholding.

B) Retirement Payments or Incentives. Payments made to induce someone to retire, or not to retire, are not for services rendered, but are made in conjunction with an employee's retirement and are not subject to SURS withholding. These payments are also not includable in the final rate of earnings under Section 15-112.

C) Group Fringe Benefits. Group fringe benefits provided by the employer are not subject to SURS withholding. However, employer paid premiums on employer-provided group term life insurance in excess of $50,000 are subject to SURS withholding.

D) Housing Allowance. A housing allowance, whether in the form of a direct salary payment or as a residence in which the employee resides, is subject to SURS withholding.

E) Automobile Allowance. An automobile allowance in the form of a direct salary payment is subject to SURS withholding. However, neither business use nor personal use of an employer-provided automobile is subject to SURS withholding.

F) Non-Qualified Moving Expenses. Non-qualified moving expenses (see 26 USC 217) are not subject to SURS withholding as they are not furnished in lieu of salary.

G) Unused Sick Leave Paid at Termination of Employment. These payments are not subject to SURS withholding, except for collectively bargained payments made in accordance with Section 15-112 of the Code.

H) Overtime. Overtime is subject to SURS withholding.

I) Miscellaneous Other Benefits. Fringe benefits that are provided in lieu of salary are subject to SURS withholding. Items that are not provided in lieu of salary (such as reimbursement for out-of-pocket travel expenses, relocation expenses, etc.) are not subject to SURS withholding. Items such as country club dues, tuition waivers, tickets to athletic and performing arts events for family members of employees, and other items that are reported as taxable income on the employee's Form W-2 are not subject to SURS withholding, unless those items are a negotiated fringe benefit in lieu of salary.

J) Military Differential Wage Payments and Salary Continuation Benefits. For payments made on or after January 1, 2009, differential wage payments, as defined under section 414(u)(12) of the IRC (26 USC 414(u)(12)), and payments to an individual who does not currently perform services for an employer by reason of qualified military service, as defined under section 414(u)(1) of the IRC (26 USC 414(u)(1)), to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service, shall be earnings subject to SURS withholding and shall be compensation paid or made available during the limitation year for purposes of applying the limitations under section 415 of the IRC.

b) Earning History

Certain earnings may be excludable from the "final rate of earnings" determined under Section 15-112 of the Code. Earnings are always attributable to the period when earned, not when paid. SURS reserves the right to reallocate reported

earnings to the period when earned, when this is necessary to accurately reflect the employee's earning history.

(Source: Amended at 36 Ill. Reg. 3938, effective February 22, 2012)

Section 1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA

For deaths occurring on or after January 1, 2007, in the case of a participant who dies while performing "qualified military service", as defined in section 414(u) of the IRC, any survivor or beneficiary of the participant is entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under SURS had the participant resumed employee status and then terminated employment on account of death.

(Source: Added at 36 Ill. Reg. 3938, effective February 22, 2012)

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 L
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 L. The Agreement between CMS and the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers was signed June 12, 2009. The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On January 27, 2012, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective January 1, 2012 in the central region. The contract agreement also states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula. The Boiler Safety Specialist rate effective January 1, 2012 in the central region is $6,335.34.

5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

6) Effective Date: February 24, 2012

7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table L, the central region rate effective January 1, 2012 is added and the rate effective January 1, 2009 is removed.

8) Does this rulemaking contain an automatic repeal date? No

9) Date filed with the Index Department: February 24, 2012

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

12) Are there any other proposed amendments pending on this Part? Yes.

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
310.47	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705, April 8, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.410	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix A Table O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix A Table W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table N	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table S	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table X	Amendment	35 Ill. Reg. 19885, December 23, 2011

13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this peremptory 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 Peremptory Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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 (Repealed)
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 (Repealed)
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 Rate
310.280 Designated Rate
310.290 Out-of-State Rate (Repealed)
310.295 Foreign Service Rate (Repealed)
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
310.415 Merit Compensation Salary Range Assignments
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 (Repealed)
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 Equivalents
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)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

Section
310.600 Jurisdiction

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.610 Pay Schedules
310.620 In-Hiring Rate
310.630 Definitions
310.640 Increases in Pay
310.650 Other Pay Provisions
310.660 Effective Date
310.670 Negotiated Rate
310.680 Trainee Rate
310.690 Educator Schedule for Frozen RC-063 and Frozen HR-010

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D HR-001 (Teamsters Local #700)
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 VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T HR-010 (Teachers of Deaf, IFT)
310.TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

