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May 5, 2017 Volume 41, Issue 18

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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 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Adoption Services for Children for whom the Department of Children and Family Services is Legally Responsible
- 2) Code Citation: 89 Ill. Adm. Code 309
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
309.20	Amendment
309.40	Amendment
309.105	Amendment
309.150	Amendment
- 4) Statutory Authority: 20 ILCS 505/4 and 5
- 5) A Complete Description of the Subjects and Issues Involved: These amendments incorporate changes to the Adoption Act as enacted by PA 99-345 and PA 99-832. These changes include added and amended definitions to section 309.20; adds parties to a civil union as “persons who may adopt” to section 309.105, and additional disclosure requirements to section 309.150. Section 309.40 is being amended to remove the name of the former private firm who managed the Adoption Listing Service for the Department. The management of the Adoption Listing Service is currently under DCFS.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 rulemakings to this Part pending? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
309.20	Amendment	41 Ill. Reg. 1886; February 17, 2017
- 11) Statement of Statewide Policy Objective: The amended rule does not expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65
Springfield IL 62701-1498

217/524-1983
217/524-3715 (TDD)
217/557-0692 (FAX)
cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an economic impact on small business.
- 14) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas: The proposed rulemaking was not included on either of the 2 most recent regulatory agendas because the need for rulemaking was not anticipated.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 309

ADOPTION SERVICES FOR CHILDREN FOR WHOM THE DEPARTMENT OF
CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section	
309.10	Purpose
309.20	Definitions
309.30	Recruitment of Adoptive Families
309.35	Good Faith Effort to Locate Siblings in Adoption and Subsidized Guardianship Placements
309.40	Adoption Listing Services
309.50	Identification of Children for Potential Adoption Planning
309.60	Legal Risk Placements
309.70	Freeing Children for Adoption
309.80	Termination of Parental Rights
309.90	Putative Father Registry
309.100	Preparation of Children for Adoption
309.105	Who May Adopt a Child
309.110	Preparation and Training of Adoptive Families
309.120	Preparation of the Child's Biological Parents
309.130	Placement Considerations
309.135	Post-Permanency Sibling Contact Agreement
309.140	Placement of Children with Adoptive Families
309.150	Providing Information to Adoptive Families
309.160	Post-Placement Services
309.170	Post-Adoption Services
309.180	Adoption Assistance
309.190	Adoption Registry

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq; 45 CFR 1356.40 and 1356.41); and the Adoption and Safe Families Act (42 USCA 1305).

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SOURCE: Adopted at 22 Ill. Reg. 8769, effective May 15, 1998; amended at 23 Ill. Reg. 11098, effective September 16, 1999; amended at 25 Ill. Reg. 11778, effective September 14, 2001; amended at 26 Ill. Reg. 16449, effective October 23, 2002; emergency amendment at 30 Ill. Reg. 17123, effective October 13, 2006, for a maximum of 150 days; emergency expired March 11, 2007; amended at 31 Ill. Reg. 8466, effective June 8, 2007; amended at 36 Ill. Reg. 4069, effective March 5, 2012; amended at 40 Ill. Reg. 720, effective December 31, 2015; amended at 40 Ill. Reg. 7744, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 309.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance and other services from the Department ~~that~~^{which} are provided to the adoptive parents after the finalization of an adoption of a child with special needs as defined in Section 309.180.

"Adoption dissolution" means a circumstance in which the child is removed from an adoptive placement after the adoption is finalized [750 ILCS 50/1(CC)].

"Adoption placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents.

"Adoption triad" means the adoptive family, the adoptee (child being adopted) and the biological family.

"Adult" means a person who has attained the age of 18.

"Agency" means a public child welfare agency or a licensed child welfare agency.

"Attachment" means the lasting psychological tie between two people who have significance for each other that endures through space and time and serves to join them emotionally.

"Best interests", as defined in the Juvenile Court Act of 1987 [705 ILCS 405], means consideration of the following factors, in the context of the child's age and developmental needs:

the physical safety and welfare of the child, including food, shelter, health, and clothing;

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the development of the child's identity;

the child's background and ties, including familial and religious;

the child's sense of attachments, including:

where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

the preferences of the persons available to care for the child. [705 ILCS 405/1-3]

"Birth grandparent", for the purposes of the Adoption Registry, means the biological parent of:

a non-surrendered person who is a deceased birth mother; or

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a non-surrendered person who is a deceased birth father [750 ILCS 50/18.06].

"Birth relative", for the purposes of the Adoption Registry, means a birth mother, birth father, birth grandparent, birth sibling, birth aunt, or birth uncle [750 ILCS 50/18.06].

"Certification training" means training directed toward preparing a family to adopt a child for whom the Department of Children and Family Services is legally responsible and may consist of the following different types of training:

six hours of standardized training for foster care conversion adoptions (i.e., ~~that means that~~ a foster parent or relative caregiver is adopting a child who has been in his or her care); ~~or~~

six hours of standardized training and an additional individualized training plan specific to the child's needs for adoptive parents who have not had the child in their care prior to the adoptive placement; or

training specified by private child welfare agencies who meet the standards of the Council on Accreditation of Services for Families and Children.

"Children for whom the Department of Children and Family Services is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Confidential intermediary" is an individual appointed by the court *for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases in which~~where~~ an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person or his or her adoptive parents or surviving spouse may file a petition under Section 18.3a of the Adoption Act [750 ILCS 50/18.3a]. ~~In and in~~ cases in which~~where~~ the birth parent is deceased, an adult birth sibling of the adopted or surrendered person or of the deceased birth parent may file a petition under*

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Section 18.3a *for the purpose of exchanging medical information with one or more mutually consenting biological relatives of the adopted or surrendered person, obtaining identifying information about one or more mutually consenting biological relatives of the adopted or surrendered person, or arranging contact with one or more mutually consenting biological relatives of the adopted or surrendered person.* [750 ILCS 50/18.3a] The duties and responsibilities of a confidential intermediary are set out in Section 18.3a(i) of the Adoption Act.

"Consent to adoption by a specified person" is a voluntary act by the parents to relinquish all parental rights of a child to a person or persons specified by the parents in the specific consent document. Consent to adoption by a specified person is further described in Section 309.70 (Freeing Children for Adoption).

"Contact between siblings" means contact among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Department" means the Illinois Department of Children and Family Services.

"Fictive kin" means any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual. [20 ILCS 505/7(b)]

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in Section 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in Section 301.80 (Relative Home Placement) must be met.

"Internal legal screening" means an internal review required by the Department prior to referring a case for termination of parental rights for the purpose of freeing a child for adoption. Depending on local practice, a representative of the State's Attorney's Office may participate in the screening. The purpose of the

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screening is to determine whether sufficient grounds for termination of parental rights exist and whether adoption is in the best interest of the child. Legal screening is further described in Section 309.80 (Termination of Parental Rights).

"Legal risk placement" means the placement with a family of a child, not yet legally free for adoption, made in the best interests of the child with the intent that the family will become an adoptive resource for the child should the child become legally free for adoption.

"Parental unfitness" means a finding by the court that a person is unfit to parent a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are described in Section 1(D) of the Adoption Act [750 ILCS 50/1(D)].

"Persons approved for adoption" means persons who have been licensed as a foster family home in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or relative caregivers with whom children have been placed in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services) and who also meet the certification requirements of Section 309.110(c).

"Placement disruption" means a circumstance in which the child is removed from an adoptive placement before the adoption is finalized.

"Post-adoption services" are services meant to assist and support the family in maintaining itself in a healthy and nurturing environment and in preserving the adoption. Post-adoption services may include, but are not limited to, social, psychological, psychiatric, health, educational and adoption preservation services. Financial services are available to families and adoptees following the legal consummation of the adoption, when they are eligible for adoption assistance. Post-adoption services also address the needs of adult adoptees and their biological families to seek information and contact, when desired.

"Post-placement and post-adoption support services" means support services for youth in care or adoptive children and families. These services include, but are not limited to, counseling for emotional, behavioral or developmental needs.

"Putative father" means a male, regardless of age, who may be a child's father, but who was not married to the child's mother on or before the date that the child was

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or is to be born and for whom paternity of the child has not been established in a court proceeding.

"Registrant" or "Registered Party", for the purposes of the Adoption Registry, means a birth parent, birth grandparent, birth sibling, birth aunt, birth uncle, adopted or surrendered person 21 years of age or over, adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or adoptive parent, surviving spouse, or adult child of a deceased adopted or surrendered person who has filed an Illinois Adoption Registry Application or Registration Identification Form with the Registry [750 ILCS 50/18.06].

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if

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the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Secondary placement" means a placement, including, but not limited to, the placement of a child for whom the Department is legally responsible that occurs after placement disruption or adoption dissolution. Secondary placement does not mean secondary placement arising due to the death of the adoptive parent of the child. [750 ILCS 50/18.06]

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Surrender for adoption" is a voluntary act by the parents to relinquish all parental rights of a child to an agency for the purpose of placing the child for adoption.

"Termination of parental rights" is a legal action of the court or a voluntary action by the parents that relieves the birth parents of a child of all parental responsibility for the child and deprives them of all legal rights with respect to the child.

"Unregulated placement" means the secondary placement of a child that occurs without the oversight of the courts, the Department, or a licensed child welfare agency [750 ILCS 50/18.06].

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute

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care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 309.40 Adoption Listing Services

- a) The Department or its agent shall maintain coded listings that include the names and addresses of persons who have applied for and have been approved for the adoption of a child. The listings shall also include the names of children for whom:
 - 1) the Department has determined, after an internal legal screening, that adoption is the appropriate permanency plan for the child; and
 - 2) two weeks have passed since the internal legal screening determination and an adoptive resource has not yet been identified for the child.
- b) The purpose of the adoption listing service is to enable caseworkers to aggressively identify adoptive parents and children for whom adoption is in their best interests.
- c) When it can be demonstrated that it would be contrary to the child's best interests to list the child due to the child's mental health problems, the child shall not be listed. This exception must be reviewed and reapproved by the Department's Regional Administrator every six months.
- d) Licensed Illinois adoption agencies that provide adoption services on behalf of children for whom the Department is legally responsible shall submit to the ~~Department or its~~Department's agent, for inclusion in the coded listing, the names and addresses of all persons who have applied and been approved for adoption of a child, who are waiting for a child and who have authorized the listing. In addition, licensed adoption agencies shall also submit to the ~~Department or its~~Department's agent for inclusion in the coded listing the names of such children who have not been placed for adoption. ~~The Department's agent is:~~

~~Adoption Information Center of Illinois
120 West Madison Street, Suite 800
Chicago IL 60602~~

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[800/572-2390](tel:8005722390)

www.adoptinfo-il.org

- e) The Department or its agent shall make the coded listings available, without charge, to every licensed adoption agency in the State in a format that, in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services, protects the confidentiality of the persons seeking to adopt and of the child not yet placed for adoption.
- f) Information regarding the child shall be made available as follows:
 - 1) Information that is not included in the listing, but is provided to licensed adoption agencies, shall include specific personal information about the child, including, but not limited to, if applicable, the child's mental health history, health history, HIV test results or diagnosis of AIDS, or parental alcohol or substance abuse history.
 - 2) Information provided to the general public shall be limited to general information about the child such as the child's personality, likes, dislikes, interests and activities. More specific personal information shall only be provided to persons who have expressed an interest in a specific child and are seriously considering adopting the child.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 309.105 Who May Adopt a Child

- a) *Any of the following persons, who is under no legal disability (except the minority specified in subsection (a)(2)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceedings:*
 - 1) *A reputable person of legal age and of either sex, provided that, if such person is married, or a party to a civil union, and has not been living separate and apart from his or her spouse, or civil union partner, for 12*

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months or longer, his or her spouse or civil union partner shall be a party to the adoption proceeding, including a spouse or civil union ~~husband or wife~~ desiring to adopt a child of the other spouse or a civil union partner ~~desiring to adopt a child of the other partner~~, in all of which cases the adoption shall be by both spouses or civil union partners jointly. However, a spouse or civil union partner is not required to join in a petition for adoption to re-adopt a child after an intercountry adoption if the spouse or civil union partner did not previously adopt the child as set forth in Section 4.1(c) and (e) of the Adoption Act.

- 2) *A minor, by leave of court upon good cause shown.*
- b) *The residence requirement specified in subsection (a) ~~of this Section~~ shall not apply to an adoption of a related child or child previously adopted in a foreign country by the petitioner or to an adoption of a child placed by an agency. [750 ILCS 50/2]*

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 309.150 Providing Information to Adoptive Families

The Department or adoption agency will provide, if known, to the family identified to adopt the child the following information, in writing, regarding the child as soon as possible, but no later than ten days prior to the date of the adoptive placement or the legal risk placement with prospective adoptive parents in the event the child is not yet free for adoption:

- a) Information about the child's biological parents, which shall include:
 - 1) age of the biological parents;
 - 2) their race, religion, cultural and ethnic backgrounds;
 - 3) general physical appearance;
 - 4) their education, occupation, hobbies, interests and talents;
 - 5) existence of any other children born to the biological parents, including the first names and ages of the adopted child's siblings and additional identifying information with appropriate consents;

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- 6) information about biological grandparents, reason for immigrating into the United States, and country of origin;
 - 7) relationship between biological parents; ~~and~~
 - 8) whether the birth parent or parents requested or agreed to post-adoption contact with the child at the time of placement, and, if so, the frequency and type of contact; and
 - 98) detailed medical and mental health history of the biological parents and their immediate relatives as described in subsection (c) ~~below~~.
- b) Information about the child, which shall include:
- 1) identifying information ~~that~~which includes name, birth date, place of birth, order of birth, race, sex, physical description;
 - 2) developmental history ~~that~~which includes prenatal, delivery, postnatal, age at which significant milestones were achieved, and significant deficiencies or problems;
 - 3) education, which includes:
 - A) schools attended, grade level, type of program, present level of functioning, and current teacher;
 - B) special problems in school; and
 - C) the child's perception of his or her school experience;
 - 4) information about the child's personality and behavior, which includes:
 - A) how the child presents him/herself to the worker;
 - B) behavior problems, acting-out, delinquency;
 - C) family's perception of child, role in family, interaction with parents and siblings, with whom the child relates most often, favorite

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parent or sibling, least favorite parent or sibling, who disciplines, how each child perceives his/her role in the family;

- D) child's strengths, interests, skills;
 - E) religious/cultural beliefs of the child; and
 - F) child involvement with the agency, including child's perception and involvement with other agencies, and the legal system;
- 5) placement history, which includes:
- A) reasons and date the child came into placement;
 - B) information as to why the child was unable to return to his/her family of origin;
 - C) number of placements the child has experienced since he/she has been in the care of the Department and reasons for each move; ~~and~~
 - D) information pertaining to any physical or sexual abuse or neglect of which the child was the victim or perpetrator; and
 - E) how and why the adoptive parent or parents were selected and who selected the adoptive parent or parents.
- 6) legal status, which includes:
- A) whether the child is free for adoption;
 - B) whether the placement is a legal risk placement; or
 - C) whether the child has any other legal involvement.
- c) Information about the medical and health histories of the child and the biological parents ~~that~~which shall include:
- 1) for the child:

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- A) significant illnesses, diseases, disabilities, physicians, medications and immunization records;
 - B) conditions or diseases believed to be hereditary;
 - C) drugs or medications taken by the child's biological mother during pregnancy;
 - D) psychological and psychiatric information;
 - E) any other information that may be a factor influencing the child's present or future physical, mental, or emotional health;
- 2) for the biological parents:
- A) chronic and acute illnesses, hospitalizations, general health of grandparents and siblings, alcohol or other drug abuse;
 - B) conditions or diseases believed to be hereditary;
 - C) psychological and psychiatric information;
 - D) any other information that may be a factor influencing the child's present or future physical, mental, or emotional health.
- d) No information provided under this Section shall disclose the names or last known address of the biological parents, grandparents, siblings of the biological parents, or any other relative of the child to be adopted with the exception of siblings as specified in subsection (a)(5).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing Enforcement
- 2) Code Citation: 89 III. Adm. Code 383
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
383.15	Amendment
383.25	Amendment
383.30	Amendment
383.35	Amendment
383.40	Amendment
383.45	Amendment
383.50	Amendment
383.55	Amendment
383.60	Amendment
383.65	Amendment
383.70	Amendment
383.75	Amendment
383.80	Amendment
383.85	Amendment
383.90	Amendment
383.100	Amendment
383.110	Amendment
383.120	Amendment
383.125	Amendment
383.130	Amendment
383.135	Amendment
383.140	Amendment
383.150	Amendment
383.Appendix A	Amendment
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10] and the Children and Family Services Act [20 ILCS 505]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending the title of the Part to - Licensing Compliance Monitoring & Enforcement to more clearly reflect the role of the Licensing Representative as someone who assists facilities in meeting the licensing standards, rather than strictly enforcing the rules in a punitive manner. These revisions clarify the role of the Licensing Representative,

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Licensing Supervisor. The licensing enforcement process is more clearly delineated and consistency in terminology through the Rule had been updated.

Proposed amendments reflect a complete review of Rule in regard to current practice among all user groups including Department, POS Agencies, Licensing Administration and Administrative Hearings Unit.

- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this proposed rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? NO
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
email: CFPolicy@idcfs.state.il.us

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking is utilized in compliance monitoring and enforcement by DCFS and POS Licensing Staff. This rulemaking affects all child care facilities licensed by the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance. Department and POS Licensing Staff must adhere to all monitoring requirements, documentation and communication with Licensees and Licensing Administrative Staff.
 - C) Types of professional skills necessary for compliance: The ability to understand and comply with Licensing regulations, produce and manage documentation pertaining to the monitoring of licensed and permit child care facilities.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER D: LICENSING ADMINISTRATION

PART 383

LICENSING COMPLIANCE MONITORING, COMPLAINTS & 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, ~~Refuse~~Refusal to Renew, and ~~Refuse~~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

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Section

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	Rights and Responsibilities 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 Refuse 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; former 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. 13039, effective August 15, 2012; amended at 41 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

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licensure under the Child Care Act, whether the program or facility is licensed or unlicensed.

"Administrative Law Judge" means a licensed attorney who is ~~assigned~~appointed by the Director and is responsible ~~to conduct~~for conducting administrative hearings and ~~issue~~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, or other person who has written authorization from the appellant, authorized in writing by a party to assist, act and/or speak on the appellant's behalf~~ in the informal review or administrative hearing process. ~~The~~If the party is unable to reduce such authorization to writing, the Department, on request, shall assist the appellant in making written authorization, upon request.~~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 of 1969" or "Child Care Act" means 225 ILCS 10, the Illinois statute that provides the Department with the authorization and outline of requirements needed to license and monitor child care facilities and authorization to promulgate administrative rules consistent with the Act~~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

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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~~ statement, notice or report made to or by any person or entity to Department staff or staff of a private supervising agency alleging that a licensed facility is in violation of the Child Care Act or licensing standards, or that an unlicensed child care facility is operating under conditions that require it to be licensed under the Child Care Act or administrative rules~~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).~~

"Concurrent Investigation" means an allegation of abuse/neglect has been reported to have occurred within a licensed child care facility and the allegation has been accepted for investigation by the Department as a child protection report.

"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

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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].

"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.

"Good Cause" denotes a sensible and reasoned approach to take certain action allowed by statute or administrative rule.

"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 or other action shall be recommended.

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"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, [in accordance with Section 5\(c\) of the Child Care Act](#), 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 [who](#) 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, [character](#) references, [medical clearances](#), and the collection and review of [other](#) 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.

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"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.

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"~~Refuse~~Refusal to issue full license" means the Department has refused to issue a full license at the end of a permit period.

"~~Refuse~~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.

"Stand-Alone Complaint" means an alleged violation of the licensing standards has been accepted for investigation, with no child protection investigation related to the licensed facility.

"Stipulation" means an agreement by the parties that certain facts are true and can be introduced into evidence without further proof.

"Substantiated violation" means evidence collected clearly shows the licensee was out of compliance with a specific Section of the administrative rule or statute.

"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 be heard and present additional information and/or provide an explanation related to the dispute ~~the licensing representative's substantiated violations of the rule and/or 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.

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Surrender of a license or permit ~~relinquishes~~~~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, ~~refuse~~~~refusal~~ to renew, or ~~refuse~~~~refusal~~ to issue a 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 is out of compliance with~~has violated~~ a licensing standard or ~~a Section of~~ the Child Care Act.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART B: ENFORCEMENT

Section 383.25 Monitoring Visits to Licensed Facilities

- a) Licensing representatives of the Department or supervising agency shall visit the program or facility for the purpose of determining its continued compliance with the Child Care Act and licensing standards ~~or compliance with a protective plan or corrective plan~~. Monitoring visits may be announced or unannounced during the hours of operation, whether or not children are currently present or in care.
- b) Monitoring visits for all licensed foster homes shall be conducted at least twice each calendar year by a representative of the supervising agency, and more frequently when conditions in the home warrant.
- c) All types of licensed child care facilities other than foster homes shall be monitored by an authorized licensing representative at least once annually and more frequently when conditions in the facility warrant. Foster homes shall be monitored by an authorized licensing representative at least semiannually.

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- e) ~~Monitoring visits for day care homes shall be conducted at least annually by a licensing representative from the supervising agency and more frequently when conditions in the home warrant.~~
- d) ~~Monitoring visits for child care institutions, secure child care facilities, maternity centers, child welfare agencies, day care agencies, group homes, day care centers, group day care homes, youth emergency shelters and youth transitional housing programs shall be conducted at least annually by a Department licensing representative and more frequently when conditions in the facility warrant.~~
- de) Any facility permit shall be monitored by an authorized licensing representative a minimum of once per month. ~~Monitoring visits shall be more frequent for permit holders or conditional or provisional license holders.~~
- ef) The licensing representative shall document observations made during the monitoring visit. The licensing representative shall notify the licensee or permit holder, in writing, of any violations ~~noted, if any,~~ and any required follow-up actions ~~(e.g., corrective plan), and shall offer a supervisory review.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.30 Complaints Alleging Violation of the Child Care Act or Licensing Standards

- a) Complaints alleging violation of the Child Care Act or licensing standards related to the licensing or operation of child care programs or facilities may originate from any source ~~(e.g., parents, other licensees, and the general public)~~. Complaints alleging licensing violations or that a program or facility is operating without a license may be accepted from anonymous or identified sources.
- b) Staff of the Department and purchase of service agencies (see 89 Ill. Adm. Code 357) shall immediately make a licensing complaint when they observe or have knowledge of violations of the Child Care Act or licensing standards, including the failure of individual staff at child care facilities or child welfare agencies to report suspected abuse or neglect of children within the child care facility as required by the Abused and Neglected Child Reporting Act [225 ILCS 10/8.5].
- c) A licensing complaint shall be immediately directed to the supervising agency or to the Department's licensing unit serving the geographical area of the facility. A

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licensing complaint involving a home licensed to operate as both a foster home and a day care home shall be directed to both supervising agencies, ~~if different agencies supervise the foster home and day care home licenses.~~

- d) When the Department receives a complaint involving a foster home, day care home, or a home that is licensed to operate as both a foster home and a day care home, ~~and the home is supervised by one or more supervising agencies,~~ the Department shall immediately notify the supervising agencies of the complaint.
- e) When a non-Department supervising agency receives a licensing complaint, that complaint shall be reported to the Department licensing representative who supervises the agency within 3 business days~~72 hours~~.
- f) Investigations Not Necessarily Required
 - 1) A licensing complaint investigation is not required when:
 - A) the alleged violation occurred more than 60 days before receipt of the complaint and is not of a continuing nature;
 - B) the complaint is anonymous and fails to allege violations that affect the health, safety, morals or welfare of the children being served; or
 - C) no violations of the Child Care Act or licensing standards are apparent from the complaint.
 - 2) However, the licensing supervisor may direct the licensing representative to conduct a monitoring visit at any time.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.35 Investigations of Complaints Concerning Licensed Facilities

- a) When a complaint alleges one or more violations of the Child Care Act or licensing standards involving a licensed child care program or facility, the supervising agency shall assign a licensing representative to investigate the allegations.

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- b) The licensing representative shall begin a licensing complaint investigation within 2 business days after receipt of the complaint by the supervising agency licensing unit and shall complete the investigation within 30 days after receipt of the complaint. However, upon written notice to the licensee, the investigation may be extended for an additional 30 days.
- c) The licensing representative shall:
- 1) interview the ~~complainant person making the complaint~~, if known, and ~~other persons~~ who may have information relevant to the complaint; When failure of staff to report suspected abuse or neglect to a child is alleged or suspected, the licensing representative shall ensure that the child care facility takes immediate action with the individual staff involved and document the facility's actions;
 - 2) obtain and review any relevant documentation;
 - 3) make one or more unannounced visits to the program or facility, during the hours of operation, to gather information and evidence relevant to the complaint, and to determine whether the program or facility is operating in accordance with the Child Care Act and licensing standards; and When evidence supports one or more staff failed to report suspected abuse or neglect to a child within the child care facility, the licensing representative shall document those findings and make a determination whether the failure to report suspected abuse and neglect was a single incident or part of a larger incident involving additional staff members who failed to report, or whether the failure to report suspected abuse and neglect is a system-wide problem within the child care facility or child welfare agency; and
 - 4) complete and document the licensing complaint investigation on forms prescribed by the Department. [225 ILCS 10/8.5]
- d) At the conclusion of the licensing complaint investigation, the licensing representative shall make a determination and enter a finding of "substantiated" or "unsubstantiated" with regard to each allegation in the complaint and shall document these findings. The licensing representative shall also document any other substantiated violations observed during the investigation.

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- e) ~~When all allegations in the complaint are unsubstantiated and the licensing representative continues to have reasonable concerns about the safety of children in the licensed program or facility, the licensing representative, with approval of the licensing supervisor, may implement a protective plan that reasonably addresses those concerns. The duration of a protective plan in this instance may not exceed 6 months.~~
- ef) Within 5 business days after supervisory approval of the determination, the licensing representative shall notify the complainant, in writing, of whether the allegations in the complaint were substantiated or unsubstantiated.
- fg) Within 5 business days after supervisory approval of the determination, the licensing representative shall notify the licensee or permit holder, in writing, of each finding noted in the complaint investigation and any required follow-up action ~~(e.g., corrective plan), and shall offer a supervisory review.~~
- gh) When a licensing complaint involves a home licensed to operate as both a foster home and a day care home, the licensing supervisors for both the foster home and day care home licensing units shall assign the complaint investigation to licensing representatives in their respective units and shall require the licensing representatives to coordinate their respective investigations.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.40 Re-examination of a Foster Family Home After an Indicated Child Abuse or Neglect Report

- a) *When a foster family home is the subject of an indicated report under the Abused and Neglected Child Reporting Act [325 ILCS 5], the Department must immediately conduct a re-examination of the foster family home to evaluate whether it continues to meet the minimum standards for licensure. The re-examination is separate and apart from the formal investigation of the report. The Department must establish a schedule for re-examination of the foster family home mentioned in the report at least once a year. [225 ILCS 10/4.3]*
- b) The supervising agency shall conduct an immediate re-examination of a licensed foster family home when:

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- 1) a child in substitute care or who resides in the home is the subject of an indicated report of child abuse or neglect and the licensee or another household member was identified as a perpetrator; or
 - 2) the licensee or any household member is identified as a perpetrator of an indicated report of abuse or neglect of any child.
- c) When the re-examination is conducted by an agency other than the Department, the agency shall forward the results of the re-examination to the Department within 5 business days.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.45 Protective Plan

- a) A written protective plan shall be developed by the licensing representative and/or child protection investigator~~protective service worker~~, and approved by the licensing and/or child protection supervisor, that restricts contact between the licensee or permit holder, a household member, volunteer or employee of the program or facility and children cared for in the program or facility when:
- 1) a pending formal child protection investigation names the individual as an alleged perpetrator;
 - 2) ~~the licensing representative determines that contact between the children in care and the individual presents an ongoing risk to the children, but that the health, safety and best interests of the children do not require closure of the program or facility or removal of the children from the licensed foster family home; or~~
 - 23) ~~whenever~~ a complaint is investigated and/or monitoring visit occurs, the licensing representative shall document any~~documents~~ a violation that requires a protective plan to restrict contact between the children in care and the alleged perpetrator~~individual~~ to assure the health, safety and best interests of the children while the licensee is provided an opportunity to correct the violation.
- b) Depending upon the severity of the allegations or violations, a protective plan shall either:

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- 1) prohibit the named individual from having any contact with the children in care; or
 - 2) require that all contact between the named individual and the children in care be supervised by an appropriate adult approved by the Department or supervising agency.
- c) A protective plan issued under subsection ~~(a)(2) or~~ (a)(3) of this Section shall be reviewed by the licensing representative and supervisor a minimum of one time per week~~every 6 months~~.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.50 Corrective Plan

- a) ~~A corrective plan is a written document approved by the 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.~~
- a**b**) A corrective plan is required when a substantiated violation occurs~~the licensing representative documents one or more violations~~ and the violation can reasonably be expected to be corrected within 90 days. A corrective plan may be reviewed and extended in 30 day increments for good cause when approved by a licensing supervisor. When a violation is substantiated for the failure of one or more staff at child care facilities or child welfare agencies to report suspected abuse or neglect, the corrective plan shall include the use of supervisory teams to review staff and facility understanding of their reporting requirements. [225 ILCS 10/8.5]~~violations are not corrected while the licensing representative is still on site at the program or facility and the licensee or permit holder can correct the violations within 60 days (the licensing supervisor may approve more than 60 days). When a licensee cannot correct the violation within 60 days, but the correction can reasonably be expected within the approved extended time frame and the children are adequately protected, the licensing supervisor may approve an extended time frame at the time he or she approves the corrective plan. The licensee must provide documentation to show that he or she needs additional time to correct the violation (e.g., an estimated start date from a repairman, a correction that is dependent upon weather conditions, etc.).~~

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- be) A corrective plan ~~shall~~ is not be required when the supervising agency makes a determination determines that the violations cannot be ~~are not capable of being corrected~~ and documents why they cannot be corrected.
- cd) A corrective plan is not required when the Department is issuing an administrative order of closure.
- de) Failure by the licensee or permit holder to submit or comply with a corrective plan may result in further enforcement action.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.55 Supervisory Review

- a) A supervisory review shall be offered upon request of the licensee or holder of a permit when there is a question related to the rationale for substantiating a violation and/or for any subsequent action related to the violation. The licensing supervisor shall offer the licensee or permit holder a supervisory review, or a licensee or permit holder may request a supervisory review:
- 1) when the licensee or permit holder questions whether one or more of the violations documented by the licensing representative occurred;
 - 2) when there is a disagreement regarding the application or interpretation of a specific Section of the Child Care Act or a licensing standard when substantiating a violation; or
 - 3) when the licensing supervisor believes that a supervisory review will be helpful to address ongoing issues with the licensee or permit holder.
- b) A supervisory review shall occur at the earliest date all required parties can participate, but no more than 30 days from the date the request was received.
- cb) A supervisory review shall not be conducted to review a criminal conviction that constitutes a bar to licensure pursuant to Section 4.2(b) of the Child Care Act.
- de) A supervisory review shall not be offered when the Department is in the process of issuing or has issued an administrative order of closure.

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- d) ~~The supervisory review shall be scheduled within 14 days after the licensee's or permit holder's request and held at the earliest date.~~
- e) The licensing supervisor shall consider all information received to make a determination to uphold a substantiated~~the questioned~~ violation, modify plans to correct the violation, or overturn a violation as unsubstantiated, after the supervisory review has occurred.~~when the licensing representative:~~
- 1) ~~documented sufficient evidence to substantiate the violation; and~~
 - 2) ~~correctly interpreted and/or applied the Child Care Act or licensing standards in substantiating a violation.~~
- f) ~~The licensing supervisor shall overturn the questioned violation when the licensing representative:~~
- 1) ~~did not obtain and/or document sufficient evidence to substantiate the violation; or~~
 - 2) ~~misinterpreted and/or misapplied the Child Care Act or licensing standards.~~
- fg) The licensing supervisor shall prepare a written report summarizing the information presented at the supervisory review and make findings regarding each disputed violation. The report shall be provided to the licensee or permit holder by hand delivery or certified~~regular~~ mail.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.60 Informal Review

- a) Informal reviews shall be offered to a licensee or holder of a permit who has a substantiated violation and the supervising agency's licensing administrator or manager has made a determination that reasonable efforts to correct the violation have been made and are documented by the licensing representative and supervisor without evidence of significant progress in correcting or maintaining corrections.~~The purpose of an informal review is to:~~

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- 1) ~~allow the Department to gather the facts regarding the failure of the licensee or permit holder to submit a corrective plan or comply with the terms of a corrective plan or protective plan; and~~
 - 2) ~~provide the licensee or permit holder an opportunity to demonstrate why the Department should not immediately initiate further enforcement action.~~
- b) Licensees and permit holders shall be notified via certified mail of the right to request an informal review when the supervising agency has documented reasonable efforts to correct the violations, with no significant gains, and has determined further action at the supervisory level would not result in the required corrections.
- ~~c) An informal review shall only be~~Informal reviews are conducted by a designated Department~~the Department's~~ licensing administrator~~administrators~~. A non-Department supervising agency shall refer all requests for informal reviews to the Department.
- e) ~~The licensee or permit holder shall not be offered an informal review when the Department will be issuing or has issued an administrative order of closure.~~
- d) ~~An informal review is not required:~~
- 1) ~~to review a criminal conviction that constitutes a bar to licensure pursuant to Section 4.2(b) of the Child Care Act; or~~
 - 2) ~~when the Department determines that a violation cannot be corrected (e.g., extended incarceration of licensee) or it is not feasible to correct the violation.~~
- e) Except as provided in subsections (c) and (d), the licensing administrator shall notify the licensee or permit holder, by certified mail, of the right to request an informal review when the Department intends to initiate further enforcement action.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.65 Participants in an Informal Review

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a) The following ~~persons~~ shall be invited to participate in the informal review:

- a1) The designated Department licensing administrator ~~or designee~~ shall ~~attend and~~ conduct the informal review; ~~and~~
- b2) The following shall participate in any informal review:
 - 1) The Department and/or private agency licensing representative;
 - 2) The licensing supervisor; and
 - 3) The licensee or permit holder and/or the licensee's or permit holder's attorney or authorized representative. ~~the licensing representative, licensing supervisor, and the licensee or permit holder shall attend any informal review.~~
- c) Other persons identified by the Department, supervising private agency, or the licensee or permit holder with direct information related to the substantiated violations; and
- d) A person designated by the Department to document evidence provided at the informal review.
- b) ~~Other persons who may participate in an informal review include, but are not limited to:~~
 - 1) ~~the licensee's or permit holder's attorney or authorized representative;~~
 - 2) ~~a child welfare professional or other licensing representative with information relevant to the issue being reviewed; and~~
 - 3) ~~a person designated by the Department to take notes at the informal review.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.70 Outcomes of the Informal Review

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- a) ~~The designated Department~~After the informal review, the licensing administrator ~~who conducted the informal review~~ shall review all information and documentation presented and ~~shall~~ make one or more of the following findings:
- 1) ~~that~~ the licensee or permit holder ~~has or~~ has not cooperated with the licensing unit in correcting conditions, or has otherwise not complied with the provisions of the corrective ~~plan~~ or protective plan;
 - 2) ~~that~~ the licensee or permit holder did not correct all substantiated~~of the~~ violations, ~~according to the corrective plan~~, but factors beyond the control of there were mitigating reasons for the licensee's or permit holder significantly contributed to the holder's failure to do so and the Department is satisfied that the facility and responsible persons are currently acting in good faith and are committed to being in full compliance through a modified corrective or protective plan in order to reasonably meet the licensing standards ~~prescribed for the facility type~~;
 - 3) ~~that~~ the licensee or permit holder had cooperated with the licensing unit, but had not previously been~~not been~~ offered a corrective or protective plan ~~prior to the informal review~~ and it is appropriate to offer one an initial corrective plan at this time; and/or
 - 4) a recommendation to initiate further enforcement action; ~~and immediately.~~
 - 5) a recommendation to dismiss enforcement actions.
- b) The licensing administrator shall prepare a written report summarizing the information presented ~~at the informal review~~ and rationale for his or her making findings. The report shall be hand delivered to the licensee or permit holder or sent by certified mail.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.75 Grounds for Revocation, RefuseRefusal to Renew, and RefuseRefusal to Issue Full License

- a) The Department may initiate proceedings to revoke a license, to refuse to renew a license, or to refuse to issue full license to the holder of a permit in accordance

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with Sections 8 and 8.1 of the Child Care Act when grounds exist. (See Appendix A.)

- b) The Department shall initiate proceedings to revoke a license within 10 working days after issuing an administrative order of closure.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.80 Conditional License

- a) The Department may issue a conditional license to any child care facility that currently is licensed under the Act. The conditional license shall be a nonrenewable license for a period of 6 months and the Department shall revoke any other license held by the conditionally licensed facility. Conditional licenses shall only be granted to facilities where no threat to the health, safety, morals or welfare of the children served exists. 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. Failure by the facility to correct the deficiencies or meet all licensing standards at the end of the conditional license period shall result in immediate revocation of, or refusal to renew, the facility's license as provided in Section 8.1 of the Act. [225 ILCS 10/8.2] ~~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 if the offer of the appropriateness of offering a conditional license would be justifiable. At the time

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~~the conditional license is issued. 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 to the Department in exchange for the Conditional License Agreement. A conditional license agreement shall be issued, concurrent with the licensee's (Surrender of the license is construed as a "surrender with cause" per Section 383.95 of this Part.) Upon revocation, refuse to renew non-renewal or surrender of the license, with cause, to 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 ~~shall be in full compliance~~ 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 shall remain in full compliance until the date of expiration of the conditional license.
- e) The licensee shall ~~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) The Department shall not issue a conditional license to the holder of a permit.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.85 Notice of Intent to Revoke, Refuse to Renew, or Refuse to Issue Full License

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- a) The Department shall provide written notice to a licensee or permit holder ~~regarding the~~ intent to revoke ~~the licensee's or permitholder's license, a license,~~ to refuse to renew ~~the~~ license, or to refuse to issue a full license to a permit holder. The notice shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested, to ~~the licensee or permit holder. "the addressee only"~~.
- b) The notice shall ~~include~~ state:
- 1) ~~a concise and direct~~ the Department's intended action and a short and plain statement of ~~factor~~ the matters that are the basis for the Department's action ~~(the latter element may be satisfied by attaching a statement of charges);~~
 - 2) ~~that the~~ right of the licensee or permit holder ~~to~~ may request an administrative hearing ~~if the licensee or permit holder disagrees with, and wishes the appointment of an Administrative Law Judge to review, the Department's intended action;~~ and
 - 3) ~~the statement~~ that a ~~written~~ request for ~~an~~ administrative hearing ~~must~~ be ~~submitted to in writing~~ and ~~must be~~ received by the Administrative Hearings Unit within 10 days from the postmark date of the notice. The request for administrative hearing must be hand-delivered, mailed or faxed to:

DCFS Administrative Hearings Unit
406 East Monroe, Station 15
Springfield, Illinois 62701
Fax: 217/557-4652.
- c) When the Department has issued ~~an administrative order of closure to a permit holder or licensee and a subsequent~~ a notice ~~has been sent regarding the~~ intent to revoke ~~or refuse to renew the license or to refuse,~~ notice of refusal to renew or ~~notice of refusal~~ to issue a full license following ~~a permit, an administrative order of closure,~~ the licensee or permit holder may request that a hearing be scheduled within 21 days, ~~as provided in Section 383.110 of this Part.~~
- d) If the licensee or permit holder does not request an administrative hearing within the time frame set forth in this Section, or if the Department determines, upon

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holding an administrative hearing pursuant to Subpart C ~~of this Part~~, that the license should be revoked or the renewal or full license denied, then the license shall be revoked or the renewal or full license shall be denied.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.90 Surrender of a License or Permit

- a) A licensee or permit holder may voluntarily surrender a license or permit to the Department or supervising agency.
- b) A licensee may surrender his or her foster home, day care home, group day care home, or day care center license by so stating, orally or in writing, to the licensing representative or supervising agency. The supervising agency will document oral requests from licensees to surrender their license. The supervising agency shall make and document attempts to secure the surrender in writing. When licensees refuse to or otherwise avoid providing a written statement of their desire to surrender their license, the documented oral request shall be sufficient to accept surrender of the license, unless the licensee rescinds his or her request to surrender the license either orally or in writing. ~~A surrender that is given orally shall be confirmed in writing by the licensee or the licensing representative.~~
- c) A surrender for a licensed program or facility other than a licensed foster home, day care home, group day care home, or day care center facility shall be executed on a form prescribed by the Department. The licensee shall verify, in writing, whether:
 - 1) the Department is investigating the licensee, the permit holder or the owners, operators or employees of the facility for any licensing complaint or report of suspected abuse or neglect involving the facility or actions while discharging duties at the facility;
 - 2) litigation is pending between the licensee or permit holder, the facility and the Department; or
 - 3) the licensee suspects that the facility or facilities supervised by it are under investigation by any agency of any state, their respective inspectors general, or any local, State or federal law enforcement agencies.

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- d) Surrender of a license or permit terminates all rights and privileges associated with the license or permit. A surrendered license or permit shall not be renewed, reissued, reinstated or restored.
- e) Failure by a foster home, day care home or group day care home licensee or permit holder to submit a completed application for address change to the Department or supervising agency prior to, or within 14 days after, a change of residence shall be deemed a surrender of the foster home, day care home, or group day care home license or permit.
- f) A licensed child welfare or day care agency shall attach to the surrender a complete listing of the names and addresses of all licensed child care programs and facilities supervised by the agency, any pending license applications that have not yet been determined by the supervising agency, and any license exempt day care homes, relative care homes, independent living facilities, youth transitional housing programs, or other programs for children and youth operated by the agency.
- g) When a surrender of a license or permit 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, ~~refuse~~refusal to renew, or ~~refuse~~refusal to issue full license, the Department shall notify the licensee or permit holder, in writing, that the surrender shall be construed as a "surrender with cause".
- h) Surrender of a license or permit after the Department has issued a notice of intent ~~to revoke, refuse to renew or refuse to issue a full license described in Section 383.85 of this Part~~ shall be deemed an abandonment of the licensee's or permit holder's right to seek review of the decision under Subpart C ~~of this Part~~, and the license or permit shall be revoked ~~or not renewed or the renewal~~ or a full license shall be denied after issuance of a permit.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.100 Investigations of Complaints Concerning Unlicensed Facilities

- a) *Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child care facility without a license or permit, it shall make an investigation to*

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ascertain the fact. If the Department is denied access, it shall request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises. [225 ILCS 10/11]

- b) The licensing representative shall begin a licensing complaint investigation within 2 business days after receipt of the complaint by the Department's licensing unit and shall complete the investigation within 30 days after receipt of the complaint. However, upon written notice to the licensee, the investigation may be extended for an additional 30 days.
- c) The licensing representative shall:
 - 1) interview the person making the complaint, if known, and other ~~persons~~~~others~~ who may have direct information relevant to the complaint;
 - 2) obtain and review any relevant documentation;
 - 3) make one or more unannounced visits to the program or facility, during the hours of operation, to gather information and evidence relevant to the complaint, and to determine whether the program or facility is being or has operated without a valid permit or license, or is exempt from licensure under the Child Care Act; and
 - 4) complete and document the licensing complaint investigation.
- d) At the conclusion of the licensing complaint investigation, the licensing representative shall determine whether the program or facility is subject to licensure by the Department and is operating without a valid permit or license, or is exempt from licensure under the Child Care Act, and shall document this finding.
- e) ~~After~~Within 5 days after supervisory approval of the determination, the Department shall notify the operator of the program or facility, in writing, of the finding. The licensing representative shall provide notice to the operator, by certified mail, when, by law, a license is required for the type of child care provided. The notice shall explain how to make an application for a license.
- f) ~~After~~Within 5 days after supervisory approval of the determination, the licensing representative shall notify the complainant, in writing, of whether the program or

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facility is operating without a valid permit or license, or is exempt from licensure under the Child Care Act.

- g) *If the Department finds that the child welfare agency or child care facility is being, or has been, operated without a license or permit, the Department shall report the results of its investigation to the Attorney General and to the appropriate State's Attorney for investigation and, if appropriate, prosecution.* [225 ILCS 10/11]
- h) If the operator continues to operate the program or facility and does not make efforts to obtain a license, the Department may issue an administrative order of closure when the Department makes a finding in accordance with Section 383.105 ~~of this Part~~. The Department shall report the matter to the Attorney General, and to the State's Attorney for the county in which the program or facility is located, for prosecution.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.110 Appeal After Issuance of an Administrative Order of Closure

- a) When the Department has issued a notice of intent to revoke, ~~refuse~~~~refusal~~ to renew or ~~refuse~~~~refusal~~ to issue a full license following an administrative order of closure, the licensee or permit holder may request that a hearing be scheduled within 21 days. The request shall be directed to the Department's Administrative Hearings Unit and shall specifically state that the Department has served an administrative order of closure on the program or facility and has served the requisite notice of intent on the licensee, and that a hearing date within 21 days is requested.
- b) Upon receipt of the request for a hearing, the Chief Administrative Law Judge shall verify with the Regional Licensing Administrator that an administrative order of closure and notice of intent were served. Upon verification, a hearing date shall be scheduled within 21 days after the date the appellant's written request for administrative hearing was received.
- c) The Administrative Law Judge shall present a written opinion and recommendation to the Director within 21 days after the record of the administrative hearing is completed. Upon agreement of the parties, the time

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frame for completion of the written opinion and recommendation may be extended.

- d) The Director shall issue a final administrative decision within 7 days after receipt of the Administrative Law Judge's recommended decision.
- e) All other requirements in Subpart C of this Part not in conflict with the provisions in this Section shall apply to hearings after issuance of an administrative order of closure.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATIVE HEARINGS

Section 383.120 What May Be Reviewed Through the Administrative Hearing Process

The following decisions may be reviewed through the administrative hearing process under this Part:

- a) revocation of a license;
- b) ~~refuse~~ refusal to renew a license; and
- c) ~~refuse~~ refusal to issue a full license to the holder of a permit.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.125 What May Not Be Reviewed Through the Administrative Hearing Process

The Chief Administrative Law Judge shall decide whether an issue is appropriate for the administrative hearing process pursuant to this Part. The following circumstances are not appropriate for the administrative hearing process under this Part:

- a) the Department has ~~previously~~ already made a final administrative decision on the issue ~~on appeal as a result of a previous administrative hearing~~;
- b) the ~~request for an administrative hearing is not related to~~ issue ~~does not involve~~ a decision to revoke a license, refuse to renew a license, or refuse to issue a full license to the holder of a permit;

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- c) a court has made a judicial decision on the issue sought to be reviewed through the administrative hearing process;
- d) denial of an initial~~a~~ license or a permit;
- e) a conflict related to~~disagreement about~~ the terms and conditions contained in a conditional license agreement;
- f) a conflict related to~~disagreement about~~ the terms and conditions contained in a corrective plan or protective plan;
- g) ~~when~~ the licensee or permit holder has surrendered the license or permit;
- h) denial of a new license upon expiration of a conditional license; or
- i) the issue~~matter~~ is reviewable under another administrative rule.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.130 Rights and Responsibilities~~The Right~~ to Request an Administrative Hearing

- a) The appellant ~~shall~~must file ~~an~~a timely and sufficient appeal within 10 days after the postmark date of the notice of intent issued per Section 383.85 ~~of this Part~~.
- b) The notice of intent shall include ~~clear~~ instructions regarding what to do~~on how~~ to request ~~and receive~~ an administrative hearing.
- c) The notice of intent and appeal rights~~This explanation~~ shall be provided in writing in the appellant's primary language.
- d) When requested, Department staff shall assist the licensee or permit holder in preparing a written request for an administrative hearing.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.135 Notices of Department Decisions

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a) The following types of notices shall be hand delivered to the licensees, with a certificate of delivery, or sent to the licensees by certified mail, return receipt requested, ~~to "the addressee only"~~:

- a1) the Department's notice of intent issued per Section 383.85 ~~of this Part~~;
- b2) notice of an administrative hearing; and
- c3) the final administrative decision.
- b) ~~All other notices referenced in this Subpart shall be sent by regular mail.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.140 The Role of the Chief Administrative Law Judge

- a) The Chief Administrative Law Judge may grant a request for an administrative hearing when:
 - 1) the original written request for an administrative hearing was received by the Chief Administrative Law Judge within 10 days after the postmark of the notice of intent issued per Section 383.85 ~~of this Part~~. The date of request for an administrative hearing is the postmark on the appellant's request for an administrative hearing; and
 - 2) the issue is within the jurisdiction of this Part as set forth in Section 383.120.
- b) The Chief Administrative Law Judge may dismiss a request for an administrative hearing for the following reasons:
 - 1) the appeal request ~~matter~~ is not reviewable because the Department has not provided written notice to the licensee or permit holder of intent to revoke a license, refuse to renew a license or refuse to issue a full license to a permit holder, as provided in Section 383.85 ~~of this Part~~;
 - 2) the request for administrative hearing was not submitted to the Chief Administrative Law Judge in writing within the time frame set out in Section 383.85 ~~of this Part~~;

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- 3) the appellant has withdrawn the request for an administrative hearing in writing; or
- 4) the appellant has abandoned his or her request for an administrative hearing. Grounds for abandonment include:
 - A) failure by the appellant or the appellant's authorized representative, without good cause, to appear at a hearing or pre-hearing conference;
 - B) surrender of the license or permit after requesting an administrative hearing; or
 - C) failure by the appellant to notify the Chief Administrative Law Judge of a change of address and a notice of the administrative hearing, sent to the appellant's last known address, was returned as "undeliverable", "unclaimed", "refused", "moved", or "no forwarding address".
- c) A party seeking to vacate an order of abandonment shall file a motion within 14 days after notice of the entry of an order of abandonment or default, showing good cause why the party failed to appear or participate.
- d) The Chief Administrative Law Judge shall provide written notice of the decision to grant or deny the request for an administrative hearing within 30 days after receipt of the request for an administrative hearing. If the Chief Administrative Law Judge finds that the issue is not reviewable under this Subpart but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings), the Department shall forward the request to the proper hearing authority and notify the appellant of this action.
- e) If a request for an administrative hearing is granted, the notice issued by the Chief Administrative Law Judge to the appellant shall provide:
 - 1) a hearing date within 30 days after the date the appellant's written request for administrative hearing was received;

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- 2) a location for the hearing at a time and place reasonably convenient for all parties;
- 3) If the appellant is a foster family home licensee, a statement that a telephonic hearing in lieu of an in-person hearing may be scheduled when the decision to revoke or refuse to renew a foster family home license is based solely upon an allegation that the licensee did not file a timely and/or complete application for renewal of the foster family home license. However, the notice of hearing shall state that the appellants (foster parents) have the right to request an "in person" hearing. The appellants may exercise their right by sending a written request for an "in person" hearing within 15 days after the date of the notice of hearing;
- 4) a statement of the parties' rights during the administrative hearing process;
- 5) the name and address of the licensee or permit holder, if not represented by counsel, or the name of the licensee and the name and address of the counsel, if represented by counsel;
- 6) the name and business address of the Department representative for the administrative hearing;
- 7) a citation to Section 9 of the Child Care Act that grants the Department the legal authority and jurisdiction to hold the hearing;
- 8) a reference to the particular Sections of the statutes and administrative rules involved. This element may be satisfied by attaching a statement of charges;
- 9) a short and plain statement of the matters that are the basis of the complaint. This element may be satisfied by attaching a statement of charges;
- 10) the reasons that may be deemed an abandonment under Section 383.140 ~~of this Part~~ and the cause for the entry of a final administrative decision before hearing;
- 11) the docket number assigned to the case;

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- 12) the name and mailing address of the Administrative Law Judge and any other parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act, or other applicable statute; and
 - 13) a statement of the action sought.
- f) ~~All administrative hearings conducted pursuant to this Part are open to the public, except that portions of the hearing may be closed when combined with matters concerning the Abused and Neglected Child Reporting Act or 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 383.150 The Administrative Law Judge

- a) ~~Assignment~~Appointment of the Administrative Law Judge
The Chief Administrative Law Judge shall ~~assign an~~select and the Director shall appoint a trained, impartial Administrative Law Judge ~~from the available pool~~ to conduct the administrative hearing. The Administrative Law Judge shall:
 - 1) be an attorney licensed to practice law in the State of Illinois;
 - 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;
 - 3) not have been involved in the decision to take the action being reviewed or have rendered legal advice to the decision maker on the issue; and
 - 4) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues reviewed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- b) Functions of the Administrative Law Judge

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The Administrative Law Judge shall have all authority allowed under the Illinois Administrative Procedure Act [5 ILCS 100]. This authority shall include, but is not limited to, the following:

- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
- 2) provide for the recording of the hearing;
- 3) inform participants of their individual rights and their responsibilities;
- 4) conduct preliminary and prehearing telephone conferences, if necessary, between the parties and/or their representatives to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;
- 5) take necessary steps to develop a full and fair record that contains all relevant facts. The Administrative Law Judge shall admit any evidence having probative value that is relevant and material to the facts in issue, subject to objections only as to the weight to be given such evidence;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause, including, but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 8) preserve all documents and evidence for the record;
- 9) ask questions of any witnesses called to testify;
- 10) for good cause shown, permit a witness to testify at the hearing by telephone;
- 11) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;

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- 12) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or other conduct that disrupts the hearing;
- 13) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including, but not limited to, the submission of briefs, memoranda of law, affidavits or post hearing briefs; and
- 14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed ~~or transcript is received~~, unless an extension is granted by the Chief Administrative Law Judge. The report shall include a recommended decision on whether there is a preponderance of evidence, based on information considered at the hearing contained in the administrative record, to support the Department's decision to revoke a license, refuse to renew a license, or refuse to issue a full license to a permit holder. The opinion shall contain findings of fact, conclusions of law and a recommendation.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 383.APPENDIX A Statutory Grounds for Revocation or ~~Refuse~~Refusal to Renew a License

- a) *Revocation or Refusal to Renew Licenses; Grounds.*
The Department may revoke or refuse to renew the license of any child care facility or child welfare agency or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:
- 1) *fail to maintain standards prescribed in Title 89, Chapter III, subchapter e: Requirements for Licensure;*
 - 2) *violate any of the provisions of the license issued;*
 - 3) *furnish or make a misleading or any false statement or report to the Department;*
 - 4) *refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;*
 - 5) *fail or refuse to submit to an investigation by the Department;*
 - 6) *fail or refuse to admit authorized representatives of the Department at any reasonable time for the purposes of investigation;*
 - 7) *fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of the facility;*
 - 8) *refuse to display its license or permit;*
 - 9) *be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5] or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;*
 - 10) *fail to comply with the provisions of Section 7.1 of the Child Care Act;*

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- 11) *fail to exercise reasonable care in the hiring, training and supervision of facility personnel;*
 - 12) *fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;*
 - 13) *fail to comply with Section 7.4(c-5) of the Child Care Act;*
 - 14) *fail to comply with Section 5.1 or 5.2 of the Child Care Act; or*
 - 15) *be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of the Child Care Act. [225 ILCS 10/8]*
- b) *Further Grounds for Revocation or Refusal to Renew Licenses.*
The Department shall revoke or refuse to renew the license of any child care facility or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:
- 1) *fail to correct any condition that jeopardizes the health, safety, morals, or welfare of children served by the facility;*
 - 2) *fail to correct any condition or occurrence relating to the operation or maintenance of the facility comprising a violation under Section 8 of the Child Care Act; or*
 - 3) *fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children. [225 ILCS 10/8.1]*

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1050.10	Amendment
1050.20	Amendment
1050.30	Amendment
1050.40	Amendment
1050.50	Amendment
1050.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 102.4 of the Illinois Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 102-4) [110 ILCS 805/2-4].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make changes to the ICCB Administrative Rules on the Americans with Disabilities Act Grievance Procedures in order to codify ICCB's current practices and provide clarification of language and process.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 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.

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- 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:

Illinois Community College Board
Attn: Matt Berry
401 East Capitol Avenue
Springfield IL 62701-1711

217/785-7411
fax: 217/524-4981
Matt.berry@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity, or service offered by the Board, and believes he or she has been excluded from participation in, or denied the benefits of any program, service, or activity of the Board or has been subject to discrimination by the Board.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which these amendments were summarized: These amendments are not specifically summarized in a Regulatory Agenda but are a part of the Board's continuing effort to ensure that the Administrative Rules of the Illinois Community College Board remain relevant and up to date which was submitted as part (a) of the Board's January 2015 Regulatory Agenda.

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

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TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XXXIX: ILLINOIS COMMUNITY COLLEGE BOARDPART 1050
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1050.10	Purpose
1050.20	Definitions
1050.30	Procedure
1050.40	ADA Designated Coordinator Level
1050.50	Final Level
1050.60	Accessibility
1050.70	Case- By -Case Resolution

AUTHORITY: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 102.4 of the Illinois Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 102-4) [110 ILCS 805/2-4].

SOURCE: Adopted at 17 Ill. Reg. 4185, effective March 22, 1993; amended at 41 Ill. Reg. _____, effective _____.

Section 1050.10 Purpose

- a) This Americans With Disabilities Act Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990; (42 ~~USC~~U.S.C. 12101 et seq.) ("ADA"), and specifically Section 35.107 of the Title II regulations; (28 CFR 35), requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges, and remedies afforded by it, please contact the ~~ADA~~Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Board, when viewed in its entirety, be readily accessible to and usable by a qualified individual with disabilities.

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- c) It is the intention of the Board to foster open communications with all individuals requesting readily accessible programs, services, and activities. The Board encourages supervisors of programs, services, and activities to respond to requests for modifications before they become grievances.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1050.20 Definitions

"Board" is the Illinois Community College Board.

"Complainant" is an individual with a disability who files a Grievance Form provided by the Board under this procedure.

"~~ADA~~ Designated Coordinator" is the chief human resource officer of the Board~~person appointed by the Executive Director~~ who is responsible for the coordination of efforts of the Board to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. ~~See 28 CFR 35.107.~~ The ADA Designated Coordinator for the Board may be contacted at 401 E. Capitol Ave. 509 S. Sixth Street, Room 400, Springfield IL 62701. (See 28 CFR 35.107.)~~or by telephone at 217-785-0085.~~

"Disabilities" has the meaning ascribed in the Americans With Disabilities Act.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity, or service offered by the Board, and believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Board or has been subject to discrimination by the Board.

"Grievance Form" is the form prescribed for use in filing a grievance pursuant to this Part. It includes information such as the complainant's name, address and telephone number; the nature of the grievance, including the date, time and place of the incident; and any witnesses.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 1050.30 Procedure

- a) Grievances must be submitted in accordance with procedures established in 1050.40 and 1050.50, through the channels defined below in the form and manner described and within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the ADA Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the Board's last response given in the grievance procedure, ~~as the Board's final response.~~
- c) The Board shall, upon being informed of the individual's desire to makefile a formal grievance, instruct the individual on the process of filing~~how to receive a copy of the grievance~~ Grievance Form.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1050.40 ADA Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the ADA Designated Coordinator in writing on the Grievance Form ~~prescribed for that purpose~~. The Grievance Form must be completed in full ~~in order~~ to receive proper consideration by the ADA Designated Coordinator.
- b) Upon request, assistance shall be provided by the Board to complete the Grievance Form.
- c) The ADA Designated Coordinator, or his or her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The ADA Designated Coordinator shall provide a written response to the complainant and the Executive Director within 15+0 business days after receipt of the Grievance Form.

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1050.50 Final Level

- a) If the grievance has not been resolved at the ~~ADA Designated~~ Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director of the Board for final review. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within five business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within 15 business days, the~~The~~ Executive Director shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be the designated chairperson. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) The complainant shall be afforded an opportunity to appear before the panel and shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the ~~ADA Designated~~ Coordinator's written response and may conduct interviews and seek advice as it ~~considers~~deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b),~~Upon reaching concurrence,~~ the panel shall make a recommendation in writing to the Executive Director as to the proper resolution of the grievance. All such recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a signed recommendation to the Executive Director.
- e) Within 15 business days after~~Upon~~ receipt of recommendations from the panel, the Executive Director shall approve, disapprove, or modify the panel recommendations; ~~shall~~ render a decision on that recommendation~~thereon~~ in writing; ~~shall~~ state the basis for his or her action~~therefor~~; and ~~shall~~ cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel

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recommendations, ~~he or she shall include~~ written reasons for ~~thesuch~~ disapproval or modification shall be included in the Executive Director's written decision.

- f) The Grievance Form, the ~~ADA Designated~~ Coordinator's response, the statement of the reasons for dissatisfaction, the recommendation of the panel, and the decision of the Executive Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.~~for a period of three years.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1050.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity, or cause undue hardship for the Board.~~Each grievance involves a unique set of factors.~~

Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Registration of Insurers
- 2) Code Citation: 50 Ill. Adm. Code 652
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
652.20	Amendment
652.50	New Section
652.60	New Section
652.ILLUSTRATION B	Amendment
652.ILLUSTRATION C	Amendment
652.ILLUSTRATION F	New Section
- 4) Statutory Authority: Implementing Article VIII½ and authorized by Sections 131.13 and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½, 131.13 and 401].
- 5) A Complete Description of the Subjects and Issues Involved: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by P.A. 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010. The statutory amendments are effective January 1, 2014, except for Form F requirements which are effective July 1, 2014.

The proposed amendments to Part 652, which will implement these changes pertain to registration reporting of Illinois domestic insurance companies. The Form B illustration (Section 652.ILLUSTRATION B) is being modified to include newer Incorporation by Reference language, more detailed requirements for financial statement reporting and updated biographical information requirements. 652.60 adds a severability clause, and proposed new Sections 652.50 and 652.ILLUSTRATION F will add the new Enterprise Risk Reporting (Form F) requirements in 215 ILCS 5/131.14b.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other 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 rulemaking: Persons who wish to comment on this rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|--|----|--|
| Anne Marie Skallerup
Deputy General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl.
Chicago IL 60603

312/814-5410
fax: 312/814-2862 | or | Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/558-0957 |
|--|----|--|
- 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:
Registration reporting procedures for Illinois domestic insurance companies
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMS

PART 652
 REGISTRATION OF INSURERS

Section

652.10	Purpose
652.20	Definitions
652.30	Registration of Insurers – Form of Statement Filing
652.40	Summary of Changes to Registration Statement
652.50	Enterprise Risk Report
652.60	Severability Provision
652.ILLUSTRATION B	Form B – Insurance Holding Company System Registration Statement – Initial, Annual or Amendment
652.ILLUSTRATION C	Form C – Summary of Registration Statement
652.ILLUSTRATION F	Form F – Enterprise Risk Report – Initial, Annual or Amendment

AUTHORITY: Implementing Article VIII½ and authorized by Sections 131.13 and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½ and Sections 131.13 and 401].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 2114, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 17177, effective October 1, 1986; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; amended at 31 Ill. Reg. 4031, effective February 23, 2007; transferred from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04 on June 1, 2009; recodified from 50 Ill. Adm. Code 852 to 50 Ill. Adm. Code 652 at 41 Ill. Reg. 142; amended at 41 Ill. Reg. _____, effective _____.

Section 652.20 Definitions

Terms found in this Part, other than those defined in this Section, are used as defined in Section 131.1 of the Insurance Code [215 ILCS 5/131.1].

"Code" means the Illinois Insurance Code [215 ILCS 5].

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"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Executive officer" means any individual charged with active management and control in a senior executive capacity as described by the company's by-laws (including a president, senior vice president, treasurer, secretary, controller, and any other individual regardless of title performing functions the same as those performed by the foregoing officers).

"Foreign insurer" shall include an alien insurer except where clearly noted otherwise.

"Ultimate controlling person" means any controlling person within an insurance holding company system who is not controlled by any other person.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 652.50 Enterprise Risk Report

- a) The ultimate controlling person of an insurer required to file an enterprise risk report pursuant to Section 131.14b of the Illinois Insurance Code shall furnish the required information on or before May 1 of each year in the format and providing the information specified in Form F (Illustration F of this Part).
- b) One complete copy of each statement, including exhibits and all other papers and documents filed as a part of the statement, shall be filed with the Director.
- c) Incorporation by Reference
 - 1) Materials required by any item of this statement may be incorporated by reference in answer or partial answer to any other item.
 - 2) Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item provided the document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Director

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that were filed within the prior 3 years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that material is to be incorporated by reference in answer to the item. Material shall not be incorporated by reference in any case in which the incorporation would render the statement incomplete, unclear or confusing.

- 3) When an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to the statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Director that was filed within the prior 3 years and may be qualified in its entirety by that reference. In any case in which 2 or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties to the documents, the dates of execution, or other details, a copy of only one of the documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which the other documents differ from the copied document.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 652.60 Severability Provision

If any Section or portion of a Section of this Part or the applicability of that Section or portion of a Section to any person or circumstance is held invalid by a court, the remainder of the Part or the applicability of the provision to other persons or circumstances shall not be affected by that determination of invalidity.

(Source: Added at 41 Ill. Reg. _____, effective _____)

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**Section 652. ILLUSTRATION B Form B – Insurance Holding Company System
Registration Statement – Initial, Annual or Amendment**FORM B
GENERAL INSTRUCTIONS

- A. Use of Form B
- Form B shall be used by an insurer required to file a Statement with the Director pursuant to Sections 131.14 and 131.16 of the Code. ~~Amendments~~ Subsequent amendments also shall be filed ~~in the~~ in the Form B format with only those items that are being amended reported. ~~Each amendment,~~ but shall include on the top of the cover sheet "Amendment No. _____ to Form B for [insert year]" and shall indicate the date of the amendment and not the date of the original filing.
- 1) One complete copy of each statement, including exhibits and all other papers and documents filed as a part of the statement, shall be filed with the Director.
 - 2) The statement filed with the Director shall be manually signed in the manner prescribed by this form. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of the power of attorney or other authority shall also be filed with the statement.
- B. Requirements as to Printing and Language
- 1) All filed statements, papers or documents shall be clear, readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated in a manner other than color so as to be distinguishable on photocopies.
 - 2) Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with a statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency shall be converted into United States currency. Monetary conversions made in financial statements shall be made as of the date of the financial statements. Other required conversions shall be made as of the date of the Form B cover page.

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C. Preparation of Statement

This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the statement.

The statement shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers indicate to the reader the coverage of the items without the necessity of referring to the text of the items or instructions. All instructions, whether appearing under the items of the form or elsewhere in the form, are to be omitted. Unless expressly provided otherwise within this Part, if any item is inapplicable or the answer to the item is in the negative, a statement to that effect shall be made.

D. Additional Information

In addition to the information expressly required to be included in the statement, there may be added further material information, if any, as may be necessary to make the information contained in the statement not misleading.