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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 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)

310.APPENDIX B Frozen Negotiated-Rates-of-Pay

310.TABLE A Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C Frozen RC-056-Rates-of-Pay (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE H Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME)
310.TABLE I Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME)
310.TABLE J Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME)
310.TABLE K Frozen RC-023-Rates-of-Pay (Registered Nurses, INA)
310.TABLE M Frozen RC-110-Rates-of-Pay (Conservation Police Lodge)
310.TABLE N Frozen RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE R Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME)
310.TABLE S Frozen VR-704-Rates-of-Pay (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT)
310.TABLE V Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees)
310.TABLE W Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators, AFSCME)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX C	Medical Administrator Rates (Repealed)
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].

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; peremptory 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;

peremptory 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; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory 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; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory 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; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory 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; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory 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; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory 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; peremptory 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; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory 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; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory 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; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory 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; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory 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; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory 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; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; 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 September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory 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; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory 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; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory 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; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory 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; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory 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; 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; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill.

Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; peremptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; peremptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; peremptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; peremptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6,

2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE L RC-008 (Boilermakers)

Title	Title Code	Region	Effective Date	Monthly Salary
Boiler Safety Specialist	04910	Northern	July 1, 2011	7863.06
Boiler Safety Specialist	04910	Central	January 1, 2012~~2009~~	6335.34~~6183.96~~
Boiler Safety Specialist	04910	Southern	January 1, 2009	5700.24

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

Effective January 1, 2011, employees newly hired into positions allocated to the Boiler Safety Specialist title at the Department of Human Services receive the negotiated regular pension formula rate for the State of Illinois. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 3957, effective February 24, 2012)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF RESPONSE TO A RECOMMENDATION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: AIDS Drug Assistance Program

2) Code Citation: 77 Ill. Adm. Code 692

3) Section Numbers:
692.5
692.6
692.10
692.15
692.16
692.APPENDIX A
692.APPENDIX B

4) Date Notice of Proposed Amendments Published in the Register: October 7, 2011; 35 Ill. Reg. 15976

5) Date JCAR Statement of Recommendation Published in the Register: February 24, 2012; 36 Ill. Reg. 3111

6) Summary of Action Taken by the Agency: At its meeting on February 7, 2012, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that DPH update this Part to reflect current policy in a more timely manner. DPH has been implementing changes in Drug Assistance Program policies and procedures without adopting them in rule first.

The Department agrees with the Joint Committee's Recommendation and will, in the future, update its rules in a more timely manner.

DEPARTMENT OF STATE POLICE

NOTICE OF AGENCY RESPONSE TO THE RECOMMENDATION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Electronic Transmission of Fingerprints

2) Code Citation: 20 Ill. Adm. Code 1265

3) Section Number: 1265.30 — Proposed Action: Amendment

4) Date Notice of Proposed Amendments Published in the Register: DFPR amendments to 68 Ill. Adm. Code 1240, April 22, 2011; 35 Ill. Reg. 6687

5) JCAR Statement of Recommendation Published in the Register: December 30, 2011; 35 Ill. Reg. 21072

6) Summary of Action Taken by the Agency: At its meeting on December 13, 2011, the Joint Committee on Administrative Rules considered a Department of Financial and Professional Regulation rulemaking titled Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (68 Ill. Adm. Code 1240; 35 Ill. Reg. 6687) and additionally recommended that, if the Department of State Police believes that a photograph of a person being fingerprinted for a criminal background check is necessary, it adopt amendments to require those photographs, as allowed by Section 8A of the Illinois Uniform Conviction Information Act [20 ILCS 2635/8A].

The Department of State Police agrees to adopt an amendment to its rules at 20 Ill. Adm. Code 1265 titled Electronic Transmission of Fingerprints in order to require that a photograph be submitted of the person being fingerprinted for a criminal background check, as allowed by Section 8A of the Illinois Uniform Conviction Information Act [20 ILCS 2635/8A].

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period October 1, 2011 through December 31, 2011.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995: 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006, 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008; 32 Ill. Reg. 13595, August 15, 2008; 32 Ill. Reg. 19961, December 19, 2008; 33 Ill. Reg. 3683, February 27, 2009; 33 Ill. Reg. 9191, June 26, 2009; 33 Ill. Reg. 13526, September 25, 2009; 33 Ill. Reg. 17178, December 18, 2009; 34 Ill. Reg. 6546, May 7, 2010; 34 Ill. Reg. 7811, June 4, 2010; 34 Ill. Reg. 13565, September 17, 2010; 34 Ill. Reg. 17490, November 12, 2010; 35 Ill. Reg. 3618, February 25, 2011; 35 Ill. Reg. 8574, June 3, 2011; 35 Ill. Reg. 12835, July 29, 2011 and 35 Ill. Reg. 18973, November 14, 2011.