E. Information Unknown or Not Available

Information required need be given only insofar as it is known or reasonably available to the Registrant. If any required information is unknown and not reasonably available to the Registrant, either because obtaining it would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the Registrant, the information may be omitted, subject to the following conditions:

- 1) The Registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, including, but not limited to, impossibility or the loss or destruction of documents, together with the source of the information.
- 2) The Registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

F. Incorporation by Reference

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- 1) ~~Materials~~Matters required by any item of this statement may be incorporated by reference in any answer or partial answer to any other item.
- 2) Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item provided the document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Director that were filed within the prior 3 years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that material is to be incorporated by reference in answer to the item. Material shall not be incorporated by reference in any case in which the incorporation would render the statement incomplete, unclear or confusing.~~Information contained in a statement filed pursuant to the Federal Securities Act of 1933, the Federal Securities and Exchange Act of 1934 or a state law requiring registration or disclosure, and information contained in any financial statement, annual report, proxy statement or any other document, may be incorporated by reference in any answer or partial answer to any item or items of this statement, provided the information meets the requirements of this statement. A copy of incorporated documents shall be included on an exhibit to Form B.~~
- 3) When an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to the statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Director that was filed within the prior 3 years and may be qualified in its entirety by that reference. In any case in which 2 or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties to the document, the dates of execution, or other details, a copy of only one of the documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which the documents differ from the copied document.~~Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at that~~

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~~particular place in the statement where the information is required. Matter shall not be incorporated by reference in any case in which the incorporation would render the statement incomplete, unclear or confusing.~~

- G. **Summaries or Outlines of Documents**
When an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the most important provisions of the document. In addition to the statement, the summary or outline may incorporate by reference particular parts of any exhibit and may be qualified in its entirety by the reference.
- H. **Extension of Time for Furnishing Information**
If it is impractical to furnish any required information, document or report at the time it is required to be filed, the Registrant may file with the Director as a separate document an application (1) identifying the information, document or report in question; (2) stating why filing at the time required is impractical; and (3) requesting an extension to a specified date for filing the information, document or report. The application shall be deemed granted unless the Director, within 30 days after receipt of the application, shall enter an order denying the application.

Information required needs to be given only insofar as it is known or reasonably available to the registrant. If any required information is unknown and not reasonably available to the registrant, either because obtaining it would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the registrant, the information may be omitted, subject to the following conditions:

- 1) The registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, including, but not limited to, impossibility or the loss or destruction of documents, together with the sources of the documents.
- 2) The registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to that person for the information.

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- I. Additional Exhibits
The Registrant may file such exhibits as it may desire, in addition to those expressly required by the statement. The additional exhibits shall be marked to indicate clearly the subject matters to which they refer.
- J. Omission of Substantially Identical Documents
In any case in which ~~two~~ or more documents required to be filed as exhibits are substantially identical in all material aspects except as to the parties to the document, the dates of execution, or other details, the registrant need file a copy of only one of the documents, with a schedule identifying the omitted documents and setting forth the material details in which the documents differ from the documents filed. The Director may, at any time in his or her discretion, require the filing of copies of any omitted documents in order to verify that the omitted documents are substantially identical to documents on file. For purposes of this instruction, documents will be deemed substantially similar in all material aspects when a Department analyst, upon examining the documents independently, could reasonably make the same determinations and decisions regarding the documents.
- K. Financial Statements
- 1) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.
 - 2) The financial statements shall include the annual financial statements of each ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.
 - 3) The financial statements may be prepared on either an individual basis or, unless the Director otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.
 - 4) Except as provided in subsections (1) through (3), the financial statement shall be filed in a standard form and format adopted by the National Association of Insurance Commissioners, unless an alternative form is accepted by the Director. Documentation and financial statements filed with the Securities and Exchange Commission or audited GAAP financial statements are an appropriate form and format.

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- 5) Any ultimate controlling person who is an individual may file personal financial statements that are reviewed rather than audited by an independent public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the Personal Financial Statements Guide by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent public accountant's Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.
- 6) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person and any additional documents or papers required by Form B or regulation.
- 7) If, at the time of the initial registration, the annual financial statements for the previous fiscal year are not available, annual statements for the previous fiscal year shall, unless previously filed by amendment, be filed and similar financial information consisting of balance sheet, operational statement and a statement of source and application of funds shall be filed for any subsequent period to the extent that information is available. The financial statements are to be audited by an independent certified public accountant in accordance with generally accepted auditing standards and are to contain financial information presented in accordance with generally accepted accounting principles. If the ultimate controlling person is an insurer that ~~is has been~~ actively engaged in the business of insurance ~~for the previous 10 years~~, the financial statements need not be audited, provided they are based on the Annual Statement of the ~~insurer filed with the insurance department of the insurer's domiciliary state~~ and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under laws and regulations of that state.
- L. Shareholder Reports and Proxy Material
Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and any proxy material used by the ultimate controlling person during the preceding year.

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- M. **Signature and Certification**
For purpose of filing Form B and Form C, the signatures and certifications required by this Part shall be signed by an executive officer of the registrant.

- N. **Filing Fee**
Pursuant to Section 408 of the Code [215 ILCS 5/408], the Director shall collect a fee for the filing of a registration statement. The filing of the registration statement shall not be deemed complete until the Director has received the appropriate filing fee as required by Section 408.

FORM B

INSTRUCTIONS FOR COMPLETION

Filed with the Department of Insurance of the State of Illinois.

BY

(Name of Registrant)

On Behalf of the Following Insurance Companies

Date: _____, 20 ____

Name, Title and Address of Officer to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

DEPARTMENT OF INSURANCE

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ITEM 1. Identity and Control of Registrant

Furnish the exact name of each insurer registering or being registered (hereinafter called "the Registrant"); the address and principal executive offices of each; the date on which each Registrant became a part of the insurance holding company system; and the methods by which control of each Registrant was acquired and is maintained.

ITEM 2. Organization Chart

Furnish a chart or listing presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. ~~No affiliate need be shown if its total assets are equal to less than 1/2 of 1 % of the total assets of each ultimate controlling person within the insurance holding company system.~~ The chart or listing shall show the percentage of voting securities of each affiliate that is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of the control. As to each person specified in the chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

ITEM 3. Each Ultimate Controlling Person

As to each ultimate controlling person, furnish the following information:

- a) Name;
- b) Address;
- c) Principal executive office;
- d) The organizational structure of the person, i.e., corporation, partnership, individual, trust, etc.;
- e) The principal business of the person;
- f) The name and address of any person who holds or owns 10% or more of any voting security, the number of shares held of record or known to be beneficially owned, and the percentage of all shares so held or owned;

DEPARTMENT OF INSURANCE

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- g) If court proceedings looking toward a reorganization or liquidation are pending, indicate the title of the court, the nature of proceedings and the date when commenced.

ITEM 4. Biographical Information

If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past 5 years, and any conviction of crimes other than minor traffic violations. If the ultimate controlling person is an individual, furnish the individual's name and address, his or her principal occupation and all offices and positions held during the past 5 years, and any conviction of crimes other than minor traffic violations.~~Furnish the following information for the directors and executive officers of each ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past 5 years, and any conviction of crimes, other than minor traffic violations, during the past 10 years.~~

ITEM 5. Transactions, Relationships and Agreements

- a) Briefly describe the following agreements in force, relationships subsisting, and transactions currently outstanding or that have occurred during the last calendar year between the Registrant and its affiliates:
- 1) loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the Registrant or of the Registrant by its affiliates;
 - 2) purchases, sales or exchanges of assets;
 - 3) transactions not in the ordinary course of business;
 - 4) guarantees or undertakings for the benefit of an affiliate that result in a contingent exposure of the Registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the Registrant's business;

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- 5) all management agreements, service contracts and all cost-sharing arrangements, any other contracts providing for the rendering of services on a regular systematic basis, and contracts on a "pooled" fund basis or service company management basis, where the costs to the individual member companies are on an actually incurred or closely estimated basis;
- 6) reinsurance agreements;
- 7) any pledge of the company's own securities, or securities of any subsidiary or affiliate, to secure a loan made to any member of the insurance holding company system;
- 8) consolidated tax allocation agreements; and
- 9) dividends and other distributions to shareholders.

No information need be disclosed if that information is not material.

Sales, purchases, exchanges, guarantees or loans or extensions of credit or investments involving $\frac{1}{2}$ of 1% or less of the Registrant's admitted assets as of the December 31 next preceding shall not be deemed material. All other amounts shall be deemed material.

- b) The description shall be in a manner permitting proper evaluation by the Director and shall include at least the following: the nature and purpose of the transaction; the nature and amounts of any payments or transfers of assets between the parties and the identity of all parties to the transaction; and relationship of the affiliated parties to the Registrant.

ITEM 6. Litigation or Administrative Proceedings

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which each ultimate controlling person or any of its directors or executive officers was a part or of which the property of any such person is or was the subject. Give the names of the parties and the court or agency in which the litigation or proceeding is or was pending.

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- a) Criminal prosecutions or administrative proceedings by any government agency or authority that may be relevant to the trustworthiness of any party to the litigation or administrative proceedings; and~~other than minor traffic violations.~~
- b) Proceedings that may have a material effect upon the solvency or capital structure of each ultimate controlling company, including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations. For purposes of this instruction, an effect upon the solvency or capital structure of each ultimate controlling company shall be deemed material if it is likely that a reasonable corporate officer would attach importance to the effect that a proceeding or litigation would have on the corporation.

ITEM 7. Financial Statements and Exhibits

Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits attached.

Refer to Item K of the General Instructions.

ITEM 8. Signature and Certification

This section shall include a statement that the company's or its parent company's board of directors or a committee of the board of directors oversees corporate governance and internal controls and that the company's officers or senior management have approved and implemented and continue to maintain and monitor corporate governance and internal controls.

Signature and certification shall be in the following form:

SIGNATURE

Pursuant to the requirements of Section 131.14 of the Code and 50 Ill. Adm. Code 652, the registrant has caused this registration statement to be duly signed on its behalf in the city of _____ and state of _____ on the _____ day of _____, 20 _____.

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(Name of Registrant)

BY

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached registration statement dated _____, 20 _____, for and on behalf of _____ (Name of Company) _____ that (s)he is the _____ (Title of Officer) of such company, and that (s)he has authority to execute and file the instrument. Deponent further says that (s)he is familiar with the instrument and that the facts set forth in the instrument are true to the best of his or her knowledge, information and belief.

Signature

(Type or Print Name)

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 652. ILLUSTRATION C Form C – Summary of Registration Statement

FORM C

SUMMARY OF CHANGES TO REGISTRATION STATEMENT

Filed with the Department of Insurance of the State of Illinois

By

Name of Registrant

On Behalf of the Following Insurance Companies

Name

Address

Date: _____, 20 _____

Name, Title, Address and telephone number of Individual to Whom Notices and Correspondence Concerning This Summary Should Be Addressed:

Furnish a brief description of all items in the current annual registration statement that represent changes from the prior year's annual registration statement. The description shall include specific references to item numbers in the annual registration statement and to the terms contained in the item. Changes occurring under Item 2, insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included if the changes are ones that result in ownership or holdings of 10% or more of voting securities, or loss or transfer of control or acquisition or loss of partnership interest, ~~but nothing need be reported if the change is an amount less than 1/2 of 1% of the total assets of the ultimate controlling person in~~

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~~the holding company system.~~ Changes occurring under Item 4 of the annual registration statement need only be included if: (1) an individual is, for the first time, made a director or executive officer of the ultimate controlling person or (2) a director or executive officer terminates his or her responsibilities with the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been amended, the nature of the amendment shall be included. If a transaction disclosed on the prior year's annual registration statement has been completed, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

The insurer shall furnish statements that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions whose purpose it is to avoid statutory threshold amounts, disclosure and the review that might otherwise occur pursuant to Section 131.20a of the Code.

SIGNATURE Signature and certification of the form as follows:

SIGNATURE

Pursuant to 50 Ill. Adm. Code 652.40, the Registrant has caused this summary of registration statement to be duly signed on its behalf in the City of _____ State of _____ on the _____ day of _____, 20 _____.

(Name of Registrant)

(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached summary of

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registration statement dated _____, 20 _____, for and on behalf of _____; that (s)he is the _____

(Name of Company)

(Title of Officer)

of that company, and that (s)he is authorized to execute and file the instrument. Deponent further says that (s)he is familiar with the instrument and that the facts set forth in the instrument are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or Print Name)

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

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Section 652.ILLUSTRATION F Form F – Enterprise Risk Report – Initial, Annual or Amendment

FORM F

ENTERPRISE RISK REPORT

Filed with the Insurance Department of the State of _____

By

Name of Registrant/Applicant

On Behalf of/Related to the Following Insurance Companies

Name and Address

Date: _____, 20____

Name, Title, Address and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

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ITEM 1. ENTERPRISE RISK

The Registrant/Applicant, to the best of its knowledge and belief, and in a manner appropriate to the nature, scale and complexity of the operations of the insurance holding company system, shall provide information regarding the following areas that could produce enterprise risk as defined in Section 131.14b of the Illinois Insurance Code, provided that information is not disclosed in the Insurance Holding Company System Annual Registration Statement filed on behalf of itself or another insurer for which it is the ultimate controlling person:

- Any material developments regarding strategy, internal audit findings, compliance or risk management affecting the insurance holding company system;
- Acquisition or disposal of insurance entities and reallocating of existing financial or insurance entities within the insurance holding company system;
- Any changes of shareholders of the insurance holding company system exceeding 10 percent or more of voting securities;
- Developments in various investigations, regulatory activities or litigation that may have a significant bearing or impact on the insurance holding company system;
- Business plan of the insurance holding company system and summarized strategies for the next 12 months;
- Identification of material concerns of the insurance holding company system raised by supervisory college, if any, in the last year;
- Identification of insurance holding company system capital resources and material distribution patterns;
- Identification of any negative movement, or discussions with rating agencies that may have caused, or may cause, potential negative movement in the credit ratings and individual insurer financial strength ratings assessment of the insurance holding company system (including both the rating score and outlook);
- Information on corporate or parental guarantees throughout the holding company and the expected source of liquidity should those guarantees be called upon; and

DEPARTMENT OF INSURANCE

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- Identification of any material activity or development of the insurance holding company system that, in the opinion of senior management, could adversely affect the insurance holding company system.

The Registrant/Applicant may attach the appropriate form most recently filed with the U.S. Securities and Exchange Commission, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the form provides responsive information. If the Registrant/Applicant is not domiciled in the U.S., it may attach its most recent public audited financial statement filed in its country of domicile, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the financial statement provides responsive information.

ITEM 2: OBLIGATION TO REPORT

If the Registrant/Applicant has not disclosed any information pursuant to Item 1, the Registrant/Applicant shall include a statement affirming that, to the best of its knowledge and belief, it has not identified enterprise risk subject to disclosure pursuant to Item 1.

(Source: Added at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
310.47	Amendment
310.260	Amendment
310.410	Amendment
310.Appendix A Table I	Amendment
- 4) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a, 20 ILCS 415/8c, 20 ILCS 415/8e, 20 ILCS 415/9(7) and 20 ILCS 415/9(14)], 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].
- 5) Effective Date of Rules: April 24, 2017
- 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 rules including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services.
- 9) Notice of Proposed published in the *Illinois Register*: 41 Ill. Reg. 213; January 13, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Since the First Notice, the changes are based on the JCAR Delta and intervening rulemakings. The changes are:

In the table of contents, the heading for the Section 310.Appendix A Table P includes the Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees. The heading for Section 310.Appendix A Table P includes that the Section is repealed. The changes are based on intervening rulemaking.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

In the main source notes, references to the three intervening rulemakings are added: the peremptory amendment at 41 Ill. Reg. 1210, effective January 19, 2017; adopted proposed amendments at 41 Ill. Reg. 1695, effective January 25, 2017; and peremptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017.

The only change not based on the three intervening rulemakings is in Section 310.47(2) where the Bridge Tender row was out-of-alphabetic-order and corrected based on the JCAR Delta. Based on intervening rulemaking are an update to only the Engineering Technician I and II titles retaining in-hire rates and the update of the bargaining unit and effective date of the Meat & Poultry Inspector Trainee in-hire rate.

In Section 310.260, the update of the bargaining unit and Meat & Poultry Inspector Trainee title is based on intervening rulemaking.

In Section 310.410, the Educator – Career and Technical and Educator – Career and Technical Provisional titles' MS- salary ranges are updated. The Juvenile Justice School Counselor, Public Safety Drug Screening Specialist and Special Education Resources Coordinator titles' information is added. The changes are based on intervening rulemaking.

Since the First Notice Changes, an intervening proposed amendment was adopted so that "; amended at 41 Ill. Reg. 3191, effective March 6, 2017" is added to the main source notes.

- 12) Has the change agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
310.47	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.50	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.130	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.410	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.500	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table I	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table L	Amendment	41 Ill. Reg. 3632; March 31, 2017

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.Appendix A Table P	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table S	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table W	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table X	Amendment	41 Ill. Reg. 3632; March 31, 2017

- 15) Summary and Purpose of Rulemaking: In Section 310.47 subsection (f)(2), in-hire rates effective January 1, 2017 are added for the Department of Transportation (DOT) temporary employees appointed to non-bargaining-unit positions allocated to the Bridge Tender, Deck Hand and Ferry Operator I titles. For the Bridge Tender and Ferry Operator I titles to which the MS-18 salary range are assigned, the in-hire rate is \$4,696 per month. For the Deck Hand title to which the MS-15 salary range are assigned, the in-hire rate is \$4,512 per month.

In Section 310.260, the Corrections Treatment Officer Trainee title (title code 09866) with its assigned MS-13 salary range and the Retirement Benefits Representative Trainee title (title code 38316) with its MS-07 salary range are added to the title table. The Public Service Trainee title (title code 37025) with its assigned MS-01 salary range is removed. The titles are established or abolished as indicated in the paragraph below regarding Section 310.410.

In Section 310.410, the Corrections Treatment Officer title (title code 09864) with its assigned MS-20 salary range, Corrections Treatment Officer Supervisor title (title code 09865) with its assigned MS-27 salary range, Corrections Treatment Officer Trainee title (title code 09866) with its assigned MS-13 salary range, and Corrections Treatment Senior Security Supervisor title (title code 09867) with its assigned MS-31 salary range are added. The titles are established effective November 1, 2016 as approved by the Civil Service Commission. The Physical Therapy Aide I title (title code 32191) with its assigned MS-03 salary range and the Public Service Trainee title (title code 37025) with its assigned MS-01 salary range are removed. The titles are abolished effective December 1, 2016 as approved by the Civil Service Commission. The Retirement Benefits Representative title (title code 38313) with its assigned MS-09 salary range, Retirement Benefits Representative Supervisor title (title code 38314) with its MS-11 salary range, and Retirement Benefits Representative Trainee title (title code 38316) with its MS-07 salary range are added. The titles are established effective January 1, 2017 as approved by the Civil Service Commission.

In Section 310.Appendix A Table I, the Physical Therapy Aide I title (title code 32191) with its assigned RC-009-04 pay grade is removed from the title table. The title is abolished effective December 1, 2016 as approved by the Civil Service Commission.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

217/524-1055
fax: 217/558-4497
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED 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-Hire 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.270	Legislated Rate (Repealed)
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)
310.560	Merit Incentive Program
310.570	Gain Sharing Program

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

310.600	Jurisdiction (Repealed)
310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)
310.640	Increases in Pay (Repealed)
310.650	Other Pay Provisions (Repealed)
310.660	Effective Date (Repealed)
310.670	Negotiated Rate (Repealed)
310.680	Trainee Rate (Repealed)
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
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 Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Locals #330 and #705)
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, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE) (Repealed)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional

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	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)
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, Educator Trainees, Juvenile Justice School Counselors and Special Education Resources Coordinators, 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) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors 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 (Repealed)
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310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)

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310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239,

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

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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; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory 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; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000;

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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

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

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

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July 9, 2010; preemptory 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; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory 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; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory 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; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory 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; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23,

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2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; preemptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; preemptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; preemptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; preemptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016; preemptory amendment at 41 Ill. Reg. 1210, effective January 19, 2017; amended at 41 Ill. Reg. 1695, effective January 25, 2017; preemptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017; amended at 41 Ill. Reg. 3191, effective March 6, 2017; amended at 41 Ill. Reg. 4615, effective April 24, 2017.

SUBPART A: NARRATIVE

Section 310.47 In-Hire Rate

- a) Use – No employee in a position in which the position and/or the employee meet the criteria of an in-hire rate receives less than the in-hire rate. The in-hire rate is used when a candidate only meets the minimum requirements of the class specification upon entry to State service (Section 310.100(b)(1), 310.490(b)(1) or 310.495(b)(1)), when an employee moves to a vacant position (Section 310.45) or when an MS salary range is assigned to a Trainee Program (Section 310.415(b)).
- b) Request – An agency head may request in writing that the Director of Central Management Services approve or negotiate an in-hire rate. The in-hire rate is a

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Step or dollar amount depending on whether the classification title is assigned to a negotiated full scale rate, negotiated pay grade, merit compensation salary range or broad-band salary range. The in-hire rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hire rate and the limitations are included in the agency request. An effective date may be included in the request.

- c) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, the length of vacancies, the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title. Other factors may be included in the review and negotiation of negotiated in-hire rates.
- d) Approval or Negotiated –
 - 1) Approval – The Director of Central Management Services indicates in writing the approved in-hire rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
 - 2) Negotiated – The Director of Central Management Services and the bargaining unit representative indicate in writing the in-hire rates and effective date, which is either the date indicated in the agreement, the date of the agreement's signature or the beginning of the next pay period after the signatures are secured on the agreement.
- e) Implementation – In the classification title or within the limitations of the classification title and when the in-hire rate is above the normal minimum of the assigned salary range or pay grade, an employee paid below the in-hire rate receives the in-hire rate on the approved effective date. The in-hire rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hire rate is approved by the Director of Central Management Services or negotiated by the Director of Central Management Services and the bargaining unit representative.
- f) Approved or Negotiated In-Hire Rates –
 - 1) Assigned to a Classification –

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A) Approved and Assigned to a Pay Grade or Salary Range –

Title	Pay Grade or Salary Range	Effective Date	In-Hire Rate
Commerce Commission Police Officer Trainee	MS-10	January 1, 2008	\$2,943
Correctional Officer	RC-006-09	January 1, 2008	Step 1
Correctional Officer Trainee	RC-006-05	January 1, 2008	Step 1
Environmental Engineer I	RC-063-15	January 1, 2008	Step 2
Environmental Protection Engineer I	RC-063-15	January 1, 2008	Step 5
Environmental Protection Engineer II	RC-063-17	January 1, 2008	Step 4
Internal Auditor Trainee	MS-09	January 1, 2008	\$2,854

B) Negotiated and Assigned to a Full Scale Rate – The rates are located in Appendix A Table D for bargaining unit HR-001, in Appendix A Table E for bargaining unit RC-020, in Appendix A Table F for RC-019 and in Appendix A Table G for bargaining unit RC-045.

Title	Bargaining Unit	Effective Date	In-Hire Rate
Auto & Body Repairer	RC-045	July 1, 2013	75%
Automotive Attendant I	RC-045	July 1, 2013	75%
Automotive Attendant II	RC-045	July 1, 2013	75%
Automotive Mechanic	RC-045	July 1, 2013	75%
Automotive Parts Warehouse Specialist	RC-045	July 1, 2013	75%
Automotive Parts Warehouse	RC-045	July 1, 2013	75%
Bridge Mechanic	RC-019	July 8, 2013	75%
Bridge Mechanic	RC-020	June 26, 2013	75%
Bridge Tender	RC-019	July 8, 2013	75%
Bridge Tender	RC-020	June 26, 2013	75%
Building Services Worker	HR-001	July 24, 2013	75%

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Deck Hand	RC-019	July 8, 2013	75%
Elevator Operator	HR-001	July 24, 2013	75%
Ferry Operator I	RC-019	July 8, 2013	75%
Ferry Operator II	RC-019	July 8, 2013	75%
Grounds Supervisor	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	RC-020	June 26, 2013	75%
Highway Maintainer	HR-001	November 1, 2009	75%
Highway Maintainer	RC-019	July 8, 2013	75%
Highway Maintainer	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker	HR-001	July 24, 2013	75%
Highway Maintenance Lead Worker	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-020	June 26, 2013	75%
Janitor I (Including Office of Administration)	RC-019	July 8, 2013	75%
Janitor II (Including Office of Administration)	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-020	June 26, 2013	75%
Laborer (Maintenance)	HR-001	July 24, 2013	75%
Laborer (Maintenance)	RC-019	July 8, 2013	75%
Laborer (Maintenance)	RC-020	June 26, 2013	75%
Maintenance Equipment Operator	HR-001	July 24, 2013	75%
Maintenance Equipment Operator	RC-019	July 8, 2013	75%
Maintenance Equipment Operator	RC-020	June 26, 2013	75%

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Maintenance Worker	HR-001	July 24, 2013	75%
Maintenance Worker	RC-019	July 8, 2013	75%
Maintenance Worker	RC-020	June 26, 2013	75%
Power Shovel Operator (Maintenance)	HR-001	July 24, 2013	75%
Power Shovel Operator (Maintenance)	RC-019	July 8, 2013	75%
Power Shovel Operator (Maintenance)	RC-020	June 26, 2013	75%
Security Guard I	RC-019	July 8, 2013	75%
Security Guard II	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-020	June 26, 2013	75%
Small Engine Mechanic	RC-045	July 1, 2013	75%
Storekeeper I*	RC-045	July 1, 2013	75%
Storekeeper II*	RC-045	July 1, 2013	75%

*Storekeeper I & Storekeeper II serving as Automotive Parts Warehouse in Cook County.

- 2) Based on the Position's Work Location or Employee's Credential or Residency –

Title	Pay Grade or Salary Range	Location or Residency	Credential	Effective Date	In-Hire Rate
<u>Bridge Tender</u>	<u>MS-18</u>	<u>Department of Transportation</u>	<u>Temporary Employee</u>	<u>January 1, 2017</u>	<u>\$4,696/month</u>
Civil Engineer Trainee	NR-916	None identified	Bachelor's degree in accredited civil engineering program	January 1, 2008	Add to minimum monthly rate \$40/quarter work experience up to 8

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Civil Engineer Trainee	NR-916	None identified	Passed Engineering Intern exam	January 1, 2008	Add to minimum monthly rate \$60/month
Civil Engineer Trainee	NR-916	None identified	Job-Related Master's degree	January 1, 2012	Add to minimum monthly rate \$40/month for each year of full-time graduate study as a substitute for job-related experience up to two years
Clerical Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Conservation/ Historic Preservation Worker	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
<u>Deck Hand</u>	<u>MS-15</u>	<u>Department of Transportation</u>	<u>Temporary Employee</u>	<u>January 1, 2017</u>	<u>\$4,512</u>
Engineering Technician I	NR-916	None identified	Completed 2 years of college in civil engineering or job related technical/ science curriculum (60 semester /90 quarter hours credit)	January 1, 2012	\$2,845

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Engineering Technician I	NR-916	None identified	Completed 3 years of college in areas other than civil engineering or job related technical/science curriculum (90 semester /135 quarter hours credit)	January 1, 2012	\$2,730
Engineering Technician I	NR-916	None identified	Associate Degree from an accredited 2 year civil engineering technology program	January 1, 2012	\$2,975
Engineering Technician I	NR-916	None identified	Completed 3 years of college courses in civil engineering or job related technical/science curriculum (90 semester /135 quarter hours credit)	January 1, 2012	\$2,975
Engineering Technician I	NR-916	None identified	Completed 4 years of	January 1, 2012	\$2,845

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			college courses in areas other than civil engineering or job related technical/science curriculum (120 semester /180 quarter hours credit)		
Engineering Technician I	NR-916	None identified	Completed 4 years of college in civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	January 1, 2012	\$3,095
Engineering Technician I and II	NR-916	None identified	Bachelor of Science	January 1, 2012	\$3,510

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			Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology		
<u>Ferry Operator I</u>	<u>MS-18</u>	<u>Department of Transportation</u>	<u>Temporary Employee</u>	<u>January 1, 2017</u>	<u>\$4,696/month</u>
Forensic Scientist Trainee	RC-062-15	None identified	Meets minimum class requirements or completed Forensic Science Residency Program at the U of I- Chicago	January 1, 2008	Step 1
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 4-year college	January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 4-year college	January 1, 2008	Step 6
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 2

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Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Non-Computer Science degree at 4-year college	January 1, 2008	Step 3
Information Services Specialist I	RC-063-17	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 2
Juvenile Justice Specialist	RC-006-14	None identified	Master's degree	September 1, 2008	Step 2
Juvenile Justice Specialist Intern	RC-006-11	None identified	Master's degree	September 1, 2008	Step 2
Meat & Poultry Inspector Trainee	RC-029	Work in Regions 1 and 6	None identified beyond class requirements	May 15, 2014	Step 1
Office Occupations Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Physician Specialist, Option C	RC-063-MD-C	Work in Singer, McFarland, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5

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Physician Specialist, Option D	RC-063-MD-D	Work in Singer, McFarland, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Products & Standards Inspector Trainee	MS-09	Work in Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$3,057
Products & Standards Inspector Trainee	MS-09	Work in counties outside Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$2,854
Public Service Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Student Intern (includes Governor's Natural Resources Fellowship Program)	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month

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Student Intern (Governor's Natural Resources Fellowship Program)	MS-01	Department of Natural Resources	Bachelor's degree in plant or animal ecology, botany, forestry, wildlife biology, ecology or environmental zoology and enrolled in Master's program	September 16, 2013	\$1,600
Student Worker	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Telecommunicator	RC-014- 12	Work in District 2	None identified beyond class requirements	January 1, 2008	Step 2
Telecommunicator Trainee	RC-014- 10	Work in Kane County	None identified beyond class requirements	January 1, 2008	Step 3
Telecommunicator Trainee	RC-014- 10	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 7

(Source: Amended at 41 Ill. Reg. 4615, effective April 24, 2017)

SUBPART B: SCHEDULE OF RATES

Section 310.260 Trainee Rate

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of

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Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	MS-09
Actuarial Examiner Trainee	00196	RC-062-13	MS-10
Administrative Services Worker Trainee	00600	RC-014-02	MS-02
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	MS-12
Child Support Specialist Trainee	07200	RC-062-12	MS-09
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12
Civil Engineer Trainee	07607	NR-916	MS-16
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	MS-11
Clinical Psychology Associate	08255	RC-063-18	MS-19
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-110	MS-06
Correctional Officer Trainee	09676	RC-006-05	MS-08
Corrections Nurse Trainee	09838	RC-023-17	MS-16
<u>Corrections Treatment Officer Trainee</u>	<u>09866</u>	<u>None</u>	<u>MS-13</u>

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Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10
Data Processing Operator Trainee	11428	RC-014-02	MS-02
Data Processing Technician Trainee	11443	RC-028-06	MS-04
Disability Claims Adjudicator Trainee	12539	RC-062-13	MS-10
Economic Development Representative Trainee	12939	None	MS-10
Educator Intern	13135	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	MS-09
Financial Institutions Examiner Trainee	14978	RC-062-13	MS-10
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	MS-10
Firearms Eligibility Analyst Trainee	15375	Pending Negotiations	
Forensic Scientist Trainee	15897	RC-062-15	MS-12
Gaming Special Agent Trainee	17195	RC-062-14	MS-11
Geographic Information Trainee	17276	RC-063-15	MS-12
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	MS-23
Hearing and Speech Associate	18231	RC-063-18	MS-19
Human Resources Trainee	19694	RC-014-07	MS-04
Human Rights Investigator Trainee	19768	None	MS-09
Human Services Grants Coordinator Trainee	19796	RC-062-12	MS-09
Industrial Services Consultant Trainee	21125	RC-062-11	MS-08
Industrial Services Hygienist Trainee	21133	RC-062-12	MS-09
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	MS-04
Insurance Company Financial Examiner Trainee	21610	RC-062-13	MS-10

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Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	MS-13
Land Reclamation Specialist Trainee	23137	None	MS-09
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	MS-09
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	MS-09
Meat and Poultry Inspector Trainee	26075	RC-029	MS-07
Medicaid Management Intern	26305	None	MS-13
Mental Health Administrator Trainee	26817	RC-062-16	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	MS-08
Mental Health Technician Trainee	27020	RC-009-01	MS-03
Methods and Procedures Career Associate Trainee	27137	RC-062-09	MS-06
Natural Resources Coordinator Trainee	28830	None	MS-09
Office Occupations Trainee	30075	None	MS-01
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	MS-09
Psychologist Associate	35626	RC-063-15	MS-12
Psychology Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09
Public Safety Inspector Trainee	37010	RC-062-10	MS-07
Public Service Trainee	37025	None	MS-01

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Rehabilitation Counselor Trainee	38159	RC-062-15	MS-12
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	MS-12
Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	MS-05
<u>Retirement Benefits Representative Trainee</u>	<u>38316</u>	<u>None</u>	<u>MS-07</u>
Revenue Auditor Trainee (IL)	38375	RC-062-12	MS-09
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062-13	MS-09
Revenue Auditor Trainee (see Note in Appendix A Table W)	38375	RC-062-15	MS-09
Revenue Collection Officer Trainee	38405	RC-062-12	MS-09
Revenue Special Agent Trainee	38565	RC-062-14	MS-11
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07
Security Therapy Aide Trainee	39905	RC-009-13	MS-06
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03
Social Services Career Trainee	41320	RC-062-12	MS-09
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	MS-07
Terrorism Research Specialist Trainee	45375	RC-062-14	MS-11
Weatherization Specialist Trainee	49105	RC-062-12	MS-09

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Well Inspector Trainee	49425	None	MS-09
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(Source: Amended at 41 Ill. Reg. 4615, effective April 24, 2017)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to classes of positions, or positions excluded from bargaining unit representation, designated below and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Title	Title Code	Salary Range
Account Clerk I	00111	MS-03
Account Clerk II	00112	MS-04
Account Technician I	00115	MS-07
Account Technician II	00116	MS-09
Account Technician Trainee	00118	MS-04
Accountant	00130	MS-11
Accountant Advanced	00133	MS-14
Accountant Supervisor	00135	MS-19
Accounting and Fiscal Administration Career Trainee	00140	MS-09
Activity Program Aide I	00151	MS-04
Activity Program Aide II	00152	MS-05
Activity Therapist	00157	MS-12
Activity Therapist Coordinator	00160	MS-16
Activity Therapist Supervisor	00163	MS-23
Actuarial Assistant	00187	MS-14
Actuarial Examiner	00195	MS-14
Actuarial Examiner Trainee	00196	MS-10
Actuarial Senior Examiner	00197	MS-21
Actuary I	00201	MS-23
Actuary II	00202	MS-31
Actuary III	00203	MS-33
Administrative Assistant I	00501	MS-16
Administrative Assistant II	00502	MS-21
Administrative Services Worker Trainee	00600	MS-02

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Agricultural Executive	00800	MS-23
Agricultural Land and Water Resources Supervisor	00811	MS-25
Agricultural Market News Assistant	00804	MS-09
Agricultural Marketing Generalist	00805	MS-11
Agricultural Marketing Reporter	00807	MS-19
Agricultural Marketing Representative	00810	MS-19
Agricultural Products Promoter	00815	MS-10
Agriculture Land and Water Resource Specialist I	00831	MS-11
Agriculture Land and Water Resource Specialist II	00832	MS-16
Agriculture Land and Water Resource Specialist III	00833	MS-23
Aircraft Dispatcher	00951	MS-09
Aircraft Lead Dispatcher	00952	MS-11
Aircraft Pilot I	00955	MS-21
Aircraft Pilot II	00956	MS-28
Aircraft Pilot II – Dual Rating	00957	MS-29
Animal and Animal Products Investigator	01072	MS-11
Animal and Animal Products Investigator Trainee	01075	MS-09
Apiary Inspector	01215	MS-03
Apparel/Dry Goods Specialist I	01231	MS-04
Apparel/Dry Goods Specialist II	01232	MS-05
Apparel/Dry Goods Specialist III	01233	MS-10
Appraisal Specialist I	01251	MS-11
Appraisal Specialist II	01252	MS-14
Appraisal Specialist III	01253	MS-19
Appraisal Specialist Trainee	01255	MS-09
Arbitrator	01401	MS-33
Architect	01440	MS-28
Arson Investigations Trainee	01485	MS-12
Arson Investigator I	01481	MS-15
Arson Investigator II	01482	MS-20
Arts Council Associate	01523	MS-09
Arts Council Program Coordinator	01526	MS-19
Arts Council Program Representative	01527	MS-12
Assignment Coordinator	01530	MS-23
Assistant Automotive Shop Supervisor	01565	MS-11
Assistant Reimbursement Officer	02424	MS-05
Audio Visual Technician I	03501	MS-04
Audio Visual Technician II	03502	MS-06
Auto and Body Repairer	03680	MS-13

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Automotive Attendant I	03696	MS-03
Automotive Attendant II	03697	MS-03
Automotive Mechanic	03700	MS-13
Automotive Parts Warehouse Specialist	03734	MS-11
Automotive Parts Warehouse	03730	MS-11
Automotive Shop Supervisor	03749	MS-18
Bank Examiner I	04131	MS-14
Bank Examiner II	04132	MS-21
Bank Examiner III	04133	MS-28
Behavioral Analyst Associate	04355	MS-12
Behavioral Analyst I	04351	MS-16
Behavioral Analyst II	04352	MS-21
Blasting Expert	04720	MS-27
Blasting Specialist	04725	MS-25
Blasting Supervisor	04730	MS-29
Boat Safety Inspection Supervisor	04850	MS-22
Boiler Safety Specialist	04910	MS-26
Breath Alcohol Analysis Technician	05170	MS-15
Bridge Mechanic	05310	MS-17
Bridge Tender	05320	MS-18
Building Construction Inspector I	05541	MS-18
Building Construction Inspector II	05542	MS-20
Building Services Worker	05616	MS-05
Building/Grounds Laborer	05598	MS-08
Building/Grounds Lead I	05601	MS-10
Building/Grounds Lead II	05602	MS-12
Building/Grounds Maintenance Worker	05613	MS-09
Building/Grounds Supervisor	05605	MS-12
Business Administrative Specialist	05810	MS-14
Business Manager	05815	MS-19
Buyer	05900	MS-19
Buyer Assistant	05905	MS-07
Cancer Registrar I	05951	MS-11
Cancer Registrar II	05952	MS-14
Cancer Registrar III	05953	MS-23
Cancer Registrar Assistant Manager	05954	MS-27
Cancer Registrar Manager	05955	MS-31
Canine Specialist	06500	MS-20
Capital Development Board Account Technician	06515	MS-08

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Capital Development Board Art In Architecture Technician	06533	MS-09
Capital Development Board Construction Support Analyst	06520	MS-08
Capital Development Board Media Technician	06525	MS-11
Capital Development Board Project Technician	06530	MS-09
Cartographer III	06673	MS-28
Chaplain I	06901	MS-14
Chaplain II	06902	MS-21
Check Issuance Machine Operator	06920	MS-06
Check Issuance Machine Supervisor	06925	MS-08
Chemist I	06941	MS-14
Chemist II	06942	MS-21
Chemist III	06943	MS-25
Child Development Aide	07184	MS-07
Child Protection Advanced Specialist	07161	MS-21
Child Protection Associate Specialist	07162	MS-14
Child Protection Specialist	07163	MS-19
Child Support Specialist I	07198	MS-14
Child Support Specialist II	07199	MS-16
Child Support Specialist Trainee	07200	MS-09
Child Welfare Administrative Case Reviewer	07190	MS-28
Child Welfare Advanced Specialist	07215	MS-21
Child Welfare Associate Specialist	07216	MS-14
Child Welfare Court Facilitator	07196	MS-28
Child Welfare Nurse Specialist	07197	MS-22
Child Welfare Senior Specialist	07217	MS-28
Child Welfare Specialist	07218	MS-19
Child Welfare Staff Development Coordinator I	07201	MS-16
Child Welfare Staff Development Coordinator II	07202	MS-21
Child Welfare Staff Development Coordinator III	07203	MS-23
Child Welfare Staff Development Coordinator IV	07204	MS-28
Children and Family Service Intern, Option 1	07241	MS-09
Children and Family Service Intern, Option 2	07242	MS-12
Civil Engineer I	07601	MS-22
Civil Engineer II	07602	MS-26
Civil Engineer III	07603	MS-30
Civil Engineer IV	07604	MS-31
Civil Engineer Trainee	07607	MS-16
Clerical Trainee	08050	MS-01
Clinical Laboratory Associate	08200	MS-05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Clinical Laboratory Phlebotomist	08213	MS-04
Clinical Laboratory Technician I	08215	MS-07
Clinical Laboratory Technician II	08216	MS-09
Clinical Laboratory Technologist I	08220	MS-19
Clinical Laboratory Technologist II	08221	MS-21
Clinical Laboratory Technologist Trainee	08229	MS-11
Clinical Pharmacist	08235	MS-32
Clinical Psychologist	08250	MS-29
Clinical Psychology Associate	08255	MS-19
Clinical Services Supervisor	08260	MS-31
Commerce Commission Police Officer I	08451	MS-18
Commerce Commission Police Officer II	08452	MS-22
Commerce Commission Police Officer Trainee	08455	MS-10
Commerce Commission Police Sergeant	08457	MS-24
Commodities Inspector	08770	MS-08
Communications Dispatcher	08815	MS-06
Communications Equipment Technician I	08831	MS-16
Communications Equipment Technician II	08832	MS-21
Communications Equipment Technician III	08833	MS-23
Communications Systems Specialist	08860	MS-29
Community Management Specialist I	08891	MS-12
Community Management Specialist II	08892	MS-16
Community Management Specialist III	08893	MS-21
Community Planner I	08901	MS-12
Community Planner II	08902	MS-16
Community Planner III	08903	MS-21
Compliance Officer	08919	MS-11
Computer Evidence Recovery Specialist	08980	MS-32
Conservation Education Representative	09300	MS-09
Conservation Grant Administrator I	09311	MS-19
Conservation Grant Administrator II	09312	MS-23
Conservation Grant Administrator III	09313	MS-28
Conservation Police Lieutenant	09339	MS-23
Conservation Police Officer I	09341	MS-18
Conservation Police Officer II	09342	MS-19
Conservation Police Officer Trainee	09345	MS-06
Conservation Police Sergeant	09347	MS-22
Conservation/Historic Preservation Worker	09317	MS-01
Construction Program Assistant	09525	MS-09

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Construction Supervisor I	09561	MS-10
Construction Supervisor II	09562	MS-14
Cook I	09601	MS-04
Cook II	09602	MS-07
Correctional Casework Supervisor	09655	MS-25
Correctional Counselor I	09661	MS-12
Correctional Counselor II	09662	MS-16
Correctional Counselor III	09663	MS-21
Correctional Lieutenant	09673	MS-24
Correctional Officer	09675	MS-11
Correctional Officer Trainee	09676	MS-08
Correctional Sergeant	09717	MS-16
Corrections Apprehension Specialist	09750	MS-21
Corrections Clerk I	09771	MS-11
Corrections Clerk II	09772	MS-13
Corrections Clerk III	09773	MS-18
Corrections Command Center Supervisor	09500	MS-32
Corrections Family Services Coordinator	09600	MS-32
Corrections Food Service Supervisor I	09793	MS-13
Corrections Food Service Supervisor II	09794	MS-18
Corrections Food Service Supervisor III	09795	MS-21
Corrections Grounds Supervisor	09796	MS-16
Corrections Identification Supervisor	09800	MS-24
Corrections Identification Technician	09801	MS-13
Corrections Industries Marketing Representative	09803	MS-16
Corrections Industry Lead Worker	09805	MS-16
Corrections Industry Supervisor	09807	MS-21
Corrections Intelligence Program Unit Manager	09798	MS-31
Corrections Investigations Program Administrator	09799	MS-31
Corrections Laundry Manager I	09808	MS-18
Corrections Laundry Manager II	09809	MS-20
Corrections Law Library Assistant	09819	MS-11
Corrections Leisure Activities Specialist I	09811	MS-12
Corrections Leisure Activities Specialist II	09812	MS-16
Corrections Leisure Activities Specialist III	09813	MS-21
Corrections Leisure Activities Specialist IV	09814	MS-25
Corrections Locksmith	09818	MS-16
Corrections Maintenance Craftsman	09821	MS-16
Corrections Maintenance Supervisor	09822	MS-20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Corrections Maintenance Worker	09823	MS-12
Corrections Medical Technician	09824	MS-12
Corrections Nurse I	09825	MS-20
Corrections Nurse II	09826	MS-25
Corrections Nurse Trainee	09836	MS-16
Corrections Parole Agent	09842	MS-16
Corrections Placement Resources Regional Supervisor	09839	MS-31
Corrections Program Administrator	09849	MS-31
Corrections Psychologist Administrator	09855	MS-32
Corrections Regional Mental Health Services Administrator	09857	MS-32
Corrections Residence Counselor I	09837	MS-13
Corrections Residence Counselor II	09838	MS-20
Corrections Senior Parole Agent	09844	MS-21
Corrections Supply Supervisor I	09861	MS-13
Corrections Supply Supervisor II	09862	MS-18
Corrections Supply Supervisor III	09863	MS-21
Corrections Training Program Supervisor	09860	MS-32
Corrections Transportation Officer I	09871	MS-13
Corrections Transportation Officer II	09872	MS-20
Corrections Treatment Officer	09864	MS-20
Corrections Treatment Officer Supervisor	09865	MS-27
Corrections Treatment Officer Trainee	09866	MS-13
Corrections Treatment Senior Security Supervisor	09867	MS-31
Corrections Unit Superintendent	09868	MS-32
Corrections Utilities Operator	09875	MS-16
Corrections Vocational Instructor	09879	MS-16
Corrections Vocational School Supervisor	09880	MS-20
Court Reporter	09900	MS-12
Court Reporter Supervisor	09903	MS-26
Crime Scene Investigator	09980	MS-25
Criminal Intelligence Analyst I	10161	MS-19
Criminal Intelligence Analyst II	10162	MS-23
Criminal Intelligence Analyst Specialist	10165	MS-28
Criminal Intelligence Analyst Supervisor	10169	MS-32
Criminal Justice Specialist I	10231	MS-14
Criminal Justice Specialist II	10232	MS-23
Criminal Justice Specialist Trainee	10236	MS-10
Curator Of The Lincoln Collection	10750	MS-14
Data Processing Administrative Specialist	11415	MS-11

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Data Processing Assistant	11420	MS-04
Data Processing Operator	11425	MS-03
Data Processing Operator Trainee	11428	MS-02
Data Processing Specialist	11430	MS-09
Data Processing Supervisor I	11435	MS-08
Data Processing Supervisor II	11436	MS-11
Data Processing Supervisor III	11437	MS-19
Data Processing Technician	11440	MS-06
Data Processing Technician Trainee	11443	MS-04
Day Care Licensing Representative I	11471	MS-14
Day Care Licensing Representative II	11472	MS-19
Deck Hand	11500	MS-15
Dental Assistant	11650	MS-07
Dental Hygienist	11700	MS-11
Dentist I	11751	MS-29
Dentist II	11752	MS-33
Developmental Disabilities Council Program Planner I	12361	MS-09
Developmental Disabilities Council Program Planner II	12362	MS-14
Developmental Disabilities Council Program Planner III	12363	MS-19
Developmental Psychological Services Administrator	12380	MS-32
Dietary Manager I	12501	MS-14
Dietary Manager II	12502	MS-19
Dietitian	12510	MS-12
Disability Appeals Officer	12530	MS-28
Disability Claims Adjudicator I	12537	MS-14
Disability Claims Adjudicator II	12538	MS-19
Disability Claims Adjudicator Trainee	12539	MS-10
Disability Claims Analyst	12540	MS-25
Disability Claims Specialist	12558	MS-21
Disaster Services Planner	12585	MS-21
Document Examiner	12640	MS-28
Drafting Worker	12749	MS-08
Drug Compliance Investigator	12778	MS-31
Economic Development Representative I	12931	MS-16
Economic Development Representative II	12932	MS-21
Economic Development Representative Trainee	12939	MS-10
Economist Associate	12940	MS-12
Educational Diagnostician	12965	MS-09
Educational Media Program Specialist	12980	MS-16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Educator	13100	MS-26
Educator – Career and Technical	13103	MS-16
Educator – Career and Technical Provisional	13104	MS-15
Educator Aide	13130	MS-08
Educator Intern	13135	MS-10
Educator Trainee	13148	MS-09
Electrical Engineer	13180	MS-28
Electroencephalograph Technician	13300	MS-05
Electronic Equipment Installer/Repairer	13340	MS-07
Electronic Equipment Installer/Repairer Lead Worker	13345	MS-09
Electronics Technician	13360	MS-12
Elevator Inspector	13495	MS-21
Elevator Operator	13500	MS-05
Emergency Response Lead Telecommunicator	13540	MS-10
Emergency Response Telecommunicator	13543	MS-08
Employment Security Field Office Supervisor	13600	MS-23
Employment Security Manpower Representative I	13621	MS-09
Employment Security Manpower Representative II	13622	MS-11
Employment Security Program Representative	13650	MS-11
Employment Security Program Representative – Intermittent	13651	MS-11
Employment Security Service Representative	13667	MS-14
Employment Security Specialist I	13671	MS-11
Employment Security Specialist II	13672	MS-14
Employment Security Specialist III	13673	MS-21
Employment Security Tax Auditor I	13681	MS-16
Employment Security Tax Auditor II	13682	MS-21
End-User Computer Services Specialist I	13691	MS-24
End-User Computer Services Specialist II	13692	MS-28
End-User Computer Systems Analyst	13693	MS-30
Energy and Natural Resources Specialist I	13711	MS-12
Energy and Natural Resources Specialist II	13712	MS-16
Energy and Natural Resources Specialist III	13713	MS-21
Energy and Natural Resources Specialist Trainee	13715	MS-09
Engineering Technician I	13731	MS-10
Engineering Technician II	13732	MS-13
Engineering Technician III	13733	MS-20
Engineering Technician IV	13734	MS-30
Environmental Engineer I	13751	MS-12

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Environmental Engineer II	13752	MS-16
Environmental Engineer III	13753	MS-21
Environmental Engineer IV	13754	MS-28
Environmental Equipment Operator I	13761	MS-09
Environmental Equipment Operator II	13762	MS-11
Environmental Health Specialist I	13768	MS-11
Environmental Health Specialist II	13769	MS-14
Environmental Health Specialist III	13770	MS-19
Environmental Protection Associate	13785	MS-09
Environmental Protection Engineer I	13791	MS-12
Environmental Protection Engineer II	13792	MS-16
Environmental Protection Engineer III	13793	MS-21
Environmental Protection Engineer IV	13794	MS-28
Environmental Protection Geologist I	13801	MS-12
Environmental Protection Geologist II	13802	MS-16
Environmental Protection Geologist III	13803	MS-21
Environmental Protection Legal Investigator I	13811	MS-10
Environmental Protection Legal Investigator II	13812	MS-11
Environmental Protection Legal Investigator Specialist	13815	MS-13
Environmental Protection Specialist I	13821	MS-11
Environmental Protection Specialist II	13822	MS-14
Environmental Protection Specialist III	13823	MS-19
Environmental Protection Specialist IV	13824	MS-28
Environmental Protection Technician I	13831	MS-05
Environmental Protection Technician II	13832	MS-07
Epidemiology Research and Investigation Scientist	13833	MS-29
Equal Pay Specialist	13837	MS-16
Equine Investigator	13840	MS-09
Executive I	13851	MS-19
Executive II	13852	MS-23
Executive Secretary I	14031	MS-08
Executive Secretary II	14032	MS-11
Executive Secretary III	14033	MS-14
Explosives Inspector I	14051	MS-11
Explosives Inspector II	14052	MS-18
Facility Assistant Fire Chief	14430	MS-10
Facility Fire Chief	14433	MS-13
Facility Fire Safety Coordinator	14435	MS-09
Facility Firefighter	14439	MS-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ferry Operator I	14801	MS-18
Ferry Operator II	14802	MS-19
Financial Institutions Examiner I	14971	MS-14
Financial Institutions Examiner II	14972	MS-21
Financial Institutions Examiner III	14973	MS-28
Financial Institutions Examiner Trainee	14978	MS-10
Fingerprint Technician	15204	MS-10
Fingerprint Technician Supervisor	15208	MS-18
Fingerprint Technician Trainee	15209	MS-05
Firearms Eligibility Administrator	15280	MS-32
Firearms Eligibility Analyst I	15371	MS-10
Firearms Eligibility Analyst II	15372	MS-14
Firearms Eligibility Analyst Trainee	15375	MS-08
Fire Certification Specialist I	15281	MS-16
Fire Certification Specialist II	15282	MS-18
Fire Certification Specialist Supervisor	15283	MS-22
Fire Prevention Inspector I	15316	MS-13
Fire Prevention Inspector II	15317	MS-20
Fire Prevention Inspector Trainee	15320	MS-10
Fire Protection Engineer	15340	MS-28
Fire Protection Specialist I	15351	MS-14
Flight Safety Coordinator	15640	MS-28
Florist II	15652	MS-08
Food Services Program Manager	15800	MS-31
Foreign Service Economic Development Executive I	15871	MS-32
Foreign Service Economic Development Executive II	15872	MS-34
Foreign Service Economic Development Representative	15875	MS-30
Forensic Science Administrator I	15911	MS-31
Forensic Science Administrator II	15912	MS-32
Forensic Science Administrator III	15913	MS-33
Forensic Scientist I	15891	MS-19
Forensic Scientist II	15892	MS-23
Forensic Scientist III	15893	MS-28
Forensic Scientist Trainee	15897	MS-12
Gaming Licensing Analyst	17171	MS-10
Gaming Senior Special Agent	17191	MS-29
Gaming Special Agent	17192	MS-21
Gaming Special Agent Trainee	17195	MS-11
Geographic Information Specialist I	17271	MS-21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Geographic Information Specialist II	17272	MS-29
Geographic Information Trainee	17276	MS-12
Governmental Career Trainee	17325	MS-09
Graduate Pharmacist	17345	MS-23
Graphic Arts Designer	17366	MS-11
Graphic Arts Designer Advanced	17370	MS-14
Graphic Arts Designer Supervisor	17365	MS-19
Graphic Arts Technician	17400	MS-09
Grounds Supervisor	17549	MS-18
Guard I	17681	MS-04
Guard II	17682	MS-06
Guard III	17683	MS-09
Guard Supervisor	17685	MS-11
Guardianship Representative	17710	MS-16
Guardianship Supervisor	17720	MS-24
Habilitation Program Coordinator	17960	MS-16
Handicapped Services Representative I	17981	MS-08
Health Facilities Surveillance Nurse	18150	MS-22
Health Facilities Surveyor I	18011	MS-14
Health Facilities Surveyor II	18012	MS-21
Health Facilities Surveyor III	18013	MS-23
Health Information Associate	18045	MS-07
Health Information Technician	18047	MS-09
Health Services Investigator I, Option A – General	18181	MS-21
Health Services Investigator I, Option B – Controlled Substance Inspector	18182	MS-23
Health Services Investigator II, Option A – General	18185	MS-28
Health Services Investigator II, Option B – Controlled Substance Inspector	18186	MS-28
Health Services Investigator II, Option C – Pharmacy	18187	MS-32
Health Services Investigator II, Option D – Pharmacy/Controlled Substance Inspector	18188	MS-32
Hearing and Speech Advanced Specialist	18227	MS-28
Hearing and Speech Associate	18231	MS-19
Hearing and Speech Specialist	18233	MS-23
Hearing and Speech Technician II	18262	MS-06
Hearings Referee	18300	MS-29
Hearings Referee – Intermittent	18301	MS-29
Heavy Construction Equipment Operator	18465	MS-18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Highway Construction Supervisor I	18525	MS-25
Highway Construction Supervisor II	18526	MS-30
Highway Maintainer	18639	MS-18
Highway Maintenance Lead Worker	18659	MS-18
Historical Documents Conservator I	18981	MS-10
Historical Exhibits Designer	18985	MS-12
Historical Library Chief Of Acquisitions	18987	MS-21
Historical Research Editor II	19002	MS-11
Historical Research Specialist	19008	MS-23
Housekeeper II	19602	MS-03
Human Relations Representative	19670	MS-14
Human Resources Assistant	19690	MS-05
Human Resources Associate	19691	MS-08
Human Resources Trainee	19694	MS-04
Human Rights Investigator I	19774	MS-14
Human Rights Investigator II	19775	MS-19
Human Rights Investigator III	19776	MS-21
Human Rights Investigator Trainee	19768	MS-09
Human Rights Mediation Supervisor	19769	MS-23
Human Rights Mediator	19771	MS-16
Human Rights Specialist I	19778	MS-11
Human Rights Specialist II	19779	MS-14
Human Rights Specialist III	19780	MS-19
Human Services Casework Manager	19788	MS-23
Human Services Caseworker	19785	MS-14
Human Services Grants Coordinator I	19791	MS-11
Human Services Grants Coordinator II	19792	MS-16
Human Services Grants Coordinator III	19793	MS-23
Human Services Grants Coordinator Trainee	19796	MS-09
Human Services Sign Language Interpreter	19810	MS-14
Iconographer	19880	MS-09
Industrial and Community Development Representative I	21051	MS-16
Industrial and Community Development Representative II	21052	MS-21
Industrial Commission Reporter	21080	MS-14
Industrial Commission Technician	21095	MS-08
Industrial Services Consultant I	21121	MS-11
Industrial Services Consultant II	21122	MS-14
Industrial Services Consultant Trainee	21125	MS-08
Industrial Services Hygienist	21127	MS-21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Industrial Services Hygienist Technician	21130	MS-14
Industrial Services Hygienist Trainee	21133	MS-09
Information Services Intern	21160	MS-12
Information Services Specialist I	21161	MS-16
Information Services Specialist II	21162	MS-21
Information Systems Analyst I	21165	MS-25
Information Systems Analyst II	21166	MS-29
Information Systems Analyst III	21167	MS-32
Information Technology/Communications Systems Specialist I	21216	MS-21
Information Technology/Communications Systems Specialist II	21217	MS-31
Inhalation Therapist	21259	MS-05
Inhalation Therapy Supervisor	21260	MS-08
Institutional Helper	21460	MS-05
Institutional Maintenance Worker	21465	MS-05
Instrument Designer	21500	MS-19
Insurance Analyst I	21561	MS-06
Insurance Analyst II	21562	MS-09
Insurance Analyst III	21563	MS-11
Insurance Analyst IV	21564	MS-14
Insurance Analyst Trainee	21566	MS-04
Insurance Company Claims Examiner I	21601	MS-16
Insurance Company Claims Examiner II	21602	MS-21
Insurance Company Field Staff Examiner	21608	MS-14
Insurance Company Financial Examiner Trainee	21610	MS-10
Insurance Performance Examiner I	21671	MS-11
Insurance Performance Examiner II	21672	MS-16
Insurance Performance Examiner III	21673	MS-23
Intermittent Clerk	21686	MS-02
Intermittent Laborer (Maintenance)	21687	MS-08
Intermittent Unemployment Insurance Representative	21689	MS-09
Intermittent Unemployment Insurance Technician	21690	MS-04
Internal Auditor I	21721	MS-16
Internal Auditor Trainee	21726	MS-09
Internal Investigations Principal Evaluation Supervisor	21735	MS-31
Internal Investigations Supervisor	21740	MS-31
Internal Security Investigator I	21731	MS-19
Internal Security Investigator II	21732	MS-25

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

International Marketing Representative I	21761	MS-11
Janitor I	21951	MS-13
Janitor II	21952	MS-14
Juvenile Justice Chief of Security	21965	MS-31
Juvenile Justice Psychologist Administrator	21967	MS-32
Juvenile Justice School Counselor	21970	MS-26
Juvenile Justice Specialist	21971	MS-20
Juvenile Justice Specialist Intern	21976	MS-13
Juvenile Justice Supervisor	21980	MS-27
Juvenile Justice Unit Superintendent	21985	MS-32
Juvenile Justice Youth and Family Specialist Option 1	21991	MS-19
Juvenile Justice Youth and Family Specialist Option 2	21992	MS-23
Juvenile Justice Youth and Family Specialist Supervisor	21995	MS-28
Kidcare Supervisor	22003	MS-23
Labor Conciliator	22750	MS-23
Labor Maintenance Lead Worker	22809	MS-16
Laboratory Assistant	22995	MS-03
Laboratory Associate I	22997	MS-07
Laboratory Associate II	22998	MS-09
Laboratory Equipment Specialist	22990	MS-19
Laboratory Quality Specialist I	23021	MS-21
Laboratory Quality Specialist II	23022	MS-25
Laboratory Research Scientist	23025	MS-29
Laboratory Research Specialist I	23027	MS-21
Laboratory Research Specialist II	23028	MS-25
Laborer (Maintenance)	23080	MS-15
Land Acquisition Agent I	23091	MS-12
Land Acquisition Agent II	23092	MS-19
Land Acquisition Agent III	23093	MS-25
Land Reclamation Specialist I	23131	MS-11
Land Reclamation Specialist II	23132	MS-16
Land Reclamation Specialist Trainee	23137	MS-09
Landscape Architect	23145	MS-28
Landscape Planner	23150	MS-21
Laundry Manager I	23191	MS-10
Law Enforcement Training Administrator	23260	MS-32
Legal Research Assistant	23350	MS-10
Liability Claims Adjuster I	23371	MS-11
Liability Claims Adjuster II	23372	MS-19

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Liability Claims Adjuster Trainee	23375	MS-09
Librarian I	23401	MS-14
Librarian II	23402	MS-19
Library Aide I	23421	MS-03
Library Aide II	23422	MS-04
Library Aide III	23423	MS-05
Library Associate	23430	MS-09
Library Technical Assistant	23450	MS-07
Licensed Practical Nurse I	23551	MS-09
Licensed Practical Nurse II	23552	MS-10
Licensing Assistant	23568	MS-05
Licensing Investigations Supervisor	23577	MS-32
Licensing Investigator I	23571	MS-10
Licensing Investigator II	23572	MS-13
Licensing Investigator III	23573	MS-15
Licensing Investigator IV	23574	MS-20
Life Sciences Career Trainee	23600	MS-09
Liquor Control Special Agent I	23751	MS-13
Liquor Control Special Agent II	23752	MS-14
Local Historical Services Representative	24000	MS-16
Local Housing Advisor I	24031	MS-11
Local Housing Advisor II	24032	MS-14
Local Housing Advisor III	24033	MS-19
Local Revenue and Fiscal Advisor I	24101	MS-12
Local Revenue and Fiscal Advisor II	24102	MS-16
Local Revenue and Fiscal Advisor III	24103	MS-21
Lock and Dam Tender	24290	MS-07
Locksmith	24300	MS-16
Lottery Commodities Distributor II	24402	MS-09
Lottery Regional Coordinator	24504	MS-21
Lottery Sales Representative	24515	MS-14
Lottery Telemarketing Representative	24520	MS-06
Maintenance Equipment Operator	25020	MS-18
Maintenance Worker	25500	MS-16
Management Operations Analyst I	25541	MS-19
Management Operations Analyst II	25542	MS-23
Management Operations Analyst Trainee	25545	MS-12
Management Systems Specialist	25583	MS-25
Manpower Planner I	25591	MS-11

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NOTICE OF ADOPTED AMENDMENTS

Manpower Planner II	25592	MS-16
Manpower Planner III	25593	MS-23
Manpower Planner Trainee	25597	MS-09
Manuscripts Manager	25610	MS-21
Meat and Poultry Inspector	26070	MS-10
Meat and Poultry Inspector Supervisor	26073	MS-13
Meat and Poultry Inspector Trainee	26075	MS-07
Mechanical Engineer I	26201	MS-12
Mechanical Engineer II	26202	MS-16
Mechanical Engineer III	26203	MS-21
Medicaid Management Analyst	26301	MS-20
Medicaid Management Intern	26305	MS-13
Medical Administrator I Option C	26400	MS-60
Medical Administrator I Option D	26401	MS-62
Medical Administrator II Option C	26402	MS-61
Medical Administrator II Option D	26403	MS-64
Medical Administrator III	26404	MS-65
Medical Administrator IV	26405	MS-66
Medical Administrator V	26406	MS-67
Medical Assistance Consultant I	26501	MS-10
Medical Assistance Consultant II	26502	MS-14
Medical Assistance Consultant III	26503	MS-21
Mental Health Administrator I	26811	MS-19
Mental Health Administrator II	26812	MS-23
Mental Health Administrator Trainee	26817	MS-14
Mental Health Program Administrator	26908	MS-63
Mental Health Recovery Support Specialist I	26921	MS-16
Mental Health Recovery Support Specialist II	26922	MS-19
Mental Health Specialist I	26924	MS-09
Mental Health Specialist II	26925	MS-11
Mental Health Specialist III	26926	MS-14
Mental Health Specialist Trainee	26928	MS-08
Mental Health Technician I	27011	MS-04
Mental Health Technician II	27012	MS-05
Mental Health Technician III	27013	MS-06
Mental Health Technician IV	27014	MS-07
Mental Health Technician V	27015	MS-08
Mental Health Technician VI	27016	MS-09
Mental Health Technician Trainee	27020	MS-03

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NOTICE OF ADOPTED AMENDMENTS

Meteorologist	27120	MS-19
Methods and Procedures Advisor I	27131	MS-11
Methods and Procedures Advisor II	27132	MS-14
Methods and Procedures Advisor III	27133	MS-23
Methods and Procedures Career Associate I	27135	MS-08
Methods and Procedures Career Associate II	27136	MS-09
Methods and Procedures Career Associate Trainee	27137	MS-06
Metrologist Associate	27146	MS-12
Microbiologist I	27151	MS-14
Microbiologist II	27152	MS-21
Microfilm Laboratory Technician I	27175	MS-04
Microfilm Laboratory Technician II	27176	MS-06
Microfilm Operator I	27181	MS-03
Microfilm Operator II	27182	MS-04
Microfilm Operator III	27183	MS-05
Mine Rescue Station Assistant	28150	MS-07
Motorist Assistance Specialist	28490	MS-05
Musician	28805	MS-05
Narcotics and Currency Unit Supervisor	28750	MS-32
Natural Resources Advanced Specialist	28833	MS-23
Natural Resources Coordinator	28831	MS-12
Natural Resources Coordinator Trainee	28830	MS-09
Natural Resources Education Program Coordinator	28834	MS-23
Natural Resources Grant Coordinator	28835	MS-20
Natural Resources Manager I	28836	MS-23
Natural Resources Manager II	28837	MS-26
Natural Resources Manager III	28838	MS-30
Natural Resources Site Manager I	28841	MS-23
Natural Resources Site Manager II	28842	MS-26
Natural Resources Specialist	28832	MS-19
Natural Resources Technician I	28851	MS-07
Natural Resources Technician II	28852	MS-10
Nursing Act Assistant Coordinator	29731	MS-25
Nutritionist	29820	MS-19
Occupational Therapist	29900	MS-16
Occupational Therapist Program Coordinator	29908	MS-21
Occupational Therapist Supervisor	29910	MS-25
Office Administrative Specialist	29990	MS-09
Office Administrator I	29991	MS-04