Aquatic life and human health criteria for General Use (35 Ill. Adm. Code 303.201) and Lake Michigan Basin (35 Ill. Adm. Code 303.443) waters are listed below. General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. General Use and Lake

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Michigan Basin waters used as Public and Food Processing Water Supplies (35 Ill. Adm. Code 303.202) are subject to more stringent human health criteria as specified in their respective derivation procedures (35 Ill. Adm. Code 302.648 and 302.657 and 35 Ill. Adm. Code 302.585 and 302.590, respectively). Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

General Use Criteria

Chemical: Acenaphthene CAS #83-32-9 Acute criterion: 120 ug/l Chronic criterion: 62 ug/l Date criteria derived: November 14, 1991; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Acenaphthylene CAS # 208-96-8 Acute criterion: 190 ug/L Chronic criterion: 15 ug/L Date criteria derived: March 1, 1998 Applicable waterbodies: Not used during this period.
Chemical: Acetochlor CAS #34256-82-1 Acute criterion: 150 ug/l Chronic criterion: 12 ug/l Date criteria derived: September 26, 2007 Applicable waterbodies: Not used during this period.
Chemical: Acetone CAS #67-64-1 Acute criterion: 1,500 mg/l Chronic criterion: 120 mg/l Date criteria derived: May 25, 1993 Applicable waterbodies: Not used during this period.
Chemical: Acetonitrile CAS #75-05-8 Acute criterion: 380 mg/l Chronic criterion: 30 mg/l Human health criterion (HTC): non-primary contact, 20 mg/L Date criteria derived: December 7, 1993; revised January 23, 2007 Applicable waterbodies: Not used during this period.
Chemical: Acrolein CAS #107-02-8 Acute criterion: 2.7 µg/l Chronic criterion: 0.22 µg/l Date criteria calculated: February 1999; reviewed January 2008 Applicable waterbodies: Not used during this period.
Chemical: Acrylonitrile CAS #107-13-4 Acute criterion: 910 ug/l Chronic criterion: 73 ug/l Human health criterion (HNC): 0.21 ug/l

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Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.
Chemical: Aniline CAS #62-53-3 Acute criterion: 120 µg/l Chronic criterion: 15 µg/l Date criteria calculated: July 24, 1998; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.
Chemical: Anthracene CAS #120-12-7 Acute criterion: 0.66 ug/L Chronic Criterion: 0.53 ug/L Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993, revised May 30, 2007 Applicable waterbodies: Not used during this period.
Chemical: Antimony CAS #7440-36-0 Acute criterion: 1,200 ug/L Chronic Criterion: 320 ug/L Human health criterion (HTC): 12,000 ug/l Non-primary contact: 1,200 ug/l Public and food processing water supply: 6 ug/l Date criteria derived: September 29, 2008 Applicable waterbodies: Not used during this period.
Chemical: Atrazine CAS #1912-24-9 Acute criterion: 82 ug/l Chronic criterion: 9.0 ug/L Date criteria derived: May 2, 2005 Applicable waterbodies: Not used during this period.
Chemical: Benzo(a)anthracene CAS #56-55-3 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Benzo(a)pyrene CAS #50-32-8 Human health criterion (HNC): 0.016 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Benzo(b)fluoranthene CAS # 205-99-2 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Benzo(k)fluoranthene CAS #207-08-9 Human health criterion (HNC): 1.6 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.

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Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7 Human health criterion (HNC): 1.9 ug/l Date criteria derived: February, 1999; reviewed: June 2009 Applicable waterbodies: Not used during this period.
Chemical: Bromodichloromethane CAS #75-27-4 Acute criterion: 10 ug/l Chronic criterion: 1 ug/l Human health criterion (HNC): 13 ug/l Date criteria derived: February 1, 1999 Applicable waterbodies: Not used during this period.
Chemical: Carbon tetrachloride CAS #56-23-5 Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.
Chemical: 2-Chloroaniline CAS #95-51-2 Acute criterion: 75 ug/l Chronic criterion: 6 ug/l Date criteria derived: June 21, 1996; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.
Chemical: 4-Chloroaniline CAS #106-47-8 Acute criterion: 2.4 ug/l Date criteria derived: February 26, 1992; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.
Chemical: Chlorobenzene CAS #108-90-7 Acute criterion: 990 ug/l Chronic criterion: 79 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.
Chemical: Chloroethane CAS #75-00-3 Acute criterion: 13 mg/l Chronic criterion: 1 mg/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.
Chemical: Chloromethane CAS #74-87-3 Acute criterion: 16 mg/l Chronic criterion: 1.3 mg/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.
Chemical: Chloroform CAS #67-66-3 Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992