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Office Administrator II	29992	MS-06
Office Administrator III	29993	MS-08
Office Administrator IV	29994	MS-11
Office Administrator V	29995	MS-12
Office Aide	30005	MS-02
Office Assistant	30010	MS-04
Office Associate	30015	MS-05
Office Clerk	30020	MS-03
Office Coordinator	30025	MS-06
Office Occupations Trainee	30075	MS-01
Office Specialist	30080	MS-08
Optometrist	30300	MS-11
Oral Health Consultant	30317	MS-19
Paralegal Assistant	30860	MS-11
Pension and Death Benefits Technician I	30961	MS-09
Pension and Death Benefits Technician II	30962	MS-21
Pest Control Operator	31810	MS-07
Pharmacy Lead Technician	32009	MS-06
Pharmacy Services Coordinator	32010	MS-32
Pharmacy Technician	32011	MS-04
Pharmacy Manager	32025	MS-33
Photographer	32080	MS-11
Photographic Technician I	32091	MS-08
Photographic Technician II	32092	MS-11
Photographic Technician III	32093	MS-12
Physical Therapist	32145	MS-16
Physical Therapist Program Coordinator	32153	MS-21
Physical Therapy Aide I	32191	MS-03
Physical Therapy Aide II	32192	MS-05
Physical Therapy Aide III	32193	MS-08
Physician	32200	MS-36
Physician Assistant	32210	MS-27
Physician Specialist – Option A	32221	MS-37
Physician Specialist – Option B	32222	MS-38
Physician Specialist – Option C	32223	MS-61
Physician Specialist – Option D	32224	MS-63
Physician Specialist – Option E	32225	MS-65
Plant and Pesticide Specialist I	32501	MS-15
Plant and Pesticide Specialist II	32502	MS-20

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Plant and Pesticide Specialist Supervisor	32506	MS-20
Plumbing Consultant	32910	MS-28
Plumbing Inspector	32915	MS-22
Podiatrist	32960	MS-11
Police Lieutenant	32977	MS-31
Police Officer I	32981	MS-15
Police Officer II	32982	MS-20
Police Officer III	32983	MS-24
Police Training Specialist	32990	MS-16
Polygraph Examiner I	33001	MS-20
Polygraph Examiner II	33002	MS-24
Polygraph Examiner III	33003	MS-28
Polygraph Examiner Trainee	33005	MS-12
Power Shovel Operator	33360	MS-18
Private Secretary I	34201	MS-14
Private Secretary II	34202	MS-18
Procurement Representative	34540	MS-06
Products and Standards Inspector	34603	MS-11
Products and Standards Inspector Trainee	34605	MS-09
Program Integrity Auditor I	34631	MS-14
Program Integrity Auditor II	34632	MS-21
Program Integrity Auditor Trainee	34635	MS-09
Project Designer	34725	MS-21
Property and Supply Clerk I	34791	MS-03
Property and Supply Clerk II	34792	MS-04
Property and Supply Clerk III	34793	MS-05
Property Consultant	34900	MS-12
Psychologist Associate	35626	MS-12
Psychologist I	35611	MS-16
Psychologist II	35612	MS-23
Psychologist III	35613	MS-28
Psychology Intern	35660	MS-15
Public Administration Intern	35700	MS-11
Public Aid Eligibility Assistant	35825	MS-05
Public Aid Investigator	35870	MS-21
Public Aid Investigator Trainee	35874	MS-11
Public Aid Lead Casework Specialist	35880	MS-16
Public Aid Program Quality Analyst	35890	MS-21
Public Aid Quality Control Reviewer	35892	MS-16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Public Aid Quality Control Supervisor	35900	MS-21
Public Aid Staff Development Specialist I	36071	MS-12
Public Aid Staff Development Specialist II	36072	MS-16
Public Aid Staff Development Specialist III	36073	MS-22
Public Health Educator	36430	MS-21
Public Health Educator Associate	36434	MS-11
Public Health Program Specialist I	36611	MS-11
Public Health Program Specialist II	36612	MS-14
Public Health Program Specialist III	36613	MS-21
Public Health Program Specialist Trainee	36615	MS-09
Public Information Coordinator	36750	MS-19
Public Information Officer I	37001	MS-09
Public Information Officer II	37002	MS-11
Public Information Officer III	37003	MS-21
Public Information Officer IV	37004	MS-25
Public Safety Drug Screening Specialist	37006	MS-16
Public Safety Inspector	37007	MS-14
Public Safety Inspector Trainee	37010	MS-07
Public Service Executive	37017	MS-31
Public Service Supervisor	37016	MS-28
Public Service Trainee	37025	MS-01
Race Track Maintainer I	37551	MS-10
Race Track Maintainer II	37552	MS-12
Radiologic Technologist	37500	MS-08
Radiologic Technologist Chief	37505	MS-17
Radiologic Technologist Program Coordinator	37507	MS-09
Railroad Safety Specialist I	37601	MS-21
Railroad Safety Specialist II	37602	MS-25
Railroad Safety Specialist III	37603	MS-29
Railroad Safety Specialist IV	37604	MS-32
Ranger	37725	MS-10
Real Estate Investigator	37730	MS-21
Real Estate Professions Examiner	37760	MS-28
Recreation Worker I	38001	MS-09
Recreation Worker II	38002	MS-11
Refrigeration and Air Conditioning Repairer	38119	MS-12
Registered Nurse – Advanced Practice	38135	MS-26
Registered Nurse I	38131	MS-18
Registered Nurse II	38132	MS-22

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Rehabilitation Case Coordinator I	38141	MS-05
Rehabilitation Case Coordinator II	38142	MS-07
Rehabilitation Counselor	38145	MS-16
Rehabilitation Counselor Aide I	38155	MS-06
Rehabilitation Counselor Aide II	38156	MS-08
Rehabilitation Counselor Senior	38158	MS-21
Rehabilitation Counselor Trainee	38159	MS-12
Rehabilitation Services Advisor I	38176	MS-23
Rehabilitation Workshop Instructor I	38192	MS-05
Rehabilitation Workshop Instructor II	38193	MS-09
Rehabilitation Workshop Supervisor I	38194	MS-09
Rehabilitation Workshop Supervisor II	38195	MS-11
Rehabilitation Workshop Supervisor III	38196	MS-14
Rehabilitation/Mobility Instructor	38163	MS-21
Rehabilitation/Mobility Instructor Trainee	38167	MS-12
Reimbursement Officer I	38199	MS-11
Reimbursement Officer II	38200	MS-14
Reproduction Service Supervisor I	38201	MS-10
Reproduction Service Supervisor II	38202	MS-18
Reproduction Service Technician I	38203	MS-03
Reproduction Service Technician II	38204	MS-06
Reproduction Service Technician III	38205	MS-08
Research Economist	38209	MS-18
Research Fellow, Option B	38211	MS-19
Research Scientist I	38231	MS-10
Research Scientist II	38232	MS-14
Research Scientist III	38233	MS-23
Resident Physician	38270	MS-15
Residential Care Program Supervisor I	38271	MS-22
Residential Care Worker	38277	MS-09
Residential Care Worker Trainee	38279	MS-05
Resource Planner I	38281	MS-16
Resource Planner II	38282	MS-21
Resource Planner III	38283	MS-28
Retirement Benefits Representative	38313	MS-09
Retirement Benefits Representative Supervisor	38314	MS-11
Retirement Benefits Representative Trainee	38316	MS-07
Retirement System Disability Specialist	38310	MS-21
Revenue Audit Supervisor	38369	MS-32

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Revenue Auditor I	38371	MS-14
Revenue Auditor II	38372	MS-21
Revenue Auditor III	38373	MS-28
Revenue Auditor Trainee	38375	MS-09
Revenue Collection Officer I	38401	MS-12
Revenue Collection Officer II	38402	MS-16
Revenue Collection Officer III	38403	MS-21
Revenue Collection Officer Trainee	38405	MS-09
Revenue Computer Audit Specialist	38425	MS-29
Revenue Senior Special Agent	38557	MS-29
Revenue Special Agent	38558	MS-21
Revenue Special Agent Trainee	38565	MS-11
Revenue Tax Specialist I	38571	MS-09
Revenue Tax Specialist II	38572	MS-11
Revenue Tax Specialist III	38573	MS-16
Revenue Tax Specialist Trainee	38575	MS-07
Safety Responsibility Analyst	38910	MS-09
Safety Responsibility Analyst Supervisor	38915	MS-11
School Psychologist	39200	MS-21
Security Guard I	39851	MS-13
Security Guard II	39852	MS-14
Security Officer	39870	MS-10
Security Officer Chief	39875	MS-13
Security Officer Lieutenant	39876	MS-11
Security Officer Sergeant	39877	MS-10
Security Therapy Aide I	39901	MS-10
Security Therapy Aide II	39902	MS-11
Security Therapy Aide III	39903	MS-13
Security Therapy Aide IV	39904	MS-16
Security Therapy Aide Trainee	39905	MS-06
Seed Analyst I	39951	MS-09
Seed Analyst II	39952	MS-10
Seed Analyst Trainee	39953	MS-07
Senior Ranger	40090	MS-11
Sex Offender Registration Unit Supervisor	40700	MS-33
Sex Offender Therapist I	40531	MS-16
Sex Offender Therapist II	40532	MS-21
Shift Supervisor	40800	MS-31
Sign Hanger	40900	MS-16

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Sign Hanger Foreman	40910	MS-18
Sign Shop Foreman	41000	MS-12
Silk Screen Operator	41020	MS-17
Site Assistant Superintendent I	41071	MS-12
Site Assistant Superintendent II	41072	MS-16
Site Interpreter	41090	MS-07
Site Interpretive Coordinator	41093	MS-10
Site Security Officer	41115	MS-06
Site Services Specialist I	41117	MS-12
Site Services Specialist II	41118	MS-16
Site Superintendent I	41211	MS-20
Site Superintendent II	41212	MS-25
Site Superintendent III	41213	MS-29
Site Technician I	41131	MS-07
Site Technician II	41132	MS-09
Small Engine Mechanic	41150	MS-10
Social Service Aide I	41281	MS-05
Social Service Aide II	41282	MS-08
Social Service Aide Trainee	41285	MS-03
Social Service Community Planner	41295	MS-08
Social Service Consultant I	41301	MS-19
Social Service Consultant II	41302	MS-21
Social Service Program Planner I	41311	MS-12
Social Service Program Planner II	41312	MS-16
Social Service Program Planner III	41313	MS-23
Social Service Program Planner IV	41314	MS-28
Social Services Career Trainee	41320	MS-09
Social Worker I	41411	MS-16
Social Worker II	41412	MS-21
Social Worker III	41413	MS-23
Social Worker IV	41414	MS-28
Social Worker Intern	41430	MS-15
Special Education Resources Coordinator	41680	MS-26
Staff Development Specialist I	41771	MS-19
Staff Development Technician I	41781	MS-09
Staff Development Technician II	41782	MS-12
Staff Pharmacist	41787	MS-31
State Mine Inspector	42230	MS-21
State Mine Inspector-At-Large	42240	MS-31

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State Police Crime Information Evaluator	41801	MS-08
State Police Evidence Technician I	41901	MS-09
State Police Evidence Technician II	41902	MS-10
State Police Field Specialist I	42001	MS-19
State Police Field Specialist II	42002	MS-23
State Police Inspector	42100	MS-33
Statistical Research Specialist I	42741	MS-09
Statistical Research Specialist II	42742	MS-11
Statistical Research Specialist III	42743	MS-16
Statistical Research Supervisor	42745	MS-23
Statistical Research Technician	42748	MS-08
Storage Tank Safety Specialist	43005	MS-19
Storekeeper I	43051	MS-11
Storekeeper II	43052	MS-12
Storekeeper III	43053	MS-13
Stores Clerk	43060	MS-03
Student Intern	43190	MS-01
Student Worker	43200	MS-01
Supervising Vehicle Testing Compliance Officer	43680	MS-22
Support Service Coordinator I	44221	MS-07
Support Service Coordinator II	44222	MS-09
Support Service Lead	44225	MS-04
Support Service Worker	44238	MS-03
Switchboard Chief Operator	44410	MS-11
Switchboard Operator I	44411	MS-03
Switchboard Operator II	44412	MS-04
Switchboard Operator III	44413	MS-06
Technical Advisor Advanced Program Specialist	45256	MS-31
Technical Advisor I	45251	MS-19
Technical Advisor II	45252	MS-23
Technical Advisor III	45253	MS-29
Technical Manager I	45261	MS-18
Telecommunications Specialist	45295	MS-12
Telecommunications Supervisor	45305	MS-23
Telecommunications Systems Analyst	45308	MS-16
Telecommunications Systems Technician I	45312	MS-07
Telecommunications Systems Technician II	45313	MS-10
Telecommunications Systems Technician Trainee	45314	MS-05
Telecommunicator	45321	MS-09

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Telecommunicator – Command Center	45316	MS-10
Telecommunicator Call Taker	45322	MS-11
Telecommunicator Lead Call Taker	45323	MS-14
Telecommunicator Lead Specialist	45327	MS-16
Telecommunicator Lead Worker	45324	MS-11
Telecommunicator Lead Worker – Command Center	45318	MS-12
Telecommunicator Specialist	45326	MS-12
Telecommunicator Trainee	45325	MS-07
Terrorism Research Specialist I	45371	MS-19
Terrorism Research Specialist II	45372	MS-23
Terrorism Research Specialist III	45373	MS-28
Terrorism Research Specialist Trainee	45375	MS-11
Transportation Officer	45830	MS-11
Truck Weighing Inspector	46100	MS-10
Unemployment Insurance Adjudicator I	47001	MS-08
Unemployment Insurance Adjudicator II	47002	MS-10
Unemployment Insurance Adjudicator III	47003	MS-12
Unemployment Insurance Revenue Analyst I	47081	MS-12
Unemployment Insurance Revenue Analyst II	47082	MS-16
Unemployment Insurance Revenue Specialist	47087	MS-10
Unemployment Insurance Special Agent	47096	MS-19
Utility Engineer I	47451	MS-20
Utility Engineer II	47452	MS-24
Vehicle Compliance Inspector	47570	MS-15
Vehicle Emission Compliance Inspector	47580	MS-10
Vehicle Emission Compliance Supervisor	47583	MS-12
Vehicle Emission Quality Assurance Auditor	47584	MS-10
Vehicle Permit Evaluator	47585	MS-08
Veterans Educational Specialist I	47681	MS-12
Veterans Educational Specialist II	47682	MS-16
Veterans Educational Specialist III	47683	MS-25
Veterans Employment Representative I	47701	MS-11
Veterans Employment Representative II	47702	MS-14
Veterans Nursing Assistant – Certified	47750	MS-05
Veterans Service Officer	47800	MS-11
Veterans Service Officer Associate	47804	MS-10
Veterinarian I	47901	MS-19
Veterinarian II	47902	MS-23
Veterinarian III	47903	MS-25

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Veterinary Consumer Safety Officer	47911	MS-20
Veterinary Pathologist	47916	MS-29
Veterinary Supervisor I	47917	MS-25
Veterinary Supervisor II	47918	MS-26
Vision/Hearing Consultant I	47941	MS-14
Vision/Hearing Consultant II	47942	MS-23
Vision/Hearing Consultant III	47943	MS-25
Vital Records Quality Control Inspector	48000	MS-10
Vocational Instructor	48200	MS-09
Volunteer Services Coordinator I	48481	MS-10
Volunteer Services Coordinator II	48482	MS-14
Volunteer Services Coordinator III	48483	MS-19
Wage Claims Specialist	48770	MS-06
Warehouse Claims Specialist	48780	MS-22
Warehouse Examiner	48881	MS-13
Warehouse Examiner Specialist	48882	MS-18
Warehouse Examiner Supervisor	48786	MS-20
Waterways Construction Supervisor I	49061	MS-14
Waterways Construction Supervisor II	49062	MS-19
Weatherization Specialist I	49101	MS-11
Weatherization Specialist II	49102	MS-16
Weatherization Specialist III	49103	MS-23
Weatherization Specialist Trainee	49105	MS-09
Well Inspector I	49421	MS-11
Well Inspector II	49422	MS-18
Well Inspector Trainee	49425	MS-09
Workers Compensation Insurance Compliance Investigator	49640	MS-23

NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

(Source: Amended at 41 Ill. Reg. 4615, effective April 24, 2017)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE I RC-009 (Institutional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Activity Program Aide I	00151	RC-009	03
Activity Program Aide II	00152	RC-009	05
Apparel/Dry Goods Specialist I	01231	RC-009	05
Apparel/Dry Goods Specialist II	01232	RC-009	09
Apparel/Dry Goods Specialist III	01233	RC-009	23
Clinical Laboratory Associate	08200	RC-009	09
Clinical Laboratory Phlebotomist	08213	RC-009	06
Clinical Laboratory Technician I	08215	RC-009	16
Clinical Laboratory Technician II	08216	RC-009	22
Cook I	09601	RC-009	07
Cook II	09602	RC-009	14
Educator Aide	13130	RC-009	19
Facility Assistant Fire Chief	14430	RC-009	21
Facility Fire Safety Coordinator	14435	RC-009	21
Facility Firefighter	14439	RC-009	16
Florist II	15652	RC-009	19
Institutional Maintenance Worker	21465	RC-009	10
Laboratory Assistant	22995	RC-009	02
Laboratory Associate I	22997	RC-009	16
Laboratory Associate II	22998	RC-009	22
Laundry Manager I	23191	RC-009	23
Licensed Practical Nurse I	23551	RC-009	16
Licensed Practical Nurse II	23552	RC-009	21
Locksmith	24300	RC-009	27
Mental Health Technician I	27011	RC-009	05
Mental Health Technician II	27012	RC-009	09
Mental Health Technician III	27013	RC-009	12
Mental Health Technician IV	27014	RC-009	14
Mental Health Technician V	27015	RC-009	17
Mental Health Technician VI	27016	RC-009	18
Mental Health Technician Trainee	27020	RC-009	01
Musician	28805	RC-009	12
Pest Control Operator	31810	RC-009	15
Physical Therapy Aide I	32191	RC-009	04

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Physical Therapy Aide II	32192	RC-009	10
Physical Therapy Aide III	32193	RC-009	17
Rehabilitation Workshop Instructor I	38192	RC-009	12
Rehabilitation Workshop Instructor II	38193	RC-009	20
Residential Care Worker	38277	RC-009	20
Residential Care Worker Trainee	38279	RC-009	11
Security Therapy Aide I	39901	RC-009	24
Security Therapy Aide II	39902	RC-009	25
Security Therapy Aide III	39903	RC-009	26
Security Therapy Aide IV	33904	RC-009	27
Security Therapy Aide Trainee	39905	RC-009	13
Social Service Aide I	41281	RC-009	12
Social Service Aide II	41282	RC-009	17
Social Service Aide Trainee	41285	RC-009	02
Support Service Coordinator I	44221	RC-009	15
Support Service Coordinator II	44222	RC-009	22
Support Service Lead	44225	RC-009	07
Support Service Worker	44238	RC-009	04
Transportation Officer	45830	RC-009	25
Veterans Nursing Assistant – Certified	47750	RC-009	12

NOTES: Shift Differential Pay – Employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the work hours before 7 a.m. or after 3 p.m. The payment shall be for all paid time. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated in this Note based on the base rate of pay prior to the effective date shall have that percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. This provision shall not apply to employees who, because of "flex-time" scheduling made at their request, are scheduled and work hours that would otherwise qualify them for premium pay under this provision.

Longevity Pay – Effective January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002, the Step 8 rate shall be

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increased by \$50 per month. For employees not eligible for longevity pay on or before January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 a month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 a month. Employees whose salaries are red-circled above the maximum Step rate continue to receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall continue to receive the longevity pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation. Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002, shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

Effective July 1, 2014
Bargaining Unit: RC-009

Table with columns: Pay Grade, Pay Plan Code, and STEPS (1c, 1b, 1a, 1, 2, 3, 4, 5, 6, 7, 8). Row 1: Pay Grade 1, Pay Plan Code B, 2577, 2661, 2746, 2831, 2896, 2972, 3042, 3116, 3190, 3322, 3454.

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1	Q	2676	2765	2854	2943	3008	3087	3165	3239	3314	3454	3594
2	B	2636	2721	2809	2896	2972	3053	3120	3207	3279	3418	3557
2	Q	2738	2827	2917	3008	3087	3169	3243	3334	3409	3554	3696
3	B	2655	2743	2829	2917	3008	3105	3201	3302	3409	3546	3689
3	Q	2757	2848	2940	3029	3125	3227	3328	3436	3542	3688	3836
4	B	2700	2790	2877	2967	3042	3119	3201	3284	3360	3502	3641
4	Q	2805	2898	2990	3082	3165	3242	3328	3414	3495	3642	3788
5	B	2719	2809	2899	2988	3080	3179	3279	3384	3492	3631	3779
5	Q	2828	2922	3015	3109	3203	3307	3409	3521	3630	3778	3930
6	B	2782	2874	2966	3058	3135	3220	3310	3394	3489	3636	3781
6	Q	2889	2982	3078	3173	3259	3349	3443	3532	3626	3781	3933
7	B	2840	2933	3026	3120	3216	3296	3393	3486	3577	3730	3879
7	Q	2951	3049	3145	3243	3342	3430	3531	3624	3723	3887	4042
8	B	2854	2948	3042	3135	3225	3320	3413	3504	3604	3767	3917
8	Q	2965	3063	3161	3259	3352	3452	3547	3645	3747	3922	4079
9	B	2865	2959	3054	3149	3246	3351	3455	3569	3685	3845	3998
9	Q	2979	3077	3176	3274	3377	3484	3597	3712	3838	4004	4164
10	B	2926	3023	3119	3216	3310	3403	3503	3600	3704	3876	4032
10	Q	3041	3141	3242	3342	3443	3537	3644	3742	3856	4036	4198
11	B	2935	3031	3128	3225	3327	3424	3532	3628	3731	3908	4065
11	Q	3051	3152	3252	3352	3462	3560	3676	3774	3888	4070	4234
12	B	2951	3048	3145	3242	3346	3452	3562	3676	3798	3965	4124
12	Q	3069	3170	3272	3373	3478	3591	3707	3827	3960	4130	4296

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13	B	3027	3127	3227	3327	3430	3539	3649	3766	3877	4061	4223
13	Q	3151	3254	3358	3462	3568	3683	3796	3920	4037	4230	4401
14	B	3035	3135	3235	3335	3439	3555	3664	3787	3917	4091	4253
14	Q	3155	3259	3363	3467	3578	3696	3814	3945	4079	4264	4435
15	B	3102	3204	3307	3409	3514	3630	3745	3871	3984	4178	4344
15	Q	3224	3330	3436	3542	3654	3777	3900	4034	4148	4355	4530
16	B	3124	3227	3330	3433	3559	3664	3785	3905	4025	4231	4402
16	Q	3250	3358	3465	3572	3702	3814	3944	4067	4195	4418	4594
17	B	3127	3230	3333	3436	3546	3664	3784	3914	4045	4248	4418
17	Q	3254	3361	3468	3575	3688	3814	3943	4077	4217	4435	4612
18	B	3156	3260	3364	3468	3579	3704	3826	3956	4089	4283	4452
18	Q	3285	3394	3502	3610	3726	3856	3984	4122	4262	4470	4647
19	B	3201	3306	3412	3517	3649	3767	3890	4018	4142	4362	4535
19	Q	3328	3437	3548	3657	3796	3922	4053	4185	4318	4550	4734
20	B	3226	3333	3439	3546	3676	3796	3929	4057	4189	4441	4621
20	Q	3357	3467	3578	3688	3827	3957	4091	4228	4369	4640	4825
21	B	3319	3428	3537	3647	3772	3890	4023	4159	4302	4537	4720
21	Q	3453	3567	3681	3794	3929	4053	4191	4336	4491	4736	4927
22	B	3371	3481	3592	3704	3840	3965	4114	4248	4405	4641	4826
22	Q	3508	3625	3740	3856	3998	4130	4289	4435	4595	4846	5041
23	B	3450	3564	3678	3791	3932	4068	4224	4368	4511	4758	4948
23	Q	3593	3712	3831	3949	4096	4242	4405	4561	4709	4975	5169
24	B	3456	3571	3684	3798	3939	4080	4236	4389	4545	4789	4985
24	Q	3603	3723	3841	3960	4103	4255	4421	4581	4752	5010	5212

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25	B	3756	3880	4004	4127	4293	4460	4652	4827	5017	5310	5521
25	Q	3916	4045	4174	4303	4482	4658	4861	5047	5245	5551	5772
26	B	3908	4036	4165	4294	4485	4671	4869	5062	5254	5563	5781
26	Q	4080	4215	4350	4484	4679	4880	5088	5294	5489	5814	6047
27	B	4097	4231	4367	4502	4696	4898	5101	5304	5501	5817	6049
27	Q	4281	4423	4563	4704	4905	5121	5331	5539	5750	6074	6316

(Source: Amended at 41 Ill. Reg. 4615, effective April 24, 2017)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Number: 300. Appendix B Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Abused and Neglected Child Reporting Act (ANCRA) [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].
- 5) Effective Date of Rule: April 21, 2017
- 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 rule is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 13064; September 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Nonsubstantive technical changes 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
300.20	Amendment	41 Ill. Reg. 1836; February 17, 2017

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- 15) Summary and Purpose of Rulemaking: The amendments to allegation #74 (Inadequate Supervision) more accurately reflect the Director's policy of allowing parents to make prudent and reasonable parenting decisions for their children. Allegation #86 Neglect by Agency is added in order to address the changes in ANCRA that now give the Department the authority to investigate and indicate an agency/facility for neglect to a child.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
217/524-3715 (TDD)
cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section	
300.10	Purpose
300.20	Definitions
300.30	Reporting Child Abuse or Neglect to the Department
300.40	Content of Child Abuse or Neglect Reports
300.45	Five Year Demonstration of the Differential Response Program
300.50	Transmittal of Child Abuse or Neglect Reports
300.60	Special Types of Reports (Recodified)
300.70	Referrals to the Local Law Enforcement Agency and State's Attorney
300.80	Delegation of the Investigation
300.90	Time Frames for the Investigation
300.100	Initial Investigation
300.110	The Formal Investigative Process
300.120	Taking Children into Temporary Protective Custody
300.130	Notices Whether Child Abuse or Neglect Occurred
300.140	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150	Referral for Other Services
300.160	Special Types of Reports
300.170	Child Death Review Teams
300.180	Abandoned Newborn Infants
300.APPENDIX A	Acknowledgement of Mandated Reporter Status
300.APPENDIX B	Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill.

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Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011; amended at 35 Ill. Reg. 2861, effective February 8, 2011; amended at 36 Ill. Reg. 4026, effective March 5, 2012; amended at 36 Ill. Reg. 16756, effective November 15, 2012; emergency amendment at 38 Ill. Reg. 1100, effective January 1, 2014, for a maximum of 150 days; emergency expired May 30, 2014; amended at 38 Ill. Reg. 1962, effective December 31, 2013; amended at 38 Ill. Reg. 13214, effective June 11, 2014; amended at 40 Ill. Reg. 648, effective December 31, 2015; amended at 40 Ill. Reg. 7682, effective May 16, 2016; amended at 41 Ill. Reg. 4681, effective April 21, 2017.

Section 300.APPENDIX B Child Abuse and Neglect Allegations

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and

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Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under 50. All neglect allegations of harm are coded with a two digit number greater than 50. The allegations of harm are defined as follows:

ALLEGATION #**DEFINITION****1/51****Death**

Death means the permanent cessation of all vital functions.

The following definitions of death are also commonly used:

- Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system;
- The final and irreversible cessation of perceptible heartbeat and respiration.

Verification of death must come from a physician or coroner.

2/52**Head Injuries**

As used in this Part, head injury means a serious head injury causing skull fracture, brain damage or bleeding on the brain, such as subdural hematoma. Brain damage, skull fractures, hematomas and subdural hematomas are considered head injuries.

Brain Damage

Brain damage means injury to the brain contained within the cranium skull.

Skull Fracture

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Skull fracture means a broken bone of the skull.

Hematoma

Hematoma means a swelling or mass of blood (usually clotted) confined to an organ, tissue or space and caused by a break in a blood vessel.

Subdural Hematoma

Subdural means beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in the loss of consciousness, seizures, mental or physical damage, or death.

Additional abusive head trauma includes subarachnoid subgaleal and epidural hematomas.

Shaken Baby Syndrome

Abusive head trauma in infants and children is the medical diagnosis and communication to describe the historical term shaken baby syndrome.

Shaking of an infant causes stretching and tearing of blood vessels in the brain causing subdural hematoma, bleeding in the brain and retinal hemorrhage. These injuries may occur with or without obvious evidence of impact.

Verification of head injuries and the presence or absence of any predisposing medical condition that may have caused or contributed to the injuries must come from a physician, preferably a neurosurgeon or radiologist.

Internal Injuries

An internal injury is an injury which is not visible from the outside, e.g.,

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an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow or a penetrating injury. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first, and may continue or gradually diminish as patient grows worse.

Verification of internal injuries must come from a physician.

5/55

BurnsBurns

Burns are tissue injuries resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as first, second, third or fourth degree.

- **First Degree (Partial Thickness)**
First degree burns are superficial burns in which damage is limited to the outer layer of the epidermis (skin) and are characterized by scorching or painful redness of the skin.
- **Second Degree (Partial Thickness)**
Second degree burns are burns in which the damage extends through the outer layer of the skin into the inner layers (dermis). Blistering will be present within 24 hours.
- **Third Degree (Full Thickness)**
Third degree burns are burns in which both layers of the skin (epidermis and dermis) are destroyed with damage extending into underlying tissues, which may be charred or coagulated.
- **Fourth Degree (Full Thickness)**
Fourth degree burns are burns that extend beyond skin and underlying tissues into bone, joints and muscles.

Scalding

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Scalding is a burn to the skin or flesh caused by moist heat and hot vapors, as steam.

Verification must come from a physician.

6/56**Poison/Noxious Substances**Poison

A poison is any substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. Virtually any substance can be poisonous if consumed in sufficient quantity. Therefore, the term poison more often implies an excessive amount rather than the existence of a specific substance.

Noxious Substances

Any substance deemed to be harmful, injurious, not wholesome.

Verification must come from a physician or by a direct admission from the alleged perpetrator that the poison/noxious substance was given to the minor by other than accidental means.

7/57**Wounds**

A wound is a gunshot or stabbing injury.

Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator.

9/59**Bone Fractures**

A fracture is a broken bone or certain cartilage injuries such as a broken nose.

Metaphyseal/Epiphyseal Fractures

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Fractures located at the end of bones. They are commonly described as corner fractures, chipped fractures or bucket-handle fractures.

Diaphyseal Fractures

Diaphyseal fractures are located in the bone shaft. Fractures in the shaft of long bones of the extremities are spiral (oblique) or transverse. A spiral fracture is caused by twisting or rotational force. Transverse fractures results from a direct blow or bending force.

Verification of the injury and the likely cause, including presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

10/60**Substantial Risk of Physical Injury (Abuse)/Environment
Injurious to Health and Welfare (Neglect)****10 – Substantial Risk of Physical Injury (Abuse)**

Substantial risk of physical injury means that the *parent*, caregiver, *immediate family member* aged 16 or over, other person *residing in the home* aged 16 or over, or the *parent's paramour* has created a real and significant danger of *physical injury by other than accidental means that would likely cause death, disfigurement, impairment of physical health or loss or impairment of any body function* [325 ILCS 5/3]. This allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is at substantial risk of physical injury. This allegation of harm also includes incidents of violence or intimidation directed toward the child that have not yet resulted in injury or impairment but that clearly threaten injury or impairment.

Incidents

Examples of incidents that can cause a substantial risk of physical injury include, but are not limited to:

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- Choking the child;
- Smothering the child;
- Pulling the child's hair out;
- Violently pushing or shoving the child into fixed or heavy objects;
- Throwing or shaking a smaller child;
- Subjecting the child to participation in or witnessing the physical abuse or restraint of another person when it is used by the perpetrator to intimidate the child (e.g., this could happen to you, this will happen to you); or
- Other violent or intimidating acts directed toward the child that cause excessive pain or fear.

Circumstances

Examples of circumstances that place the child in substantial risk of physical injury include, but are not limited to:

- A perpetrator of child abuse who has been ordered by a court to remain out of the home returns home and has access to the abused child;
- Anyone living in the home has a documented history of violence toward children or has been arrested for violence to a child;
- Domestic violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence or uncontrolled behavior on the part of the perpetrator;
- Allowing or encouraging a child to be involved in a criminal activity;
or

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- The circumstances surrounding the death of one child provides reason to believe that another child is at real and significant risk of harm.

60 – Environment Injurious to Health and Welfare (Neglect)

Environment injurious means that a *child's environment creates a likelihood of harm to the child's health, physical well-being or welfare and that the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities* [325 ILCS 5/3]. This allegation shall be used when the type or extent of harm is undefined but the totality of circumstances, including inculpatory and exculpatory evidence, leads a reasonable person to believe that the child's environment may likely cause harm to the child's health, physical well-being or welfare due to the parent's or caretaker's blatant disregard. Blatant disregard is defined as *an incident where the real, significant and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm* [325 ILCS 5/3]. This allegation of harm shall also be used when there are conditions that create a real, significant and imminent likelihood of harm to the child's health, well-being or welfare (i.e., domestic violence, intimidation, or a child's participation in a criminal act) and the parent or caretaker blatantly disregarded his/her parental responsibility by failing to exercise reasonable precautionary measures to prevent or mitigate the imminent risk of moderate to severe harm.