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Applicable waterbodies: Not used during this period.
Chemical: Chrysene CAS #218-01-9 Human health criterion (HNC): 16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: 2,4-D CAS #94-75-7 Acute criterion: 100 ug/l Chronic criterion: 8 ug/l Date criteria derived: July 1, 1993; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.
Chemical: Dibenz(a,h)anthracene CAS #53-70-3 Human health criterion (HNC): 0.016 ug/l Date criteria derived : February, 1999, reviewed June 2007 Applicable waterbodies: Not used during this period.
Chemical: 1,2-dichlorobenzene CAS #95-50-1 Acute criterion: 210 ug/l Chronic criterion: 17 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.
Chemical: 1,3-dichlorobenzene CAS #541-73-1 Acute criterion: 500 ug/l Chronic criterion: 200 ug/l Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.
Chemical: 1,1-dichloroethane CAS #75-34-3 Acute criterion: 20 mg/l Chronic criterion: 2 mg/l Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.
Chemical: 1,2-dichloroethane CAS #107-06-2 Acute criterion: 25 mg/l Chronic criterion: 4.5 mg/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.
Chemical: 1,1-dichloroethylene CAS #75-35-4 Acute criterion: 3,000 ug/l Chronic criterion: 240 ug/l Human health criterion (HTC): 110 ug/l Non-primary contact: 120 ug/l Public and food processing water supply: 6.6 ug/l Date criteria derived: March 20, 1992; revised May 04, 2009 Applicable waterbodies: Not used during this period.
Chemical: 1,2-dichloroethylene CAS #540-59-0

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Acute criterion: 14 mg/l Chronic criterion: 1.1 mg/l Date criteria derived: November 18, 2008 Applicable waterbodies: Not used during this period.
Chemical: trans-1,2-dichloroethylene CAS #156-60-5 Human health criterion (HTC): 34 mg/l Date criteria derived: February 1, 1999; reviewed December 2, 2010 Applicable waterbodies: Not used during this period.
Chemical: 2,4-dichlorophenol CAS #120-83-2 Acute criterion: 630 ug/l Chronic criterion: 83 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.
Chemical: 1,2-dichloropropane CAS #78-87-5 Acute criterion: 4,800 ug/l Chronic criterion: 380 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.
Chemical: 1,3-dichloropropylene CAS #542-75-6 Acute criterion: 99 ug/l Chronic criterion: 7.9 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.
Chemical: 2,4-dimethyl phenol CAS #105-67-9 Acute criterion: 740 ug/l Chronic criterion: 220 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol CAS #534-52-1 Acute criterion: 29 ug/l Chronic criterion: 2.3 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.
Chemical: 2,4-dinitrophenol CAS #51-28-5 Acute criterion: 85 ug/l Chronic criterion: 4.1 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.
Chemical: 2,6-dinitrotoluene CAS #606-20-2 Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.
Chemical: Diquat CAS #85-00-7 Acute criterion: 990 ug/l Chronic criterion: 80 ug/l Date criteria derived: January 30, 1996

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Applicable waterbodies: Not used during this period.
Chemical: Ethyl mercaptan (ethanethiol) CAS #75-08-1 Acute criterion: 17 ug/l Chronic criterion: 2 ug/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.
Chemical: Fluoranthene CAS #206-44-0 Acute criterion: 4.3 ug/L Chronic Criterion: 1.8 ug/L Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic) Applicable waterbodies: Not used during this period.
Chemical: Fluorene CAS #86-73-7 Acute criterion: 59 ug/L Chronic Criterion: 16 ug/L Date criteria derived: June 6, 2007 Applicable waterbodies: Not used during this period.
Chemical: Formaldehyde CAS #50-00-0 Acute criterion: 4.9 mg/l Chronic criterion: 0.39 mg/l Date criteria derived: January 19, 1993 Applicable waterbodies: Not used during this period.
Chemical: Hexachlorobenzene CAS #118-74-1 Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.
Chemical: Hexachlorobutadiene CAS #87-68-3 Acute criterion: 35 ug/l Chronic criterion: 2.8 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.
Chemical: Hexachloroethane CAS #67-72-1 Acute criterion: 380 ug/l Chronic criterion: 31 ug/l Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.
Chemical: n-Hexane CAS #110-54-3 Acute criterion: 250 ug/l Chronic criterion: 20 ug/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.
Chemical: Indeno(1,2,3-cd)pyrene CAS #193-39-5 Human health criterion (HNC): 0.16 ug/l Date criteria calculated: February, 1992, reviewed June 2007