Circumstances

Examples of circumstances that may create real, significant and imminent risk of moderate to severe harm include, but are not limited to:

- exposure to toxic vapors resulting from flammable or corrosive chemicals used in the manufacture of illicit drugs;
- the circumstances surrounding the death of one child provides reason to believe that another child is at real, significant and imminent risk of harm;

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- exposing a child to an environment that significantly affects the health and safety of the child, based on the sale or manufacture of illegal drugs;
- a court has adjudicated a parent as unfit and the parent has not completed services that would correct the conditions or behavior leading to the court finding;
- situations that place a child at substantial risk of harm due to the effects of being subjected to participation in or the witnessing of the use of physical force or restraint of another.

Examples of circumstances that may, though not by themselves, create a real, significant and imminent risk of moderate to severe harm include, but are not limited to:

- Domestic Violence: The Illinois Domestic Violence Act defines domestic violence as a crime in which *physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation* [750 ILCS 60/103(1) and (3)] is perpetrated by one family or household member against another. *Family or household members include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who shared or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012 [720 ILCS 5/12-4.4a]. [720 ILCS 5/12-0.1]*
- An incident of past or current domestic violence may qualify for an allegation of environment injurious if the domestic violence creates a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being, or welfare, and the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.

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- Domestic violence is also referred to as "intimate partner violence". The adult victim of domestic violence, who is the non-offending parent or caregiver, is presumed to not be neglectful or to have created an environment injurious to the child so long as he or she has exercised precautionary measures to prevent or mitigate the real, significant and imminent risk of moderate to severe harm to the child.
- Mental Health: A parent's or caregiver's mental illness and behavior may qualify for an allegation of environment injurious if an incident or behavior that is symptomatic of the mental illness creates a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child. To indicate an allegation based on this factor, the Investigation Specialist must rule out dependency, as defined in the Juvenile Court Act of 1987 [705 ILCS 405], as the presenting problem.
- Substance Abuse/Dependence: A parent's or caregiver's substance abuse/dependence and behavior may qualify for an allegation of environment injurious if an incident or behavior caused by the substance abuse/dependence creates a real, significant and imminent risk of moderate to severe harm to a child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.
- Prior Harm to a Child: Prior harm to a child may qualify for an allegation of environment injurious on behalf of another child if the prior incidents of harm create a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.

Factors To Be Considered

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Whether there is a real and significant danger to justify taking a report is determined by the following factors. All factors need not be present to justify taking the report. One factor alone may present sufficient danger to justify taking the report. The list of factors does not constitute child abuse or neglect in every instance. All factors must be given consideration in order to identify potential aggravating or mitigating circumstances.

- The child's age;
- The child's medical condition, behavioral, mental or emotional problems, developmental disability or physical handicap, particularly related to his or her ability to protect himself or herself;
- The severity of the occurrence;
- The frequency of the occurrence;
- The alleged perpetrator's physical, mental and emotional abilities, particularly related to his or her ability to control his or her actions;
- The dynamics of the relationship between the alleged perpetrator and the child;
- The alleged perpetrator's access to the child;
- The previous history of indicated abuse or neglect;
- The current stresses or crisis in the home;
- The presence of other supporting persons in the home; or
- The precautionary measures exercised by a parent or caregiver to protect the child from harm.

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Cut (Laceration)

A cut is an opening, incision or break in the skin made by some external agent.

Bruise

A bruise is an injury that results in bleeding under the skin, in which the skin is discolored but not broken. A bruise is also referred to as a contusion.

Welt

A welt is an elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.

Abrasion

An abrasion is the scraping away of the skin.

Oral Injuries

Oral injuries are injuries to the child's mouth, including broken teeth.

Factors To Be Considered

Not every cut, bruise, welt, abrasion, or oral injury constitutes an allegation of harm. The following factors should be considered when determining whether an injury that resulted in cuts, bruises, welts, abrasions or oral injuries constitutes an allegation of abuse or neglect:

- The child's age, mobility and developmental stage. Bruises on children younger than 6 months are suspicious due to the limited mobility often seen in children 0 to 6 months of age.
- The child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to seek help.

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- A single incident or pattern or chronicity of similar events.
- The severity/extent of the cuts, bruises, welts, abrasions, or oral injuries (size, number, depth, extent of discoloration). Some bruises may fade quickly, such as around a young child's mouth, but still be considered serious if the type of bruise (e.g., fingerprint marks) suggest intentionality.
- The location of the cuts, bruises, welts, abrasions, or oral injuries. Accidental bruises are frequently seen over boney areas such as knees, shins, the forehead, and other exposed bony surfaces. Bruises located on padded areas such as the buttocks, cheeks, genitalia, or on relatively protected areas like the ear lobes, neck or upper lip, or on soft areas such as the stomach are highly suspicious.
- The pattern of the injury.
- Whether the injury was caused by an instrument used on the child.
- Previous history of indicated abuse or neglect, or history of previous injuries.

If the child has been treated by a physician, verification of the injury and the likely cause, including the presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from the physician who treated the child. Direct admission of the alleged perpetrator.

12/62**Human Bites**

A human bite is a bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth.

Previous history of indicated abuse or neglect or history of previous injuries.

13/63**Sprains/Dislocations**

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Sprain

A sprain is a trauma to a joint that causes pain and disability, depending upon the degree of injury to ligaments and/or surrounding muscle tissue. In a severe sprain, ligaments and/or muscle tissue may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function.

Dislocation

A dislocation is the displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types of dislocations include complicated, compound, closed and complete.

- **Complicated.** A complicated dislocation is associated with other major injuries.
- **Compound.** A compound dislocation is one in which the joint is exposed to the external air.
- **Closed.** A closed dislocation is a simple dislocation.
- **Complete.** A complete dislocation is a dislocation that completely separates the surfaces of a joint.

The injury was inflicted or allowed to be inflicted through other than accidental means or was a result of blatant disregard of parental or caregiver responsibilities.

Verification of the injury and likely cause, including the presence or absence of any predisposing medical condition that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

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Tying/Close Confinement

Tying/close confinement is the unreasonable restriction of a child's

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mobility, actions, or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to remain in a closely confined area that restricts physical movement. Examples include, but are not limited to:

- Locking a child in a closet or small room;
- Tying one or more limbs to a bed, chair, or other object, except as authorized by a licensed physician;
- Tying a child's hand behind his or her back;
- Putting a child in a cage;
- Locking or blocking exits with the intention of preventing the child's ability to escape in case of an emergency.

15/65

Substance MisuseOption A

The consumption of a mood altering chemical capable of intoxication to the extent that it harmfully affects the child's health, behavior, motor coordination, judgment, or intellectual capability. Mood altering chemicals include cannabis (marijuana), hallucinogens, stimulants (including cocaine and methamphetamine), sedatives (including alcohol and Valium), narcotics, or inhalants (abuse/neglect). Abuse occurs if the parent provides the substance to the child. Neglect occurs if the parent allows the use or fails to protect the child from consumption.

Option B

A diagnosis of fetal alcohol syndrome or drug withdrawal at birth caused by the mother's addiction to drugs is included in this definition and is considered child neglect (neglect).

Option C

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Any amount of a controlled substance or a metabolite thereof that is found in the blood, urine or meconium (newborn's first stool) of a newborn infant. A controlled substance is defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102] (neglect). The presence of such substances shall not be considered as child neglect if the presence is due to medical treatment of the mother or infant.

NOTE: Methadone withdrawal or other withdrawal verified as under the auspices of a drug treatment program is not included under drug withdrawal at birth.

Examples

- Giving a minor (unless prescribed by a physician) any amount of heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualone or encouraging, insisting, or permitting a minor's consumption of the above substances.
- Giving any mood altering substance, including alcohol or sedatives, unless prescribed by a physician, to an infant or toddler.
- Encouraging, insisting or permitting any minor to become intoxicated by alcohol, drugs, or another mood altering substance even if on an infrequent basis.

Parents supervising children permitted to drink a small amount of alcohol as part of a religious or family celebration should not be considered abusive/neglectful.

Factors To Be Considered

- Age of the child;
- Frequency of substance misuse;-
- Amount of substance consumption;

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- Whether the substance is illegal for general population use;
- Degree of behavioral dysfunction, or physical impairment linked to substance misuse;
- The child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions;
- Whether the parent or caregiver's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances;
- Whether the parent or caregiver knew or should have known of the child's substance misuse.

16**Torture**

Torture means inflicting, or subjecting the child to, intense physical and/or mental pain, suffering or agony that can be a one time incident or is severe, repetitive, increased or prolonged. This definition includes genital mutilation.

17/67**Mental and Emotional Impairment**

Mental and emotional impairment means injury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, psychiatrist, registered psychologist, certified social worker, registered nurse or a therapist or counselor of a community mental health agency or a licensed therapist in private practice.

18**Sexually Transmitted Diseases**

A sexually transmitted disease is a disease that was acquired originally as

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a result of sexual penetration or sexual conduct with an individual who is afflicted with the disease. The diseases may include, but are not limited to:

- Acquired Immune Deficiency Syndrome (AIDS)
- AIDS Related Complex (ARC)
- Chancroid
- Chlamydia Trachomatis
- Genital Herpes
- Genital Warts
- Gonorrhea
- Granuloma Inquinale
- HIV Infection
- Lymphogranuloma Venereum
- Neisseria Gonorrhea
- Proctitis
- Syphilis
- Trichomonas Vaginalis (Symptomatic)

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration."

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Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child...for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

19**Sexual Penetration**

Sexual penetration is any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex (cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

In order to indicate this allegation, benign touching for the purpose of rendering normal, routine and reasonable care must be ruled out.

20**Sexual Exploitation**

Sexual exploitation is the use of a child for sexual arousal, gratification, advantage, or profit. This includes, but is not limited to:

- Indecent solicitation of a child/explicit verbal enticement;
- Child pornography;
- Intentionally exposing a child to sexually explicit material in any form;
- Exposing sexual organs to a child for the purpose of sexual arousal or gratification;
- Forcing the child to watch sexual acts;

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- Self-masturbation in the child's presence;
- Other behavior by an eligible perpetrator that, when considered in the context of the circumstances, would lead a reasonable person to conclude that sexual exploitation of a child has occurred.

NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.

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Sexual Molestation

Sexual molestation is sexual conduct with a child when the contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Parts of the body, as used in the examples below, refer to the parts of the body described in the definition of sexual conduct found in the Illinois Criminal Sexual Assault Act [720 ILCS 5/12-12] as quoted above under Allegation 18, Sexually Transmitted Diseases. Examples include, but are not limited to:

- Fondling;
- The alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity;
- Encouraging, forcing, or permitting the child to touch parts of the alleged perpetrator's body normally associated with sexual activity.

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Substantial Risk of Sexual Injury

Substantial risk of sexual injury means that the parent, caregiver, immediate family member, other person residing in the home, or the parent's paramour has created a real and significant danger of sexual abuse as explained in the following options.

Option A

An indicated, registered, or convicted sex perpetrator has significant access

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to children, and the extent/quality of supervision during contact is unknown or suspected to be deficient.

Option B

There are siblings or other children in the same household as the alleged perpetrator of a current allegation of sexual abuse. There is credible information/evidence of a current or previous incident of child sexual abuse that did not meet Department eligibility requirements for a report to be taken (e.g., an ineligible victim or the victim discloses after attaining the age of 18) and the alleged perpetrator has current access to children.

Option C

Persistent, highly sexualized behavior or knowledge in a very young child (e.g., under the age of 5 chronologically or developmentally) that is grossly age inappropriate, and there is reasonable cause to believe that the most likely manner in which this behavior or knowledge was learned is in having been sexually abused.

Reports of risk of sexual harm are not to be taken solely on the inappropriate or suggestive behavior of the alleged offender or because there is insufficient information for an allegation of specific sexual abuse.

If, during the course of the investigation, a specific allegation of harm is identified, the appropriate allegation must be added and a determination made on all the allegations. If another allegation is determined to be more appropriate, that allegation should be utilized and the substantial risk of sexual injury allegation unfounded.

Option D

A member of the household is suspected of, or known to possess or engage in, the making and/or distribution of child pornography and has significant access to the children and the extent/quality of the supervision is unknown or suspected to be deficient.

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A member of the household has engaged in child pornography activities outside and/or inside the residence and has significant access to the child and the extent/quality of the supervision is unknown or suspected to be deficient.

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Human Trafficking of Children

Federal law defines severe forms of trafficking of persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 USC 7102(8))

Incidents of Maltreatment

- Coerced labor exploitation (abuse);
- Domestic servitude (abuse);
- Commercial sexual exploitation (i.e., prostitution) (abuse);
- Anyone in the home exposes the child to an environment that significantly influences the child's health and safety (neglect).

Factors To Be Considered

All factors need not be present to justify taking a report. One factor alone may present sufficient danger to justify taking a report.

- The child's age.
- The child's inability to attend school on a regular basis due to actions of the perpetrator.

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- A child who is a chronic runaway has been recruited, enticed, harbored and transported for the purpose of forced labor and/or commercial sexual exploitation.
- The child makes references to frequent travel to other cities.
- The child makes reference to having a pimp.
- The child makes reference to being coerced into performing illegal activities.
- The child exhibits bruises or other physical trauma, withdrawn behavior, depression or fear.
- The child lacks control over his or her identification documents.
- The child shows signs of exposure to drug manufacturing.

Additional factors that may indicate sex-related trafficking include the following:

- The child has a sudden change in attire, behavior or material possessions (e.g., expensive items).
- The child makes references to sexual situations that are beyond age-specific norms.
- The child has a "boyfriend/girlfriend" who is noticeably older (10+ years).
- The child makes references to terminology of the commercial sex industry that are beyond age-specific norms or engages in promiscuous behavior and may be labeled "fast" by peers.

Inadequate Supervision

Inadequate supervision occurs when a child is placed at a real, significant and imminent risk of likely harm due to a parent's or caregiver's blatant

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disregard of parental or caregiver responsibilities of care and support, including supervision.

"Blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. [325 ILCS 5/3]

Option A – Children Left Home Alone, Outside or in the Community

This option may be used when a child has been placed at a real, significant and imminent risk of likely harm by being left alone at home, outside or in the community due to a parent's or caregiver's blatant disregard of his or her duty of care.

Option B – Children Left in Vehicles

This option may be used when a child has been placed at a real, significant and imminent risk of likely harm by being left alone inside a vehicle due to a parent's or caregiver's blatant disregard of his or her duty of care.

Option C – Children Left in the Care of an Inadequate Caregiver

This option may be used when a child has been placed at a real, significant and imminent risk of likely harm by being left in the care of an individual whose age, impairment, lack of qualifications or insufficient capabilities posed an obvious risk of likely harm to the child due to a parent's or caretaker's blatant disregard of his or her duty of care.

Option D – General Category

This option may be used when a child has been placed at a real, significant and imminent risk of likely harm when the child is not receiving proper care or support, including supervision due to a parent's or caregiver's blatant disregard of his or her duty of care.

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Factors to Be Considered

To determine if the child is placed at a real, significant and imminent risk of likely harm due to a parent's or caregiver's blatant disregard of parental or caregiver responsibilities, the following factors should be considered. The list of factors does not constitute child neglect in every instance and all factors need not be present when making a final finding determination.

- Age of the child;
- Special needs of the child;
- Maturity level of the child;
- The duration of time and frequency of occurrence the child was left without care and support, including supervision;
- The time of day or night the child was left without care and support, including supervision;
- Weather conditions, including whether the child was left in a location with adequate protection from the natural elements, such as adequate heat, light or shelter;
- Condition or location of the place where the child was left without care and support, including supervision;
- The location and accessibility of the parent or guardian to the child;
- The physical distance the child was from the parent or guardian at the time the child was without care and support, including supervision;
- Whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call;
- Whether the child's movement was restricted;

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- The child's access to or ability to access provisions necessary for his or her physical well-being, such as food, water, necessary medication or medical treatments;
- The age and physical and mental capabilities of the caregiver;
- The number and ages of the children left at the location;
- Other factors that may endanger the health and safety of the child;
- Other factors that demonstrate that the parent or caregiver took other precautionary measures to prevent or mitigate the risk of any harm to the child.

~~The child has been placed in a situation or circumstances that are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for this or her welfare has left the child in the care of an adult relative for any period of time [325 ILCS 5/3]. Examples include, but are not limited to:~~

- ~~– Leaving children alone when they are too young to care for themselves.~~
- ~~– Leaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental or emotional problems, or developmental or physical disabilities.~~
- ~~– Leaving children in the care of an inadequate or inappropriate caregiver.~~
- ~~– Being present but unable to supervise because of the caregiver's condition. (This includes (1) the parent or caregiver repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caregiver cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or~~

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~~emotional problems, or a developmental or physical disability.)~~

- ~~– Leaving children unattended in a place that is unsafe for them when their maturity, physical condition, and mental abilities are considered.~~

Factors To Be Considered

~~The following factors should be considered when determining whether a child is inadequately supervised:~~

Child Factors

- ~~– The child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency.~~
- ~~– The child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications?~~
- ~~– The child's mental abilities, particularly as they relate to the child's ability to comprehend the situation.~~

Caregiver Factors

- ~~– Presence or Accessibility of Caregiver
 - ~~• How long does it take the caregiver to reach the child?~~
 - ~~• Can the caregiver see and hear the child?~~
 - ~~• Is the caregiver accessible by telephone?~~
 - ~~• Has the child been given access to a phone and numbers to call in the event of an emergency?~~~~

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- ~~Caregiver's Capabilities~~
 - ~~Is the caregiver mature enough to assume responsibility for the situation?~~
 - ~~Does the caregiver depend on extraordinary assistance to care for self and the child, i.e., meal preparation, laundry, grocery shopping, transportation? Is the caregiver without consistent or reliable assistance?~~
 - ~~Is the child assuming primary care giving duties, i.e., meal preparation, laundry, grocery shopping, transportation?~~
- ~~Caregiver's Physical Condition~~
 - ~~Is the caregiver physically able to care for the child? Do the caregiver's own health needs present serious obstacles to the care and well being of the child?~~
- ~~Caregiver's Cognitive and Emotional Condition~~
 - ~~Is the caregiver able to make appropriate judgments on the child's behalf?~~
 - ~~Do the caregiver's own health needs present serious obstacles to the care and well being of the child?~~

~~Incident Factors~~

- ~~What is the frequency of occurrence?~~
- ~~What is the duration of the occurrence (as related to the "child factors" above)?~~
- ~~What is the time of the day or night when the incident occurs?~~

~~What is the condition and location of the place where the minor was left without supervision?~~

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- ~~– What were the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light?~~
- ~~– Were there other supporting persons who are overseeing the child? Was the child given a phone number of a person or location to call in the event of an emergency, and whether the child was capable of making an emergency call?~~
- ~~– Was there food and other provisions left for the child?~~
- ~~– Are there other factors that may endanger the health and safety of the child?~~

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Abandonment/DesertionAbandonment

Abandonment is parental/legal guardian conduct that demonstrates the purpose of relinquishing all parental/legal rights and claims to the child. Abandonment is also defined as any parental or caregiver conduct that evinces a settled purpose to forego all parental/legal claims to the child.

Desertion

Desertion is any conduct on the part of a parent or legal guardian that indicates that the parent or legal guardian has no intention, now or in the future, to maintain any degree of interest, concern or responsibility for the child. Desertion includes leaving a child with no apparent intention to return unless the child has been left in the care of a relative.

Examples

- Leave a baby on a doorstep;
- Leave a baby in a garbage can;

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- Leave a child with no apparent intention to return;
- Leave a child with an appropriate caregiver without a proper plan of care.

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Inadequate Food

Inadequate food means that there is a lack of food adequate to sustain normal functioning. It is not as severe as malnutrition or failure to thrive, both of which require a medical diagnosis.

Examples

- The child frequently and repeatedly misses meals or is frequently and repeatedly fed insufficient amounts of food;
- The child frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed;
- The child is frequently and repeatedly fed unwholesome foods when his or her age, developmental stage and physical condition are considered.

Factors To Be Considered

Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly related to the need for a special diet;
- The child's mental abilities, particularly related to his or her ability to obtain and prepare his or her own food.

Incident Factors

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- The frequency of the occurrence;
- The duration of the occurrence;-
- The pattern or chronicity of occurrence;
- Previous history of occurrences;
- The availability of adequate food.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

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Inadequate Shelter

Inadequate shelter means there is a lack of shelter that is safe and that protects the children from the elements.

Examples

- No housing or shelter;
- Condemned housing;
- Housing with exposed, frayed wiring;
- Housing with structural defects that endanger the health or safety of a child;
- Housing with indoor temperatures consistently below 50°F;
- Housing with broken windows in sub-zero weather;

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- Housing that is an obvious fire hazard to a reasonable person;
- Housing with an unsafe heat source that poses a fire hazard or threat of asphyxiation.

Factors To Be Considered

Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly when it may be aggravated by the inadequate shelter;
- The child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

Shelter Factors

- Seriousness of the problem;
- Frequency of the problem;
- Duration of the problem;
- Pattern or chronicity of the problem;
- Previous history of shelter-related problems.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

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78

Inadequate Clothing

Inadequate clothing means a lack of appropriate clothing to protect the child from the elements.

Factors To Be Considered

Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly related to conditions that may be aggravated by exposure to the elements;
- The child's mental abilities, particularly related to his or her ability to obtain appropriate clothing.

Incident Factors

- Frequency of the incident;
- Duration of the incident;
- Chronicity or pattern of similar incidents;
- Weather conditions such as extreme heat or extreme cold.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

79

Medical Neglect

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Medical or Dental Treatment

Lack of medical or dental treatment for a health problem or condition that, if untreated or not treated as prescribed, could become severe enough to constitute serious or long-term harm to the child; lack of follow-through on a reasonable prescribed medical or dental treatment plan for a condition that could become serious enough to constitute serious or long-term harm to the child if the treatment or treatment plan goes unimplemented.

Treatment is the administration of a remedy to cure a health condition.

Management is the practice of providing care of a chronic medical condition.

Lack of medical or dental management for a health problem or condition that, if unmanaged or not managed as prescribed, could become severe enough to constitute serious or long-term harm to the child.

Lack of proper or necessary health care recognized under State law as necessary for the child's well-being.

Proper and necessary preventive health care to include preventive health care, such as HIV and newborn screening tests that place children at serious risk of illness due to lack of early detection and treatment.

Health care professionals include physicians, nurse practitioners, nurses, dentists, physical therapists, infant development specialists and nutritionists.

Factors To Be Considered

- The child's age, particularly as it relates to the child's ability to obtain and implement a treatment/management plan;
- The child's developmental stage;

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- The child's physical condition;
- The seriousness of the current health problem;
- The probable outcome if the current health problem is not treated and the seriousness of that outcome;
- The generally accepted health benefits of the prescribed treatment;
- The generally recognized side effects/harms associated with the prescribed treatment;
- Whether the parent has been informed about the availability of preventive health care services and how services can be obtained.

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented. The verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

81**Failure to Thrive (Non-Organic)**

Failure to thrive is a serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In a small percentage of these cases, there is an organic cause such as a serious kidney, heart or intestinal disease, a genetic error of metabolism or brain damage. Usually in non-organic failure to thrive cases there is a disturbed parent/child relationship that manifests itself as physical and emotional neglect of the child. Diseases that may prevent growth and psychosocial reasons that cause growth failure are not mutually exclusive. They are often found together. Non-organic failure to thrive requires a medical diagnosis before it may be indicated.

Verification of failure to thrive must come from a physician who has the

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relevant information to make a diagnosis.

Factors That Must Be Present

- The infant or child's weight and head circumference do not match standard growth charts. The person's weight falls lower than 3rd percentile (as outlined in standard growth charts) or 20% below the ideal weight for his or her height.
- There is emotional deprivation as a result of parental withdrawal, rejection or hostility.
- The physician has made a diagnosis of failure to thrive after eliminating medical causes such as Down syndrome and Turner syndrome or diseases involving major organs (e.g., heart, kidney, intestinal).

82

Environmental Neglect

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage that the child can reach.

Factors To Be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report constitutes an allegation of harm. In addition, the following factors should be considered.

Child Factors

- The child's age (children aged 6 and under are more likely to be harmed);
- The child's developmental stage;

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- The child's physical condition;
- The child's mental abilities.

Incident Factors

- The severity of the conditions;
- The frequency of the conditions;
- The duration of the conditions;
- The chronicity or pattern of similar conditions.

83

Malnutrition (Non-Organic)

Malnutrition is the lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or minerals. This is also known as marasmus or kwashiorkor. Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

- A decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones;
- Hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously;
- The child is often pale and suffers from anemia;
- Excessive perspiration, especially about the head;
- The face appears lined and aged, often with a pinched and sharp appearance;
- The skin has an old, wrinkled look with poor turgor and typically; skin folds hang loose on the inner thigh and buttock;

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- The abdomen is often protuberant;
- There are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity.

Verification of malnutrition must come from a physician.

84**Lock-Out**

The parent or caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child.

85**Medical Neglect of Disabled Infants**

Medical neglect of a disabled infant is the withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care that is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration and medication, as appropriate for the infant's needs, are medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

- The infant is chronically and irreversibly comatose;
- The provision of the treatment would be futile and would merely prolong dying;
- The provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be

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respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors To Be Considered

- The infant's physical condition;
- The seriousness of the current health problem;
- The probable medical outcome if the current health problem is not treated and the seriousness of that outcome;
- The generally accepted medical benefits of the prescribed treatment;
- The generally recognized side effects associated with the prescribed treatment;
- The opinions of the Infant Care Review Committee (ICRC), if the hospital has an ICRC;
- The judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect;
- The parent's knowledge and understanding of the treatment and the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

Neglect by Agency

Neglect by Agency means children or adult residents are exposed to harm, risk of harm or a lack of other necessary care that includes, but is not limited to:

- failure to provide adequate supervision;

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- failure to provide food, clothing and shelter; or
- subjecting a child or adult resident to an environment that is injurious, as a result of the failure of an agency to implement practices that ensure the health, physical well-being, or welfare of the children or adult residents residing in the facility.

This neglect exists when there are conditions at the agency, such as inadequate staffing, lack of management training or lack of supervision of staff, that are to such an extent that staff culpability for abuse or neglect is mitigated by systemic problems. This neglect also includes instances in which an incident of abuse or neglect occurs against a child or adult resident and the perpetrator of such harm cannot be identified.

(Source: Amended at 41 Ill. Reg. 4681, effective April 21, 2017)

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- 1) Heading of the Part: Standards of Service for Local Exchange Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 730
- 3) Section Number: 730.550 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Sections 8-301, 8-505 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 8-505, 13-712 and 10-101].
- 5) Effective Date of Rule: April 19, 2017
- 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 rule, 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 the *Illinois Register*: 40 Ill. Reg. 8257; June 17, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A reference in the proposed amendment to mobile switching center (MSC) switches, at Section 730.550(a)(1)(C), has been removed as unnecessary.
- 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 requested.
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment is a product of the biennial review of telecommunications-related rules that the Commission is required to undertake pursuant to Section 13-512 of the Public Utilities Act [220 ILCS 5/13-512]. The amendment aligns the network outage reporting requirements of Part 730 with federal

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requirements, reducing the burden of compliance with the rule without reducing the quality of the information supplied. Also, the amendment allows carriers to report outages to the Commission by e-mail.

- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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
SUBCHAPTER f: TELEPHONE UTILITIES

PART 730
STANDARDS OF SERVICE FOR LOCAL EXCHANGE
TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section	
730.100	Application of Part
730.105	Definitions
730.110	Waiver
730.115	Reporting
730.120	Penalties

SUBPART B: RECORDS AND REPORTS

Section	
730.200	Preservation of Records

SUBPART C: ENGINEERING

Section	
730.300	Construction
730.305	Maintenance of Plant and Equipment
730.310	Grade of Service
730.315	Interoffice Trunks (Repealed)
730.320	Network Service
730.325	Emergency Operation
730.330	Construction Work Near Utility Facilities
730.335	Network Interface
730.340	Incorporation of National Codes and Standards

SUBPART D: CALL DATA, INSPECTIONS, AND TESTS

Section	
730.400	Provisions for Testing

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730.405	Call Data Records
730.410	Call Data Reading Interval
730.415	Call Data Recording Equipment and Test Facilities
730.420	Call Data Recording Equipment Requirements
730.425	Initial Test
730.430	As-Found Tests
730.435	Routine Tests
730.440	Request Tests
730.445	Referee Tests
730.450	Test Records

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section	
730.500	Adequacy of Service
730.505	Operator Handled Calls
730.510	Answering Time
730.515	Central Office Administrative Requirements
730.520	Interoffice Trunks
730.525	Transmission Requirements
730.530	Coin Telephone Service (Repealed)
730.535	Interruptions of Service
730.540	Installation Requests
730.545	Trouble Reports
730.550	Network Outages and Notification

SUBPART F: SAFETY

Section	
730.600	Safety Program
730.605	Accident Reports (Repealed)

SUBPART G: BOUNDARIES

Section	
730.700	Map Requirements
730.705	Map Specifications
730.710	Application for Certificate (Repealed)
730.711	Changes to Existing Boundaries

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- 730.715 Service Outside Exchange Boundaries
730.720 Map Maintenance
730.725 District Boundaries (Repealed)

AUTHORITY: Implementing Sections 8-301, 8-505 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 8-505, 13-712 and 10-101].

SOURCE: Filed November 6, 1970; amended at 7 Ill. Reg. 2147, effective February 4, 1983; codified at 8 Ill. Reg. 12191; Part repealed and new Part adopted at 15 Ill. Reg. 16060, effective November 1, 1991; amended at 24 Ill. Reg. 13861, effective September 1, 2000; amended at 27 Ill. Reg. 17997, effective December 1, 2003; amended at 35 Ill. Reg. 8808, effective June 1, 2011; amended at 36 Ill. Reg. 14990, effective October 1, 2012; amended at 39 Ill. Reg. 355, effective December 22, 2014; amended at 41 Ill. Reg. 4724, effective April 19, 2017.

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section 730.550 Network Outages and Notification

- a) Notification
- 1) Each local exchange carrier shall inform the Commission by telephone or by e-mail of any service interruption exceeding 30 minutes~~15 minutes~~ duration caused by a complete or partial central office failure or complete or partial isolation of an exchange due to toll circuit failure, including cut cables. A reportable outage is any one of the following occurrences with a duration, unless otherwise specified, of at least 30 minutes affecting more than 50% of the customers and affecting more than 100 access lines in the affected exchange:~~The notification shall be made via telephone call to (217)558-6166 and shall consist of the following information:~~
- A) Toll isolation;~~Affected Area Code/Prefix~~
- B) Loss of dial tone;~~Exchange Name~~
- C) Isolation of one or more end offices or host/remote clusters from 9-1-1 service;~~Company Name~~
- D) Loss of ANI/ALI processing;~~Cause of Interruption~~

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- E) ~~Simplex conditions exceeding 5 days. Outage Date and Time~~
 - F) ~~Restoral Date and Time~~
 - G) ~~Effect on 9-1-1 Service~~
 - H) ~~Name and Number of Person Reporting the Service Interruption.~~
- 2) The notification shall be made via telephone call to (217)558-6166 or by e-mail to the outage notification e-mail address posted on the Commission's website and shall consist of the following information:
- A) Affected Area Code/Prefix
 - B) Exchange Name
 - C) Company Name
 - D) Cause of Interruption
 - E) Outage Date and Time
 - F) Restoral Date and Time
 - G) Effect on 9-1-1 Service
 - H) Name and Number of Person Reporting the Service Interruption.
- 32) **Written Report**
A follow-up written report shall be filed within 30 days, either via U.S. Postal Service, facsimile or e-mail.
- 43) ~~Reporting Timeframes~~
- A) ~~Minor outages shall be reported within 24 hours or during the next normal business day, when more than 100 access lines experience an outage. Minor outages consist of loss of local or toll service affecting fewer than 50% of the customers and affecting more than~~

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~~100 access lines in the affected exchange for a period of time not to exceed 12 hours.~~

- ~~B) Major outages shall be reported immediately via telephone call to (217)558-6166.~~
- ~~C) Major outages consist of complete loss of local or toll service affecting at least 50% of the customers in the affected exchange or when any outage is expected to exceed 12 hours.~~
- ~~D) All outages affecting 9-1-1 services shall be reported in accordance with 83 Ill. Adm. Code 725, Standards Applicable to 9-1-1 Emergency Systems. In particular, any cut cables or loss of host-remote links that result in the physical staffing of 9-1-1 call boxes are to be reported as soon as possible.~~

- b) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. The local exchange carrier shall use reasonable efforts to notify in advance public service customers (e.g., 9-1-1 entities, police, fire, hospitals) it reasonably believes may be most seriously affected by the interruption. Any customer credits for interrupted service shall be made pursuant to 83 Ill. Adm. Code 732.