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Applicable waterbodies: Not used during this period.
Chemical: Isobutyl alcohol = 2-methyl-1-propanol CAS #78-83-1 Acute criterion: 430 mg/l Chronic criterion: 35 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.
Chemical: Methylene chloride CAS #75-09-2 Acute criterion: 17 mg/l Chronic criterion: 1.4 mg/l Human health criterion (HNC): 330 ug/l Non-primary contact: 490 ug/l Public and food processing water supply: 4.6 ug/l Date criteria derived: January 21, 1992; revised November 25, 2008 Applicable waterbodies: Not used during this period.
Chemical: Methylethylketone CAS #78-93-3 Acute criterion: 320 mg/l Chronic criterion: 26 mg/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.
Chemical: 4-methyl-2-pentanone CAS #108-10-1 Acute criterion: 46 mg/l Chronic criterion: 1.4 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.
Chemical: 2-methyl phenol CAS #95-48-7 Acute criterion: 4.7 mg/l Chronic criterion: 0.37 mg/l Date criteria derived: November 8, 1993 Applicable waterbodies: Not used during this period.
Chemical: 4-methyl phenol CAS #106-44-5 Acute criterion: 670 ug/l Chronic criterion: 120 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.
Chemical: Methyl tert-butyl ether (MTBE) CAS #134-04-4 Acute criterion: 67 mg/l Chronic criterion: 5.4 mg/l Date criteria derived: September 18, 1997 Applicable waterbodies: Not used during this period.
Chemical: Metolachlor CAS #51218-45-2 Acute criterion: 380 ug/l Chronic criterion: 30.4 ug/l Date criteria derived: February 25, 1992; revised October 1, 2007 Applicable waterbodies: Not used during this period.
Chemical: Naphthalene CAS #91-20-3 Acute criterion: 510 ug/l Chronic criterion: 68 ug/l

Date criteria derived: November 7, 1991; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: 4-nitroaniline CAS #100-01-6 Acute criterion: 1.5 mg/l Chronic criterion: 0.12 mg/l Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.
Chemical: Nitrobenzene CAS #98-95-3 Acute criterion: 15 mg/l Chronic criterion: 8.0 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: PCBs CAS #1336-36-3 **Human health criterion (HNC): 0.056 ng/l** **Non-primary contact: 0.056 ng/l** **Public and food processing water supply: 0.056 ng/l** **Date criteria derived: December 6, 2011** **Applicable waterbodies: Not used during this period.**
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Chronic criterion: 13 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.
Chemical: Phenanthrene CAS #85-01-8 Acute criterion: 46 ug/l Chronic criterion: 3.7 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.
Chemical: Propylene CAS #115-07-1 Acute criterion: 4.0 mg/l Chronic criterion 0.40 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.
Chemical: Pyrene CAS #120-00-0 Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.
Chemical: Styrene CAS #120-42-5 Acute criterion: 2.5 mg/L Chronic criterion: 0.2 mg/L Date criteria derived: October 26, 1992; reviewed May 4, 2009 Applicable waterbodies: Not used during this period.
Chemical: Tetrachloroethylene CAS #127-18-4

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Acute criterion: 1,200 ug/l Chronic criterion: 150 ug/l
Date criteria derived: March 23, 1992
Applicable waterbodies: Not used during this period.

Chemical: Tetrahydrofuran CAS #109-99-9
Acute criterion: 220 mg/l Chronic criterion: 17 mg/l
Date criteria derived: March 16, 1992
Applicable waterbodies: Not used during this period.

Chemical: Thallium CAS #7440-28-0
Acute criterion: 86 ug/l Chronic criterion: 11 ug/l
Human health criterion (HTC): 3.0 ug/l
Non-primary contact: 3.0 ug/l
Public and food processing water supply: 1.2 ug/l
Date criteria derived: October 22, 2007; revised November 18, 2008
Applicable waterbodies: Not used during this period.