(Source: Amended at 41 Ill. Reg. 4724, effective April 19, 2017)

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- 1) Heading of the Part: Wholesale Service Quality for Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 731
- 3) Section Number: 731.205 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 13-712(g) and 13-902(c)(3) of the Public Utilities Act [220 ILCS 5/13-712(g) and 13-902(c)(3)].
- 5) Effective Date of Rule: April 19, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rule, 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 the *Illinois Register*: 40 Ill. Reg. 8264; June 17, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes have been made.
- 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 requested.
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment is a product of the biennial review of telecommunications-related rules that the Commission is required to undertake pursuant to Section 13-512 of the Public Utilities Act [220 ILCS 5/13-512]. The amendment eliminates duplicative and unnecessary provisions in Section 731.205 that require large telecommunications carriers to provide notice to the Commission and to affected carriers of extensions of their existing wholesale service quality plans or of the maintenance of their existing plans without any changes. In addition, the amendment

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updates references to a position title in the agency to reflect the agency's current organizational structure.

- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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
SUBCHAPTER f: TELEPHONE COMPANIES

PART 731

WHOLESALE SERVICE QUALITY FOR TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section

- 731.100 Purpose and Application of Part
- 731.105 Definitions
- 731.110 Classifications of Carriers

SUBPART B: PROCEDURE FOR LEVEL 1 CARRIERS

Section

- 731.200 Applicability of Subpart B
- 731.205 Submission of Wholesale Service Quality Plans
- 731.210 Investigation or Review of Wholesale Service Quality Plans
- 731.220 Wholesale Service Quality Plan Filing Requirements
- 731.230 Effective Wholesale Service Quality Plan Pending Review and Approval by the Commission

SUBPART C: PLAN REQUIREMENTS FOR LEVEL 1 CARRIERS

Section

- 731.300 Applicability of Subpart C
- 731.305 General Plan Requirements
- 731.310 Types of Service Covered
- 731.315 Measures and Standards
- 731.320 Remedies
- 731.325 Reporting
- 731.330 Auditing

SUBPART D: PROVISIONS APPLICABLE TO ALL LEVEL 1 CARRIERS

Section

- 731.400 Applicability of Subpart D

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- 731.405 Treatment and Effect of Wholesale Service Emergency Situations
- 731.410 Additional Reporting Requirements
- 731.420 Effect of Interconnection Agreements

SUBPART E: COMMISSION REVIEW AND APPROVAL OF
PLANS FOR LEVEL 1 CARRIERS

Section

- 731.500 Applicability of Subpart E
- 731.505 Commission Review and Approval of Wholesale Service Quality Plans

SUBPART F: OBLIGATIONS OF LEVEL 2 CARRIERS

Section

- 731.600 Applicability of Subpart F
- 731.605 Types of Service Covered by and Exemption from Reporting Requirements from Subpart F
- 731.610 Measures and Standards under Subpart F
- 731.615 Remedies under Subpart F
- 731.620 Reporting under Subpart F
- 731.625 Auditing under Subpart F
- 731.630 Effect of Interconnection Agreement
- 731.635 Application of Level 1 Requirements to Level 2 Carriers and Conversion to Level 1

SUBPART G: PROVISIONS APPLICABLE TO LEVEL 3 CARRIERS

Section

- 731.700 Applicability of Subpart G
- 731.705 Conversion to Level 2

SUBPART H: PROVISIONS APPLICABLE TO LEVEL 4 CARRIERS

Section

- 731.800 Applicability of Subpart H
- 731.805 Types of Service Covered and Exemptions from Certain Subparts
- 731.810 Measures and Standards under Subpart H
- 731.815 Remedies under Subpart H

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731.820 Application of Level 2 Requirements to Level 4 Carriers and Conversion to Level 2

SUBPART I: PROVISIONS APPLICABLE TO ALL CARRIERS

731.900 Applicability of Subpart I

731.905 Notice of Termination of Wholesale Service

AUTHORITY: Implementing Sections 13-712(g) and 13-902(c)(3) of the Public Utilities Act [220 ILCS 5/13-712(g) and 13-902(c)(3)].

SOURCE: Adopted at 28 Ill. Reg. 12083, effective September 1, 2004; amended at 41 Ill. Reg. 4731, effective April 19, 2017.

SUBPART B: PROCEDURE FOR LEVEL 1 CARRIERS

Section 731.205 Submission of Wholesale Service Quality Plans

- a) ~~Each~~ ~~On or before September 15, 2004, and every three years thereafter, every~~ ~~Level 1 carrier shall submit to the Manager of the Telecommunications Division of the Commission its Wholesale Service Quality Plan as specified in, and pursuant to, Subparts B, C, D and E of this Part. Additional submissions shall be made each time a Level 1 carrier's wholesale service quality plan is amended, that carrier shall submit. With each submission, the Level 1 carrier shall include a brief explanation of any changes to the plan, provided that the Level 1 carrier is not required to make a submission when the only change to the plan is an extension in its term. For any submission due after September 15, 2004, if a Level 1 carrier proposes to maintain, without any additions, deletions or modifications, its existing wholesale service quality plan, the Level 1 carrier may file a submission to the Manager of the Telecommunications Division, in the form of a verified statement establishing that it proposes to maintain its existing plan in effect, without any additions, deletions or modifications.~~
- b) Any carrier designated by the Commission as a Level 1 carrier pursuant to Section 731.110 or 731.635 shall submit to the Director of the Policy Division ~~Manager of the Telecommunications Division~~ its wholesale service quality plan within 90 days after its designation as a Level 1 carrier by the Commission, and, after one year from the submission of its initial wholesale

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service quality plan, shall submit all amended wholesale service quality plans pursuant to subsection (a).

- c) If the Commission has reason to believe that implementation of a Level 1 carrier's wholesale service quality plan discriminates against a telecommunications carrier that is not a party to the agreement, or if the Commission has reason to believe that implementation of the plan is not consistent with the public interest, convenience and necessity, it may initiate a proceeding to investigate that wholesale service quality plan. After an investigation and notice and an opportunity to be heard, the Commission may modify, update, or in any way amend the plan prior to the end of the triennial period. If the Commission initiates a docket investigating a plan, a verified answer to the initiating order shall be filed and served on the appropriate parties within 30 days after the date upon which the initiating order issued.
- d) 45 days' prior notice of any proposed change or modification to a Plan, other than an extension in its term, shall be served on the Director of the Policy Division ~~Manager of the Telecommunications Division~~ of the Commission and all affected carriers via mail, with postage prepaid, or fax, or e-mail and shall be available for inspection on that Level 1 carrier's website. Any carrier contesting the proposed change must file, within 30 days after the date of service of the notice of the proposed change, a complaint, with the Commission, in which the complaining carrier sets forth the reasons it contests the change. A verified answer to a complaint shall be filed and served on the appropriate parties within 30 days after the date upon which the complaint was filed.
- e) At any hearing regarding a change or modification to a plan, the carrier proposing the change or modification to the plan shall have the burden of proof to establish the justness and reasonableness of the changes or modifications.

(Source: Amended at 41 Ill. Reg. 4731, effective April 19, 2017)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Service Quality Requirements Applicable to Wireless Eligible Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 736
- 3) Section Number: 736.500 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 13-101, 13-304, 13-305 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-101, 13-304, 13-305, 13-712 and 10-101].
- 5) Effective Date of Rule: April 19, 2017
- 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 rule, 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 the *Illinois Register*: 40 Ill. Reg. 8270; June 17, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes have been made.
- 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 requested.
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment is a product of the biennial review of telecommunications-related rules that the Commission is required to undertake pursuant to Section 13-512 of the Public Utilities Act [220 ILCS 5/13-512]. The amendment adopts the current version of the Wireless Association® (CTIA) Consumer

ILLINOIS COMMERCE COMMISSION

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Code for Wireless Service (CTIA Code), which Part 736 incorporates by reference as a source for service quality and consumer protection provisions.

- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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
SUBCHAPTER f: TELEPHONE UTILITIES

PART 736

SERVICE QUALITY REQUIREMENTS APPLICABLE TO WIRELESS ELIGIBLE
TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section	
736.100	Application of Part
736.105	Definitions
736.110	Waiver
736.115	Reporting (Repealed)
736.120	Enforcement

SUBPART B: ENGINEERING

Section	
736.300	Construction and Maintenance of Plant and Equipment (Repealed)
736.305	Emergency Operation
736.310	Incorporation of National Codes and Standards (Repealed)

SUBPART C: STANDARDS OF QUALITY OF SERVICE

Section	
736.500	Adequacy of Service
736.505	Answering Time (Repealed)
736.510	Interoffice Trunks (Repealed)
736.515	Dropped Calls and Signal Strength (Repealed)
736.520	Service Outages and Notification (Repealed)
736.525	Installation Requests – Failure to Provide Service (Repealed)
736.530	Trouble Reports (Repealed)
736.540	Directory Notification (Repealed)

SUBPART D: OTHER WETC REQUIREMENTS

Section

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 736.550 Obligation to Serve (Repealed)
 - 736.555 WETC Service Area
 - 736.610 Customer Billing (Repealed)
 - 736.620 Deferred Payment Agreements (Repealed)
 - 736.630 Applicants for Service (Repealed)
 - 736.640 Present Customers (Repealed)
 - 736.650 Deposits (Repealed)
 - 736.660 Discontinuance or Refusal of Service (Repealed)
 - 736.670 Illness Provision (Repealed)
 - 736.680 Payment for Service (Repealed)
 - 736.685 Past Due Bills (Repealed)
 - 736.690 Service Restoration Charge (Repealed)
 - 736.695 Dispute Procedures (Repealed)
 - 736.700 Commission Complaint Procedures (Repealed)
 - 736.705 Second Language (Repealed)
 - 736.710 Customer Information Booklet (Repealed)
- 736.APPENDIX A Notice of Discontinuance of Service (Repealed)
- 736.APPENDIX B Requirements to Avoid Shutoff of Service in the Event of Illness (Repealed)

AUTHORITY: Implementing Sections 13-101, 13-304, 13-305, and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-101, 13-304, 13-305, 13-712, and 10-101].

SOURCE: Adopted at 32 Ill. Reg. 18935, effective December 1, 2008; amended at 38 Ill. Reg. 21064, effective October 23, 2014; amended at 41 Ill. Reg. 4737, effective April 19, 2017.

SUBPART C: STANDARDS OF QUALITY OF SERVICE

Section 736.500 Adequacy of Service

Each WETC shall comply with the service quality and consumer protection provisions contained in the Wireless Association® (CTIA) Consumer Code for Wireless Service (CTIA Code). The Commission adopts the version in effect on ~~September 10, 2013~~ August 24, 2015. The CTIA Code may be viewed on the Commission's web site at: <http://www.icc.illinois.gov>.

(Source: Amended at 41 Ill. Reg. 4737, effective April 19, 2017)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 851
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
851.10	Repealed
851.20	Repealed
851.30	Repealed
851.40	Repealed
851.50	Repealed
851.60	Repealed
851.Appendix A	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Repealer: May 1, 2017
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer 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 Proposal published in the *Illinois Register*: Notice of proposed repealer was not published in the *Illinois Register* as this is not required for Title 2 internal rulemaking.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between Proposal and Final Version: This repealer was not published as a proposed repealer, but was adopted under the provisions of Section 5-15 of the Illinois Administrative Procedure Act.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary as this repealer was not

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published as a proposed repealer, but was adopted under the provisions of Section 5-15 of the Illinois Administrative Procedure Act.

- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: The Department of Corrections is repealing its current rules and adopting new rules and procedures that comply with the most recent amendments to FOIA.
- 16) Information and questions regarding this repealer shall be directed to:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200
mail: echo.beekman@doc.illinois.gov

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- 1) Heading of the Part: Access to Records of the Department of Corrections
- 2) Code Citation: 2 Ill. Adm. Code 851
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
851.100	New Section
851.110	New Section
851.200	New Section
851.210	New Section
851.220	New Section
851.300	New Section
851.310	New Section
851.320	New Section
851.400	New Section
851.410	New Section
851.420	New Section
851.430	New Section
851.440	New Section
851.450	New Section
851.460	New Section
851.470	New Section
851.500	New Section
851.510	New Section
851.520	New Section
851.Appendix A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Rules: May 1, 2017
- 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 rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

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- 9) Notice of Proposal published in the *Illinois Register*: The proposal was not published in the *Illinois Register*.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between Proposal and Final Version: This rulemaking was not published as a proposed rule, but was adopted under the provisions of Section 5-15 of the Illinois Administrative Procedures Act.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary as this rulemaking was not published as a proposed rule, but is being adopted under the provisions of Section 5-15 of the Illinois Administrative Procedures Act.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department of Corrections is repealing its current rules and adopting new rules and procedures that comply with the most recent amendments to FOIA.
- 16) Information and questions regarding the adopted rules shall be directed to:

Echo Beekman, Rules Coordinator
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507
email: Echo.Beekman@doc.illinois.gov

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

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NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER VII: DEPARTMENT OF CORRECTIONS

PART 851

ACCESS TO RECORDS OF THE DEPARTMENT OF CORRECTIONS

SUBPART A: INTRODUCTION

- Section
- 851.100 Summary and Purpose
- 851.110 Definitions

SUBPART B: CLASSIFICATION OF RECORDS

- Section
- 851.200 Records that Will Be Disclosed
- 851.210 Records that Will Be Withheld from Disclosure
- 851.220 Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY

- Section
- 851.300 Submittal of Requests for Records
- 851.310 Information to Be Provided in Requests for Records
- 851.320 Requests for Records for Commercial Purposes

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

- Section
- 851.400 Timeline for Agency Response
- 851.410 Requests for Records that the Agency Considers Unduly Burdensome
- 851.420 Recurrent Requesters
- 851.430 Requests for Records that Require Electronic Retrieval
- 851.440 Denials of Requests for Records
- 851.450 Requests for Review of Denials – Public Access Counselor
- 851.460 Circuit Court Review
- 851.470 Administrative Review

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SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section

851.500	Inspection and Copying of Records
851.510	Fees for Records
851.520	Reduction and Waiver of Fees

851.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 12208, effective July 1, 1984; amended at 12 Ill. Reg. 22174, effective January 1, 1989; former Part repealed at 41 Ill. Reg. 4741 and new Part adopted at 41 Ill. Reg. 4743, effective May 1, 2017.

SUBPART A: INTRODUCTION

Section 851.100 Summary and Purpose

- a) This Part states the policy of the Department of Corrections (Agency) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
 - 1) Establishes the following classifications for records in the Agency's possession:
 - A) Records that shall be disclosed; and
 - B) Records that shall be withheld from disclosure;
 - 2) Contains the procedures by which requesters may obtain records in the Agency's possession; and

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- 3) Contains the procedures for claiming and determining that records submitted to the Agency are exempt from disclosure.

Section 851.110 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Agency" means the Department of Corrections as established by the Act.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:

to access and disseminate information concerning news and current or passing events;

for articles or opinion or features of interest to the public; or

for the purpose of academic, scientific, or public research or education.
(Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)

"Director" means the Director of the Agency.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station,

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television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA)

"Recurrent requester" means a person that, in the 12 months immediately preceding the request, has submitted to the same public body a minimum of 50 requests for records, a minimum of 15 requests for records within a 30-day period, or a minimum of 7 requests for records within a 7 day period. For the purposes of this definition, requests made by news media and non-profit,

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scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods, in this definition when the principal purpose of the requests is to access and disseminate information concerning news and current or passing events, for articles of opinion or features of interest to the public, or for the purpose of academic, scientific, or public research or education. For the purposes of this definition, "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied. (Section 2(g) of FOIA)

"Requester" is any person who has submitted to the Agency a written request, electronically or on paper, for records.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

SUBPART B: CLASSIFICATION OF RECORDS

Section 851.200 Records that Will Be Disclosed

Upon request meeting the requirements of this Part, the Agency will disclose to the requester all records requested except that it will not disclose certain records as provided in Section 851.210 or 851.220. Records covered under this Section shall include, but are not limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Agency are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Agency prior to disclosure. (Section 2.10 of FOIA)*

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- c) *Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
- 1) *Court records that are public;*
 - 2) *Records that are otherwise available under State or local law; and*
 - 3) *Records in which the requesting party is the individual identified, except as provided under Section 851.220. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 851.210 or 851.220 may be redacted. (Section 2.20 of FOIA)*
- e) *A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of Subpart C. (Section 7(2) of FOIA)*

Section 851.210 Records that Will Be Withheld from Disclosure

For exemptions from FOIA that are stated in FOIA, see Section 7(1) of the Act.

Section 851.220 Statutory Exemptions

For exemptions from FOIA that are stated in other statutes, see Section 7.5 of the Act.

**SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY****Section 851.300 Submittal of Requests for Records**

- a) Any request for public records should be submitted in writing to the FOI Officer at the Agency.

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- b) The Agency has one FOI Officer, located in the Springfield office.
- c) Contact information for the FOI Officer can be found online at www.Illinois.gov/Pages/FOIAContacts.
- d) FOIA requests may be submitted via mail, e-mail, fax or hand delivery. Requests should be mailed or hand delivered to:

Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield IL 62794-9277
Attn: FOI Officer

- e) E-mailed requests should be sent to DOC.FOIARequest@doc.illinois.gov, contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 217/558-5612, Attn: Freedom of Information Officer.

Section 851.310 Information to Be Provided in Requests for Records

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Agency considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 851.410 of this Part.);
- c) A statement as to the requested medium and format for the Agency to use in providing the records sought; for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Agency to use in providing the records sought; for example, inspection at Agency headquarters or providing paper or electronic copies;

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- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and
- f) A statement as to whether the request is for a commercial purpose.

Section 851.320 Requests for Records for Commercial Purposes

- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the Agency. (Section 3.1(c) of FOIA)*
- b) *The Agency shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
 - 1) *Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
 - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 851.210 or 851.220;*
 - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
 - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period, considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. (Section 3.1(b) of FOIA)*

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section 851.400 Timeline for Agency Response

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- a) Except as stated in subsection (b) or (c), the Agency will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for these copies. If the Agency fails to respond to a request received, it will not treat the request as unduly burdensome under Section 851.410. (Section 3(d) of FOIA) A written request from the Agency to provide additional information shall be considered a response to the FOIA request.
- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
- 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
 - 2) *The request requires the collection of a substantial number of specified records;*
 - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
 - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
 - 6) *The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Agency; or*
 - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the*

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determination or in the subject matter of the request. (Section 3(e) of FOIA)

- c) *The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b), the Agency will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 851.410. (Section 3(f) of FOIA)*

Section 851.410 Requests for Records that the Agency Considers Unduly Burdensome

- a) *The Agency will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Agency, there is no way to narrow the request, and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.*
- b) *If the Agency determines that a request is unduly burdensome, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. The response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)*
- c) *Repeated requests from the same person for records that are unchanged or identical to records previously provided or properly denied under this Part shall be deemed unduly burdensome. (Section 3(g) of FOIA)*

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Section 851.420 Recurrent Requesters

- a) *Notwithstanding any provision of this Part to the contrary, the Agency will respond to a request from a recurrent requester, as defined in Section 851.110, within 21 business days after receipt. The response shall:*
 - 1) *provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
 - 2) *deny the request pursuant to one or more of the exemptions set out in this Part;*
 - 3) *notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
 - 4) *provide the records requested.*
- b) *Within 5 business days after receiving a request from a recurrent requester, the Agency will notify the requestor that the Agency is treating the request as a recurrent request, of the reasons why the Agency is treating the request as a recurrent request, and that the Agency will send an initial response within 21 business days after receipt in accordance with subsection (a). The Agency will also notify the requester of the proposed responses that can be asserted pursuant to subsection (a).*
- c) *Unless the records are exempt from disclosure, the Agency will comply with a request within a reasonable period considering the size and complexity of the request. (Section 3.2 of FOIA)*

Section 851.430 Requests for Records that Require Electronic Retrieval

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.

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- b) The Agency will retrieve and provide electronic records only in a format and medium that is available to the Agency.

Section 851.440 Denials of Requests for Records

- a) The Agency will deny requests for records when:
 - 1) Compliance with the request would unduly burden the Agency, as determined pursuant to Section 851.410, and the requester has not reduced the request to manageable proportions; or
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 851.210 or 851.220 of this Part.
- b) The denial of a request for records must be in writing.
 - 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
 - 2) *Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
 - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).
- c) A requester may treat the Agency's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Agency has given written notice pursuant to Section 851.400(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.

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- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 851.400. (Section 9(c) of FOIA)*

Section 851.450 Requests for Review of Denials – Public Access Counselor

- a) *A person whose request to inspect or copy a record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review shall be in writing, be signed by the requester, and include a copy of the request for access to records and any response from the Agency. (Section 9.5(a) of FOIA)*
- b) *A person whose request to inspect or copy a record is made for a commercial purpose may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a record was treated by the Agency as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the Agency properly determined that the request was made for a commercial purpose. (Section 9.5(b) of FOIA)*
- c) *Within 7 business days after the Agency receives a request for review from the Public Access Counselor, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*
- d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)*

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- f) *In addition to the request for review, and the answer and response to the request, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- g) *A binding opinion from the Attorney General shall be binding upon both the requester and the Agency, subject to administrative review under Section 851.470. (Section 9.5(f) of FOIA)*
- h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency will either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 851.470. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 851.470. (Section 9.5(f) of FOIA)*
- j) *If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- k) *If the requester files suit under Section 851.460 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor. (Section 9.5(g) of FOIA)*
- l) *The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Agency or the Agency's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

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Section 851.460 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

Section 851.470 Administrative Review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section 851.500 Inspection and Copy of Records

- a) The Agency may make available records for personal inspection at the Agency's Springfield, office located at 1301 Concordia Court, Springfield IL 62702, the Chicago office located at the James R. Thompson Center, 100 W. Randolph Street, Chicago IL 60601 or the Marion office located at 2309 W. Main Street, Marion IL 62959, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Agency may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.
- b) *When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place

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during normal business hours Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.

- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 851.510 Fees for Records

- a) In accordance with Section 851.520, unless a fee is otherwise fixed by statute, the Agency will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records, except as allowed by subsection (f). (Section 6(b) of FOIA)*
- c) In order to expedite the copying of records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 851.400, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Agency headquarters listed in Section 851.500, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Agency may charge the requester for the actual cost of purchasing the*

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recording medium, whether disc, diskette, tape or other medium, but the Agency will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records, except as allowed by subsection (f). (Section 6(a) of FOIA) Payment must be by check or money order sent to the Agency, payable to "Treasurer, State of Illinois".

- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
- 1) The requester, rather than the Agency, must contract with the contractor;
 - 2) The requester is responsible for all fees charged by the contractor;
 - 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
 - 4) Only Agency personnel may provide records to the contractor;
 - 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the records before providing the records to the contractor; and
 - 6) The requester must provide to the Agency the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.
- f) *For commercial requests only, the Agency may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. The Agency may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the Agency. If the Agency imposes a fee pursuant to this subsection (f), it must provide the requestor with an accounting of all fees, costs, and personnel hours in connection with the request for public records. (Section 6(f) of FOIA)*

Section 851.520 Reduction and Waiver of Fees

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- a) *Fees may be reduced or waived by the Agency if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Agency will consider the following:*
- 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
 - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) *In setting the amount of the waiver or reduction, the Agency will take into consideration the amount of materials requested and the cost of copying them. (Section 6(c) of FOIA)*
- c) *The Agency will provide copies of records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.*
- d) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

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Section 851.APPENDIX A Fee Schedule for Duplication and Certification of Records

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

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- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
190.2	Amendment
190.90	Amendment
190.140	Amendment
190.150	Repealed
190.165	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305]
- 5) Effective Date of Rule: May 1, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The USPAP definition being added to Section 190.2 of this Part.
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Division of Financial Institutions and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 14443; October 28, 2017
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: A number of technical corrections were made to the proposed 1st Notice text, which we identified to JCAR and interested parties when we moved to 2nd Notice. Since that time, the following additional revisions were made by agreement with JCAR:
 - A. Section 190.165(a)(3)(B); 190.165(d)(3)(C)(ii) and 190.165(h)(2)(A), change "State" to "state".

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- B. Following Section 190.165(b)(6), new subsection 190.165(b)(7) has been added as follows:
- "7) "Financial statement quality" is determined by:
- A) The level of assurance provided by the preparer and the required professional standards supporting the preparer's opinion. In many cases, tax returns and/or financial statements professionally prepared in accordance with generally accepted accounting principles (GAAP) will be sufficient for less complex borrowing relationships, such as those that are limited to a single operation of the borrower and principal with relatively low debt. For more complex and larger borrowing relationships, such as those involving borrowers or principals with significant loans outstanding or multiple or interrelated operations, the credit union should require borrowers and principals to provide either:
- i) An auditor's review of the financial statements prepared consistent with GAAP to obtain limited assurance (i.e., a "review quality" financial statement); or
- ii) an independent financial statement audit under generally accepted auditing standards (GAAS) for the expression of an opinion on the financial statements prepared in accordance with GAAP (i.e., an "audit quality" financial statement).
- B) Credit unions should address the criteria and thresholds for the required financial reporting in their policies. Credit unions should allow exceptions in their credit policies if they determine the relationship does not require the same level of assurance and they are satisfied that the lesser quality still provides them with accurate reporting of the borrower's financial performance. Credit unions will be expected to address the issue of exceptions in their loan policies. Any exception should be documented by credit union staff and approved by the appropriate designated internal authority."
- C. Section 190.165(b)(7) through (13) have now been relabeled as 190.165(b)(8) through (14).
- D. Section 190.165(g)(1); (2) and (3), change "may" to "shall".

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- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments include the repeal of Section 190.150; concerning reverse mortgages, as those provisions have been codified into law pursuant to PA 99-331 which created the Reverse Mortgage Act. Also included with this proposal are amendments to Section 190.165 concerning member business loans, fixed assets and real estate lending provisions, due to recent NCUA rule changes on these three subjects. In order to keep Illinois state chartered credit unions on a par with federally chartered credit unions, the Division is now adopting these amendments.
- 16) Information and questions regarding these adopted rules shall be directed 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

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

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 190

ILLINOIS CREDIT UNION ACT

SUBPART A: GENERAL PROVISIONS

Section	
190.2	Definitions
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.15	Civil Penalty
190.20	Hearings
190.25	Regulatory Examination Consistency and Due Process
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
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190.80	Use of Electronic Data Processing
190.90	Fixed Asset Investments
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage (Repealed)
190.160	Lending Limits – Consumer Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.185	Investment in "Other Financial Institutions"
190.190	Liquidation
190.200	Conversion of Charter
190.210	Reimbursement for Financial Records
190.220	Registration of Out of State Credit Unions

SUBPART B: HIGH RISK HOME LOANS

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Section

190.500	Definitions
190.505	Applicability of Rule
190.510	Good Faith Requirements
190.515	Fraudulent or Deceptive Practices
190.520	Prohibited Refinances
190.525	Negative Amortization
190.530	Negative Equity
190.535	Balloon Payments
190.540	Financing of Certain Points and Fees
190.545	Financing of Single Premium Insurance Products
190.550	Lending Without Due Regard to Ability to Repay
190.555	Verification of Ability to Repay
190.560	Payments to Contractors
190.565	Counseling Prior to Perfecting Foreclosure
190.570	Mortgage Awareness Program
190.575	Offer of Mortgage Awareness Program
190.580	Third Party Review

SUBPART C: PAYDAY LOANS

Section

190.600	Definitions
190.601	Purpose and Scope
190.605	Applicability of Rule
190.610	Issuance of Payday Loans by Credit Unions

190.APPENDIX A Estimated Monthly Income and Expenses Worksheet

190.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793,

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effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 27, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317, effective September 15, 1998; emergency amendment at 23 Ill. Reg. 3086, effective February 23, 1999, for a maximum of 150 days; emergency expired July 22, 1999; amended at 23 Ill. Reg. 12614, effective October 4, 1999; amended at 23 Ill. Reg. 14031, effective November 12, 1999; amended at 25 Ill. Reg. 6244, effective May 17, 2001; amended at 25 Ill. Reg. 13278, effective October 19, 2001; amended at 26 Ill. Reg. 17999, effective December 9, 2002; amended at 28 Ill. Reg. 11699, effective July 29, 2004; amended at 29 Ill. Reg. 10579, effective July 8, 2005; amended at 30 Ill. Reg. 18919, effective December 4, 2006; amended at 32 Ill. Reg. 1377, effective January 16, 2008; amended at 34 Ill. Reg. 10500, effective July 12, 2010; amended at 37 Ill. Reg. 12450, effective July 16, 2013; amended at 38 Ill. Reg. 19910, effective October 17, 2014; amended at 41 Ill. Reg. 4764, effective May 1, 2017.

SUBPART A: GENERAL PROVISIONS

Section 190.2 Definitions

For purposes of the Illinois Credit Union Act and this Part, the words and phrases defined in this Section shall have the meanings ascribed to them unless the context requires otherwise.

"Act" means the Illinois Credit Union Act [205 ILCS 305].

"Credit union" means a credit union chartered under the Illinois Credit Union Act, or, as the context permits, under the Federal Credit Union Act or the laws of any state.

"Department" means the Illinois Department of Financial and Professional Regulation.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Financial Institutions. As provided in Section 8(1) of the Act, the Director shall oversee the functions of the Division and report to the Secretary with respect to the Director's exercise of any of the rights, powers and duties vested by law in the Secretary under the Act or this Part.

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"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions.

"GAAP" or "generally accepted accounting principles" means U.S. Generally Accepted Principles promulgated by the Financial Accounting Standards Board (see <http://www.fasb.org>).

"NCUA" means the National Credit Union Administration.

"Net worth" means retained earnings, as defined under GAAP, and secondary capital. Net worth does not include the allowance for loan losses account.

"Retained earnings" includes undivided earnings, regular reserve, other reserves, and any other appropriations designated by management or regulatory authorities.

"Secondary capital" means a secondary capital account or other form of non-share account, including without limitation a debt instrument, subject to the following conditions:

The maturity or the account shall not be less than three years and the account shall not be redeemable prior to maturity or the expiration of a minimum withdrawal notice period of three years.

The account shall not be insured by the National Credit Union Share Insurance Fund or any governmental or private entity.

The account holder's claim against the credit union must be subordinate to all other claims, including shareholders, creditors and the National Credit Union Share Insurance Fund.

Funds in the account, including interest accrued and paid into the account, must be available to cover operating losses realized by the credit union that exceed its net available reserves and undivided earnings. In lieu of being paid into the account, interest may be paid directly to the account holder or into a separate account from which the account holder may make withdrawals. Losses shall be distributed pro-rata among all secondary capital accounts held by the credit union at the time losses are realized.

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The account may not be pledged or provided by the account holder as security on a loan or obligation with the credit union or any other party.

In the event of liquidation of the credit union, the accounts will, to the extent they are not needed to cover losses at the time of liquidation, be paid out to the account holder.

"Paid-in and unimpaired capital" or "unimpaired capital" means shares as defined in Section 1.1 of the Act.

"Person" or "persons" means individuals and bodies politic and corporate, including without limitation corporations, limited liability companies, general partnerships, limited partnerships and joint ventures; unless, from the context and facts, the intention is plain to apply only to individuals. Persons who reside in or live in a geographical area include non-natural persons located within the geographical area.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation or a person authorized by the Secretary, the Act or this Part to act in the Secretary's stead. As provided in Section 8(1) of the Act, all references in the Act or this Part to the Secretary shall be deemed to include the Director, as a person authorized by the Secretary or the Act to assume responsibility for the oversight of the functions of the Department relating to the regulatory supervision of credit unions under the Act and this Part.

"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any of the several territories and possessions of the United States. When capitalized, the term "State" generally means the State of Illinois.

"Surplus" means undivided earnings.

"USPAP" means the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant to Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.) published biennially by the Appraisal Standards Board of The Appraisal Foundation, 1155 15th Street N.W., Suite 1111, Washington DC 20005

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(effective January 1, 2016 through December 31, 2017; no later amendments or editions).

(Source: Amended at 41 Ill. Reg. 4764, effective May 1, 2017)

Section 190.90 Fixed Asset Investments

a) Definitions

"Fixed assets" means premises and furniture, fixtures and equipment, as those terms are defined in this Section:

"Premises" includes any office, branch office, suboffice, service center, parking lot, other facility, or real estate where the credit union transacts or will transact business.

"Furniture, fixtures and equipment" includes all office furnishings, office machines, computer hardware and software, automated terminals, and heating and cooling equipment.

"Investment in fixed assets" means:

any investment in real property (improved or unimproved) that is being used or is intended to be used as premises, excluding premises leased for five years or less;

any leasehold improvement on premises;

the present value of the aggregate of all capital lease payments pursuant to lease agreements for fixed assets, excluding lease payments for premises leased for five years or less;

any investment in the bonds, stock, debentures, or other obligations of a partnership or corporation or limited liability entity, including a credit union service organization, holding any fixed assets used by the credit union and any loans to that partnership or corporation or limited liability entity; and

any investment in furniture, fixtures and equipment.

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"Retained earnings" includes undivided earnings, regular reserve, other reserves, and any other appropriations designated by management or regulatory authorities.