Chemical: 1,2,4-trichlorobenzene CAS #120-82-1
Acute criterion: 370 ug/l Chronic criterion: 72 ug/l
Date criteria derived: December 14, 1993; revised February 1999
Applicable waterbodies: Not used during this period.

Chemical: 1,1,1-trichloroethane CAS #71-55-6
Acute criterion: 4,900 ug/l Chronic criterion: 390 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies: Not used during this period.

Chemical: 1,1,2-trichloroethane CAS #79-00-5
Acute criterion: 19 mg/l Chronic criterion: 4.4 mg/l
Human health criterion (HNC): 12 ug/l
Date criteria derived: December 13, 1993; revised February 1999
Applicable waterbodies: Not used during this period.

Chemical: Trichloroethylene CAS #79-01-6
Acute criterion: 12,000 ug/l Chronic criterion: 940 ug/l
Human health criterion (HNC): 25 ug/l
Non-primary contact: 26 ug/l
Public and food processing water supply: 2.5 ug/l
Date criteria derived: October 23, 1992; revised November 18, 2008
Applicable waterbodies: Not used during this period.

Chemical: 1,2,4-trimethylbenzene CAS #95-63-6
Acute criterion: 360 ug/l Chronic criterion: 29 ug/l
Date criteria derived: July 15, 1998; reviewed December 2, 2010
Applicable waterbodies: Not used during this period.

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Chemical: Vinyl chloride CAS #75-01-4
Acute criterion: 22 mg/l Chronic criterion: 1.7 mg/l
Human health criterion (HNC): 1.5 ug/l
Non-primary contact: 2 ug/l
Public and food processing water supply: 0.025 ug/l
Date criteria derived: October 23, 1992; revised January 23, 2007; revised November 17, 2008
Applicable waterbodies: Not used during this period.

Lake Michigan Basin Criteria

Chemical: Antimony CAS #7440-36-0
Aquatic Life Criteria:
Acute criterion: 470 ug/l Chronic criterion: 120 ug/l
Date criteria derived: September 29, 2008
Applicable waterbodies: Not used during this period.

Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7
Aquatic Life Criteria:
Acute criterion: 76 ug/l Chronic criterion: 17 ug/l
Human Health Non-threshold Criteria:
Public and food processing water supply: 2.8 ug/l
Non-drinking water: 3.2 ug/l
Date criteria derived: June 20, 2006
Applicable waterbodies: Not used during this period.

Chemical: 1,2-dichloroethylene CAS #540-59-0
Aquatic Life Criteria:
Acute criterion: 8.8 mg/l Chronic criterion: 0.98 mg/l
Date criteria derived: November 18, 2008
Applicable waterbodies: Not used during this period.

Chemical: Methylene Chloride CAS #75-09-2
Aquatic Life Criteria:
Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l
Human Health Non-threshold Criteria:
Public and food processing water supply: 47 ug/l
Non-drinking water: 2,600 ug/l

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Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.
Chemical: Thallium CAS #7440-28-0 Aquatic Life Criteria: Acute criterion: 54 ug/l Chronic criterion: 15 ug/l Human Health Threshold Criteria: Public and food processing water supply: 1.3 ug/l Non-drinking water: 3.7 ug/l Date criteria derived: June 20, 2006; revised November 18, 2008 Applicable waterbodies: Not used during this period.
Chemical: Vinyl Chloride CAS #75-01-4 Aquatic Life Criteria: Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l Human Health Non-threshold Criteria: Public and food processing water supply: 0.25 ug/l Non-drinking water: 14.4 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.

For additional information concerning these criteria or the derivation process used in generating them, please contact:

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1021 North Grand Avenue East
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217-558-2012

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 22, 2012 through February 28, 2012 and have been scheduled for review by the Committee at its March 6, 2012 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/6/12	Secretary of State, Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)	12/23/11 35 Ill. Reg. 20125	3/6/12
4/6/12	Department of State Police, Sample Collection for Genetic Marker Indexing (20 Ill. Adm. Code 1285)	1/6/12 36 Ill. Reg. 1	3/6/12
4/8/12	Department of Children and Family Services, Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 425)	10/14/11 35 Ill. Reg. 16162	3/6/12
4/12/12	Department of Healthcare and Family Services, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	11/18/11 35 Ill. Reg. 19015	3/6/12
4/12/12	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	7/22/11 35 Ill. Reg. 12202	3/6/12

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Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 10 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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