- b) Investment in Fixed Assets
- 1) Credit unions with assets of less than \$1,000,000 that choose to invest in premises must apply to the Division for approval.
 - 2) Credit unions with assets of \$1,000,000 or more may invest in fixed assets, without the prior approval of the Division, ~~subject to the following conditions:~~
 - A) ~~the aggregate amount of the investments does not exceed the lesser of 70% of the credit union's retained earnings or 6% of total assets;~~
~~or~~
 - B) ~~the aggregate amount of the investments exceeds the lesser of 70% of the credit union's retained earnings or 6% of total assets, provided the credit union has:~~
 - i) ~~a current net worth of 9% or, if applicable, 200 basis points over its risk based net worth level, whichever is higher;~~
 - ii) ~~a composite CAMEL rating of 1 or 2 for 2 consecutive examinations; and~~
 - iii) ~~a consistency in management evidenced by retention of the same chief management official during the 2-year period preceding the subject fixed asset investment.~~
- e) ~~Whenever a fixed asset investment in premises does not require Division approval, the credit union shall give the Division notice of the credit union's intent to make the investment, at least 14 days prior to becoming obligated on the investment in premises.~~
- 1) ~~The notice to the Division shall include the following information:~~
 - A) ~~the credit union's calculation of its total fixed asset investment~~

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~~authority;~~

~~B) the estimated total cost of the planned fixed asset investment in premises;~~

~~C) a general description of the planned fixed asset investment in premises.~~

~~2) Notice under this subsection (c) is effective as of the date the notice is transmitted from the credit union.~~

~~c)~~ Credit unions with assets of less than \$1,000,000 seeking to invest in premises ~~or credit unions with assets of \$1,000,000 or more seeking to invest in fixed assets in an amount that exceeds the lesser of 70% of retained earnings or 6% of total assets and not exempted from obtaining approval by subsection (b)(2)(B)~~ must submit to the Division an application for approval. The application for approval must contain the following minimum supporting documentation:

- 1) why the purchase and/or lease is necessary to serve the credit union's members;
- 2) details of the proposed transaction including:
 - A) location and full description of the fixed asset;
 - B) if a purchase of premises is involved, current valuation by an independent appraiser;
 - C) purchase price or lease details;
 - D) current owners and their relationship to the credit union or to any members of the credit union;
 - E) how the project will be financed;
 - F) if a purchase, lease or improvement of premises is involved, a summary of planned due diligence inspections to verify building, building line and use or occupancy restrictions; conditions and covenants on record; zoning laws and ordinances; easements for

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public utilities; and other matters pertinent to the transaction; and

G) evidence that the increase in operating expenses caused by the project can be supported after accounting for the current level of expenses and dividend commitments;

3) the credit union's latest balance sheet, income statement and loan delinquency report;

4) a certified copy of Board minutes that contain approval for the project.

de) The Division shall respond to applications for approval of fixed asset investments as follows:

1) The Division shall inform the credit union applicant, in writing, of the date the letter of application was received.

2) Approval of applications shall be given in writing once it is determined by the Division that the proposal will not adversely affect the credit union's financial position. The determination will be based on the past history, current financial condition, projections of the credit union, and whether the increase of operating expenses caused by the project can be supported after accounting for the current level of expense, dividend and reserve commitments.

3) An approval will state a dollar amount or percentage of retained earnings that may be invested in fixed assets by the credit union.

4) The Division shall provide to credit union applicants written notification of action taken within 45 calendar days after receipt of the complete package of supporting documentation from the credit union. If the credit union does not receive written notification of the action taken within 45 calendar days after the date the complete package of supporting documentation was received by the Division, the credit union may proceed with its proposed investment in fixed assets.

ef) A credit union that has received approval for a specific fixed asset transaction from the Division prior to the date of promulgation of amendments to this Section shall continue to be eligible to consummate the transaction after the date of

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promulgation, without further Division approval.

- fg) In recording all transactions for fixed assets, GAAP shall be followed.

(Source: Amended at 41 Ill. Reg. 4764, effective May 1, 2017)

Section 190.140 Real Estate Lending

- a) A credit union with total assets greater than \$1 million may, following a resolution of its board, make loans secured by a lien on real estate, including an assignment of a beneficial interest in a land trust, subject to the following procedures:

Total Assets of a Credit Union	Maximum Amount of Loans Secured by Real Estate	Aggregate of All First Mortgage Loans Secured by Real Estate
Under \$1 million	Lending Limits for Consumer Loans	0% of total assets
\$1 - 2.5 million	\$165,000*	25% of total assets
\$2.5 - 5 million	\$250,000*	30% of total assets
\$5 - 10 million	\$330,000	35% of total assets
\$10 - 30 million	\$580,000	40% of total assets
\$30 - 100 million	\$825,000	45% of total assets
Over \$100 million	\$1,000,000	50% of total assets

* The aggregate loans to one member may not exceed the aggregate limit referenced in subsection (e).

- b) Credit unions with assets under \$1 million may make home equity and second mortgage loans subject to the lending limits for consumer loans set forth in Section 190.160. Credit unions with assets under \$1 million shall not make first mortgage real estate loans.
- c) Credit unions shall not make first mortgage real estate loans for more than the estimated market value or appraised value of the real estate securing the loans. Real estate loans, other than first mortgage loans, shall be limited to the value of the member-borrower's equity in the real estate securing the loan, provided a credit union may consider as equity any outstanding loan amount secured by the real estate if the outstanding loan will be repaid with the proceeds of the credit

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union's loan.

- d) The maximum individual lending limit and the maximum ratio of first mortgage real estate loans may be increased by obtaining written approval from the Secretary. Approval is to be based upon the need of the members and the credit union's real estate lending record.
- e) The maximum limit on an individual loan by credit unions with assets greater than \$1 million is in addition to the secured and unsecured lending limits of Section 190.160; provided, however, in no event shall all loans to any member exceed in the aggregate 10% of the credit union's unimpaired capital and surplus as defined in Section 190.2. Loans subject to the requirements for business loans ~~set forth in Section 190.165~~ shall be subject to the appraisal requirements set forth in ~~of~~ subsection (h), but shall not be subject to the other provisions of this Section.
- f) The maximum maturity of a loan secured by a first mortgage shall not exceed 40 years.
- g) Procedures
 - 1) All loans secured by a lien on real estate shall be made based upon prudent written lending policies and sound lending practices as documented in each member's loan file. Unless waived by the Secretary, lending policies shall include, without limitation, acceptable debt-to-income and loan-to-value ratios that will be considered the types of real estate security that will be accepted and any other prudent data considered necessary to determine the appropriateness of a loan request. All applicable Illinois and federal statutes shall be observed.
 - 2) All accounting for real estate loan transactions shall be in accordance with GAAP.
- h) Documentation
 - 1) Any credit union granting loans secured by a lien in real estate must procure and retain the following documentation in its files:
 - A) A loan application that specifies the purpose of the loan (equity, purchase, construction, refinance, etc.). The application must

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contain sufficient information to support the approval of the loan. The information shall include without limitation: the amount of the loan requested; the purchase price (if applicable); a listing of the borrower's assets and liabilities; a statement of the borrower's income; a specific identification of the property; and an explanation of the source of the borrower's down payment. If the loan proceeds will be used for the purchase of the property, a copy of the real estate sale contract shall be included as an attachment to the application.

- B) A legal opinion from the credit union's attorney, or a title insurance policy that identifies the credit union's lien position on the property used to secure the loan. In the case of home equity lines of credit, second mortgages, and non-purchase money first mortgage transactions, a title search prepared by a service provider capable of conducting a search shall be acceptable.
- C) For transactions of \$250,000 or less, a written estimate of market value of the property securing the loan, performed by an individual having no direct or indirect interest in the property and experienced to perform estimations of value for the type and amount of credit being considered. For transactions over \$250,000, an appraisal by a state certified or licensed appraiser that estimates the market value of the property used as security for the loan.
- D) A credit report prepared by the credit union or a credit reporting agency. The report, in conjunction with the information contained in subsection (h)(1)(A), must demonstrate the applicant's past history of repayment and ability to repay the loan in question.
- E) A duly executed note and mortgage agreement that outline the borrower's agreement to repay the loan on the terms agreed, and the borrower's agreement to provide the credit union with a valid security interest in the subject property. The mortgage agreement must contain an accurate legal description of the subject property and be duly recorded in the office of the appropriate county recorder of deeds.
- F) A settlement statement reflecting all costs of closing and all

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disbursements of funds at closing for real estate loans that require the use of a settlement statement under the federal Real Estate Settlement Procedures Act (RESPA) (12 USC 2601).

- G) On any loan for which the lesser of the loan-to-value ratio or loan-to-purchase price ratio exceeds 80%, the credit union may require the borrower to obtain private mortgage insurance insuring the excess of the loan above the 80% factor.
- H) In the event the subject loan is to be used for the construction of a residential dwelling that is or will be the principal residence of the member-borrower and the loan will be secured by a perfected first lien or first security interest in favor of the credit union, the credit union must obtain satisfactory evidence of the payment in full of the costs of furnishing labor and material in connection with the construction. The evidence shall include receipt of an owner's statement, under oath, setting forth the names of all parties with whom the owner has contracted for the furnishing of labor and material; a general contractor's sworn statement from each of the parties named in the owner's statement; a subcontractor's sworn statement from each subcontractor named in the general contractor's statement; and partial and final unconditional lien waivers from the general contractor and all subcontractors and materialmen indicating that they have completed their respective portion of the work and been paid in full. The credit union must inspect, or cause to be inspected by a third party, the completion of each phase of the work for which an advance of any portion of the loan proceeds is sought. Any such inspections must be clearly documented in the file as to the date of the inspection and a brief explanation of the work progression. Additionally, the credit union must obtain a borrower payment authorization, in connection with each payment to the general contractor. This subsection (h)(1)(H) shall not apply to a loan to finance the repair, alteration or improvement of a residential dwelling which is the residence of the member-borrower.
- 2) A loan secured by a lien on real estate is exempt from the requirements of subsections (h)(1)(B), (C) and (G) of this Section if the loan complies with the following criteria:

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- A) The loan is not used for the purchase or refinancing of the real estate securing the loan.
 - B) The lien on real estate is taken as collateral solely through an abundance of caution.
 - C) The terms of the transaction are not more favorable than they would have been in the absence of the lien on real estate.
 - D) The transaction complies with the lending limits and other requirements for consumer loans set forth in Section 190.160.
- i) Sale of Real Estate Loans
- 1) A credit union may sell, in whole or in part, any loan secured by real estate to:
 - A) Federal National Mortgage Association (FNMA).
 - B) Government National Mortgage Association.
 - C) Federal Home Loan Mortgage Corporation.
 - D) The Federal Home Loan Bank of the Federal Home Loan Bank System district in which the credit union is located.
 - ED) Federal, Illinois and Local Housing Authorities.
 - FE) Federal or Illinois Chartered Credit Unions, Banks, Savings Banks and Savings and Loan Associations chartered under the laws of the United States, the State of Illinois or any other state.
 - GF) Residential mortgage licensees properly registered with and licensed by the Department of Financial and Professional Regulation-Division of Banking.
 - HG) Other institutions approved by the Secretary.

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- 2) All such sales shall not be subject to recourse or repurchase that enables the credit union to retain control over the transferred assets. The credit union shall have surrendered control over the transferred assets if:
 - A) The transferred assets have been put presumptively beyond the reach of the credit union transferring the assets and its creditors;
 - B) The purchaser has the right to pledge or exchange the assets; and
 - C) The credit union does not maintain effective control over the transferred assets through an agreement that both entitles and obligates the credit union to repurchase the assets before their maturity.
- 3) A limited recourse provision in a sale agreement that obligates the credit union transferring assets to purchase the assets because of breach of warranty or misrepresentation shall be considered a sale.

(Source: Amended at 41 Ill. Reg. 4764, effective May 1, 2017)

Section 190.150 Reverse Mortgage (Repealed)

- a) ~~"Reverse Mortgage" loans shall be granted by credit unions authorized to make real estate loans under Section 46(2) of the Act and for the purposes stated in Section 46(3) of the Act. The loans must be on forms and in a manner consistent with all relevant statutory and regulatory authority, including Section 190.140.~~
- b) ~~The loans shall be based upon prudent lending and underwriting standards and procedures.~~
- e) ~~No such loan, including any existing liens, shall exceed 80% of the appraised value of the real estate.~~
- d) ~~The total of all these loans may not, without prior approval of the Secretary, exceed one third of all real estate loans outstanding.~~

(Source: Repealed at 41 Ill. Reg. 4764, effective May 1, 2017)

Section 190.165 Business Loans

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a) Purpose and Scope

1) This Section is intended to accomplish two broad objectives. First, it sets out policy and program responsibilities that an Illinois chartered credit union must adopt and implement as part of a safe and sound commercial lending program. Second, it incorporates the statutory limit on the aggregate amount of member business loans that a federally insured credit union may make pursuant to Section 107A of the Federal Credit Union Act (12 USC 1757a). This Section distinguishes between these two distinct objectives.

2) Credit Unions and Loans Covered by this Section

A) This Section applies to Illinois chartered natural person credit unions. However, an Illinois chartered natural person credit union is not subject to subsections (c) and (d) if it meets all of the following conditions:

- i) The credit union's total assets are less than \$250 million.
- ii) The credit union's aggregate amount of outstanding commercial loan balances and unfunded commitments, plus any outstanding commercial loan balances and unfunded commitments of participations sold, plus any outstanding commercial loan balances and unfunded commitments sold and serviced by the credit union total less than 15% of the credit union's net worth.
- iii) In a given calendar year the amount of originated and sold commercial loans the credit union does not continue to service total less than 15% of the credit union's net worth.

B) This Section does not apply to loans:

- i) Made by a corporate credit union, as defined in Section 1.1 of the Act;

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- ii) Made by a federally insured credit union to another federally insured credit union;
 - iii) Made by a credit union to a credit union service organization, as defined in Section 190.5; or
 - iv) Fully secured by a lien on a 1 to 4 family residential property that is a member's primary residence.
- 3) Other Regulations that Apply
- A) As required by section 741.203 of the NCUA regulations (12 CFR 741.203), a federally insured, State chartered credit union must comply with sections 701.21(c)(8) (prohibited fees) and (d)(5) (non-preferential loans) (12 CFR 701.21(c)(8) and (d)(5)).
 - B) When a credit union makes a commercial loan as part of a loan program in which a federal or state agency (or its political subdivision) insures repayment, guarantees repayment, or provides an advance commitment to purchase the loan in full and that program has requirements that are less restrictive than those required by this Section, the credit union may follow the loan requirements of the relevant guaranteed loan program.
 - C) The requirements of section 701.22 of the NCUA regulations (12 CFR 701.22) apply to a federally insured credit union's purchase of a participation interest in a commercial loan.
- b) Definitions – For purposes of this Section, the following definitions apply:
- 1) "Associated borrower" means any other person or entity with a shared ownership, investment or other pecuniary interest in a business or commercial endeavor with the borrower. This means any person or entity named as a borrower or debtor in a loan or extension of credit, or any other person or entity, such as a drawer, endorser or guarantor, engaged in a common enterprise with the borrower, or deriving a direct benefit from the loan to the borrower. Exceptions to this definition for partnerships, joint ventures and associations are as follows:

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- A) If the borrower is a partnership, joint venture or association, and the other person with a shared ownership, investment or other pecuniary interest in a business or commercial endeavor with the borrower is a member or partner of the borrower, and neither a direct benefit nor a common enterprise exists, this other person is not an associated borrower.
- B) If the borrower is a member or partner of a partnership, joint venture or association, the other entity is not an associated borrower if:
- i) the other entity with a shared ownership, investment or other pecuniary interest in a business or commercial endeavor with the borrower is the partnership, joint venture or association;
 - ii) the borrower is a limited partner of that other entity; and
 - iii) by the terms of a partnership or membership agreement valid under applicable law, the borrower is not held generally liable for the debts or actions of that other entity.
- C) If the borrower is a member or partner of a partnership, joint venture or association, the other person is not an associated borrower if:
- i) the other person with a shared ownership, investment or other pecuniary interest in a business or commercial endeavor with the borrower is another member or partner of the partnership, joint venture or association; and
 - ii) neither a direct benefit nor a common enterprise exists.
- 2) "Commercial loan" means any loan, line of credit or letter of credit (including any unfunded commitments), and any interest a credit union obtains in loans made by another lender, to individuals, sole proprietorships, partnerships, corporations or other business enterprises for commercial, industrial, agricultural or professional purposes, but not for personal expenditure purposes. Excluded from this definition are loans:

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- A) made by a corporate credit union;
 - B) made by a federally insured credit union to another federally insured credit union;
 - C) made by a credit union to a credit union service organization;
 - D) made by a credit union not subject to section 107A of the Federal Credit Union Act (12 USC 1757a) to another credit union;
 - E) secured by a 1 to 4 family residential property (whether or not it is the borrower's primary residence);
 - F) fully secured by shares in the credit union making the extension of credit or deposits in other financial institutions;
 - G) secured by a vehicle manufactured for household use; and
 - H) that would otherwise meet the definition of commercial loan, when the aggregate outstanding balances plus unfunded commitments less any portion secured by shares in the credit union to a borrower or an associated borrower are less than \$50,000.
- 3) "Common enterprise" means:
- A) The expected source of repayment for each loan or extension of credit is the same for each borrower and no individual borrower has another source of income from which the loan (together with the borrower's other obligations) may be fully repaid. An employer will not be treated as a source of repayment because of wages and salaries paid to an employee, unless the standards described in subsection (b)(3)(B) are met;
 - B) Loans or extensions of credit are made:
 - i) To borrowers who are related directly or indirectly through common control, including when one borrower is directly or indirectly controlled by another borrower; and

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- ii) Substantial financial interdependence exists between or among the borrowers. Substantial financial interdependence means 50% or more of one borrower's gross receipts or gross expenditures (on an annual basis) are derived from transactions with another borrower. Gross receipts and expenditures include gross revenues or expenses, intercompany loans, dividends, capital contributions and similar receipts or payments; or
 - C) Separate borrowers obtain loans or extensions of credit to acquire a business enterprise of which those borrowers will own more than 50% of the voting securities or voting interests.
- 4) "Control" means a person or entity directly or indirectly, or acting through or together with one or more persons or entities:
 - A) Owns, controls or has the power to vote 25% or more of any class of voting securities of another person or entity;
 - B) Controls, in any manner, the election of a majority of the directors, trustees or other persons exercising similar functions of another person or entity; or
 - C) Has the power to exercise a controlling influence over the management or policies of another person or entity.
- 5) "Credit risk rating system" means a formal process that identifies and assigns a relative credit risk score to each commercial loan in a credit union's portfolio, using ordinal ratings to represent the degree of risk. The credit risk score is determined through an evaluation of quantitative factors based on financial performance and qualitative factors based on management, operational, market and business environmental factors.
- 6) "Direct benefit" means the proceeds of a loan or extension of credit to a borrower, or assets purchased with those proceeds, that are transferred to another person or entity, other than in a bona fide arm's-length transaction, when the proceeds are used to acquire property, goods or services.

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- 7) "Financial statement quality" is determined by:
- A) The level of assurance provided by the preparer and the required professional standards supporting the preparer's opinion. In many cases, tax returns and/or financial statements professionally prepared in accordance with generally accepted accounting principles (GAAP) will be sufficient for less complex borrowing relationships, such as those that are limited to a single operation of the borrower and principal with relatively low debt. For more complex and larger borrowing relationships, such as those involving borrowers or principals with significant loans outstanding or multiple or interrelated operations, the credit union should require borrowers and principals to provide either:
 - i) An auditor's review of the financial statements prepared consistent with GAAP to obtain limited assurance (i.e., a "review quality" financial statement); or
 - ii) an independent financial statement audit under generally accepted auditing standards (GAAS) for the expression of an opinion on the financial statements prepared in accordance with GAAP (i.e., an "audit quality" financial statement).
 - B) Credit unions should address the criteria and thresholds for the required financial reporting in their policies. Credit unions should allow exceptions in their credit policies if they determine the relationship does not require the same level of assurance and they are satisfied that the lesser quality still provides them with accurate reporting of the borrower's financial performance. Credit unions will be expected to address the issue of exceptions in their loan policies. Any exception should be documented by credit union staff and approved by the appropriate designated internal authority.
- 8) "Immediate family member" means a spouse or other family member living in the same household.
- 9) "Loan secured by a 1 to 4 family residential property" means a loan that, at origination, is secured wholly or substantially by a lien on a 1 to 4

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family residential property for which the lien is central to the extension of the credit; that is, the borrower would not have been extended credit in the same amount or on terms as favorable without the lien. A loan is wholly or substantially secured by a lien on a 1 to 4 family residential property if the estimated value of the real estate collateral at origination (after deducting any senior liens held by others) is greater than 50% of the principal amount of the loan.

- 10) "Loan secured by a vehicle manufactured for household use" means a loan that, at origination, is secured wholly or substantially by a lien on a new or used passenger car or other vehicle such as a minivan, sport-utility vehicle, pickup truck or similar light truck or heavy-duty truck generally manufactured for personal, family or household use and not used as a fleet vehicle or to carry fare-paying passengers, for which the lien is central to the extension of credit. A lien is central to the extension of credit if the borrower would not have been extended credit in the same amount or on terms as favorable without the lien. A loan is wholly or substantially secured by a lien on a vehicle manufactured for household use if the estimated value of the collateral at origination (after deducting any senior liens held by others) is greater than 50% of the principal amount of the loan.
- 11) "Loan-to-value ratio" means, with respect to any item of collateral, the aggregate amount of all sums borrowed and secured by that collateral, including outstanding balances plus any unfunded commitment or line of credit from another lender that is senior to the credit union's lien position, divided by the current collateral value. The current collateral value must be established by prudent and accepted commercial lending practices and comply with all regulatory requirements. For a construction and development loan, the collateral value is the lesser of cost to complete or prospective market value, as determined in accordance with subsection (f).
- 12) "Net worth" means a credit union's net worth, as defined in Section 190.2.
- 13) "Readily marketable collateral" means a financial instrument or bullion that is salable under ordinary market conditions with reasonable promptness at a fair market value determined by quotations based upon actual transactions on an auction or similarly available daily bid and ask price market.

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14) "Residential property" means a house, condominium unit, cooperative unit, manufactured home (whether completed or under construction) or unimproved land zoned for 1 to 4 family residential use. A boat or motor home, even if used as a primary residence, or timeshare property is not residential property.

c) Board of Directors and Management Responsibilities

Prior to engaging in commercial lending, a credit union must address the following board responsibilities and operational requirements:

1) Board of Directors. A credit union's board of directors, at a minimum, must:

A) Approve a commercial loan policy that complies with subsection (d). The board must review its policy on an annual basis, prior to any material change in the credit union's commercial lending program or related organizational structure, and in response to any material change in portfolio performance or economic conditions, and update it when warranted.

B) Ensure the credit union appropriately staffs its commercial lending program in compliance with subsection (c)(2).

C) Understand and remain informed, through periodic briefings from responsible staff and other methods, about the nature and level of risk in the credit union's commercial loan portfolio, including its potential impact on the credit union's earnings and net worth.

2) Required Expertise and Experience. A credit union making, purchasing or holding any commercial loan must internally possess the following experience and competencies:

A) Senior Executive Officers. A credit union's senior executive officers overseeing the commercial lending function must understand the credit union's commercial lending activities. At a minimum, senior executive officers must have a comprehensive understanding of the role of commercial lending in the credit union's overall business model and establish risk management

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processes and controls necessary to safely conduct commercial lending.

- B) Qualified Lending Personnel. A credit union must employ qualified staff with experience in the following areas:
- i) Underwriting and processing for the type of commercial lending in which the credit union is engaged;
 - ii) Overseeing and evaluating the performance of a commercial loan portfolio, including rating and quantifying risk through a credit risk rating system; and
 - iii) Conducting collection and loss mitigation activities for the type of commercial lending in which the credit union is engaged.
- C) Options to Meet the Required Experience. A credit union may meet the experience requirements in subsections (c)(2)(A) and (c)(2)(B) by conducting internal training and development, hiring qualified individuals or using a third-party, such as an independent contractor or a credit union service organization. However, with respect to the qualified lending personnel requirements in subsection (c)(2)(B), use of a third-party is permissible only if the following conditions are met:
- i) The third-party has no affiliation or contractual relationship with the borrower or any associated borrowers;
 - ii) The actual decision to grant a loan must reside with the credit union;
 - iii) Qualified credit union staff exercises ongoing oversight over the third party by regularly evaluating the quality of any work the third party performs for the credit union; and
 - iv) The third-party arrangement must otherwise comply with subsection (g).

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d) Commercial Loan Policy

Prior to engaging in commercial lending, a credit union must adopt and implement a comprehensive written commercial loan policy and establish procedures for commercial lending. The board-approved policy must ensure the credit union's commercial lending activities are performed in a safe and sound manner by providing for ongoing control, measurement and management of the credit union's commercial lending activities. At a minimum, a credit union's commercial loan policy must address each of the following:

- 1) Type of commercial loans permitted.
- 2) Trade area.
- 3) Maximum amount of assets, in relation to net worth, allowed:
 - A) in secured, unsecured and unguaranteed commercial loans;
 - B) in any given category or type of commercial loan; and
 - C) to any one borrower or group of associated borrowers, provided:
 - i) the policy must specify that the aggregate dollar amount of commercial loans to any one borrower or group of associated borrowers may not exceed the greater of 15% of the credit union's net worth or \$100,000, plus an additional 10% of the credit union's net worth if the amount that exceeds the credit union's 15% general limit is fully secured at all times with a perfected security interest by readily marketable collateral, as defined in subsection (b);
 - ii) any insured or guaranteed portion of a commercial loan made through a program in which a federal or state agency (or its political subdivision) insures repayment, guarantees repayment or provides an advance commitment to purchase the loan in full, is excluded from this limit; and
 - iii) the maximum limit on commercial loans is in addition to the secured and unsecured limits established in Sections 190.140 and 190.160; provided, however, in no event shall

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all loans to any borrower or group of associated borrowers exceed in the aggregate 10% of the credit union's unimpaired capital and surplus.

- 4) Qualifications and experience requirements for personnel involved in underwriting, processing, approving, administering and collecting commercial loans.
- 5) Loan approval processes, including establishing levels of loan approval authority commensurate with the individual's or committee's proficiency in evaluating and understanding commercial loan risk, when considered in terms of the level of risk the borrowing relationship poses to the credit union.
- 6) Underwriting standards commensurate with the size, scope and complexity of the commercial lending activities and borrowing relationships contemplated. The standards must, at a minimum, address the following:
 - A) The level and depth of financial analysis necessary to evaluate the financial trends and condition of the borrower and the ability of the borrower to meet debt service requirements;
 - B) Thorough due diligence of the principals to determine whether any related interests of the principals might have a negative impact or place an undue burden on the borrower and related interests with regard to meeting the debt obligations with the credit union;
 - C) Requirements of a borrower-prepared projection when historic performance does not support projected debt payments. The projection must be supported by reasonable rationale and, at a minimum, must include a projected balance sheet and income and expense statement;
 - D) The financial statement quality and the degree of verification sufficient to support an accurate financial analysis and risk assessment;

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making an unsecured loan must determine and document in the loan file that mitigating factors sufficiently offset the relevant risk.

- 2) A credit union that does not require the full and unconditional personal guarantee from the principals of the borrower who has a controlling interest in the borrower must determine and document in the loan file that mitigating factors sufficiently offset the relevant risk.

f) Construction and Development Loans

In addition to the requirements of subsections (a) through (e), the following requirements apply to a construction and development loan made by any credit union.

- 1) For the purposes of this subsection (f), a construction or development loan means any financing arrangement enabling the borrower to acquire property or rights to property, including land or structures, with the intent to construct or renovate an income producing property, such as residential housing for rental or sale, or a commercial building, such as may be used for commercial, agricultural, industrial or other similar purposes. It also means a financing arrangement for the construction, major expansion or renovation of the property types referenced in this subsection (f). The collateral valuation for securing a construction or development loan depends on the satisfactory completion of the proposed construction or renovation when the loan proceeds are disbursed in increments as the work is completed. A loan to finance maintenance, repairs or improvements to an existing income producing property that does not change its use or materially impact the property is not a construction or development loan.
- 2) A credit union that elects to make a construction or development loan must ensure that its commercial loan policy includes adequate provisions by which the collateral value associated with the project is properly determined and established. For a construction or development loan, collateral value is the lesser of the project's cost to complete or its prospective market value.
 - A) For the purposes of this subsection (f), "cost to complete" means the sum of all qualifying costs necessary to complete a construction project and documented in an approved construction

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budget. Qualifying costs generally include on-site or off-site improvements, building construction, other reasonable and customary costs paid to construct or improve a project, including general contractor's fees, and other expenses normally included in a construction contract, such as bonding and contractor insurance. Qualifying costs include the value of the land, determined as the lesser of appraised market value or purchase price plus the cost of any improvements. Qualifying costs also include interest, a contingency account to fund unanticipated overruns, and other development costs such as fees and related pre-development expenses. Interest expense is a qualifying cost only to the extent it is included in the construction budget and is calculated based on the projected changes in the loan balance up to the expected "as-complete" date for owner-occupied non-income producing commercial real estate or the "as-stabilized" date for income producing real estate. Project costs for related parties, such as developer fees, leasing expenses, brokerage commissions and management fees, are included in qualifying costs only if reasonable in comparison to the cost of similar services from a third party. Qualifying costs exclude interest or preferred returns payable to equity partners or subordinated debt holders, the developer's general corporate overhead, and selling costs to be funded out of sales proceeds, such as brokerage commissions and other closing costs.

- B) For the purposes of this subsection (f), "prospective market value" means the market value opinion determined by an independent appraiser in compliance with the relevant standards set forth in the USPAP. Prospective value opinions are intended to reflect the current expectations and perceptions of market participants, based on available data. Two prospective value opinions may be required to reflect the time frame during which development, construction and occupancy occur. The prospective market value "as-completed" reflects the property's market value as of the time that development is to be completed. The prospective market value "as-stabilized" reflects the property's market value as of the time the property is projected to achieve stabilized occupancy. For an income producing property, stabilized occupancy is the occupancy level that a property is expected to achieve after the property is

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exposed to the market for lease over a reasonable period of time and at comparable terms and conditions to other similar properties.

- 3) A credit union that elects to make a construction and development loan must also assure its commercial loan policy meets the following conditions:
- A) Qualified personnel representing the interests of the credit union must conduct a review and approval of any line item construction budget prior to closing the loan;
 - B) A credit union approved requisition and loan disbursement process is established;
 - C) Release or disbursement of loan funds occurs only after on-site inspections, documented in a written report by qualified personnel representing the interests of the credit union, certifying that the work requisitioned for payment has been satisfactorily completed, and the remaining funds available to be disbursed from the construction and development loan are sufficient to complete the project; and
 - D) Each loan disbursement is subject to confirmation that no intervening liens have been filed.

g) Prohibited Activities

- 1) Ineligible Borrowers. A credit union shall not grant a commercial loan to the following:
- A) Any senior management employee directly or indirectly involved in the credit union's commercial loan underwriting, servicing and collection process, and any of their immediate family members;
 - B) Any person meeting the definition of an associated borrower with respect to persons identified in subsection (g)(1)(A); or

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- C) Any compensated director, unless the credit union's board of directors approves granting the loan and the compensated director was recused from the board's decision making process.
- 2) Equity Agreements/Joint Ventures. A credit union shall not grant a commercial loan if any additional income received by the credit union or its senior management employees is tied to the profit or sale of any business or commercial endeavor that benefits from the proceeds of the loan.
- 3) Conflicts of Interest. Any third party used by a credit union to meet the requirements of this Section must be independent from the commercial loan transaction and shall not have a participation interest in a loan or an interest in any collateral securing a loan that the third party is responsible for reviewing, or an expectation of receiving compensation of any sort that is contingent on the closing of the loan, with the following exceptions:
- A) A third party may provide a service to the credit union that is related to the transaction, such as loan servicing.
- B) The third party may provide the requisite experience to a credit union and purchase a loan or a participation interest in a loan originated by the credit union that the third party reviewed.
- C) A credit union may use the services of a credit union service organization that otherwise meets the requirements of subsection (c)(2)(C) even if the credit union service organization is not independent from the transaction, provided the credit union has a controlling financial interest in the credit union service organization as determined under GAAP.
- h) Aggregate Member Business Loan Limit; Exclusions and Exceptions
This subsection (h) incorporates the statutory limits on the aggregate amount of member business loans that may be held by a federally insured credit union and establishes the method for calculating a federally insured credit union's net member business loan balance for purposes of the statutory limits and NCUA form 5300 reporting.

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- 1) Statutory Limits. The aggregate limit on a federally insured credit union's net member business loan balances is the lesser of 1.75 times the actual net worth of the credit union, or 1.75 times the minimum net worth required under section 1790d(c)(1)(A) of the Federal Credit Union Act (12 USC 1790d(c)(1)(A)).
- 2) Definition. For the purposes of this subsection (h), "member business loan" means any commercial loan as defined in subsection (b), except that the following commercial loans are not member business loans and are not counted toward the aggregate limit on a federally insured credit union's member business loans:
 - A) Any loan in which a federal or state agency (or its political subdivision) fully insures repayment, fully guarantees repayment, or provides an advance commitment to purchase the loan in full; and
 - B) Any non-member commercial loan or non-member participation interest in a commercial loan made by another lender, provided the federally insured credit union acquired the non-member loans and participation interests in compliance with all relevant laws and regulations and is not, in conjunction with one or more other credit unions, trading member business loans to circumvent the aggregate limit.
- 3) Exceptions. Any loan secured by a lien on a 1 to 4 family residential property that is not a member's primary residence, and any loan secured by a vehicle manufactured for household use that will be used for a commercial, corporate or other business investment property or venture, or agricultural purpose, is not a commercial loan but is a member business loan (if the outstanding aggregate net member business loan balance is equal to or greater than \$50,000) and must be counted toward the aggregate limit on a federally insured credit union's member business loans.
- 4) Statutory Exemptions. A federally insured credit union that has a low-income designation, or participates in the U.S. Department of the Treasury's Community Development Financial Institutions Program, or was chartered for the purpose of making member business loans, or that as

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of the date of enactment of the Credit Union Membership Access Act of 1998 (P.L. 105-219), had a history of primarily making commercial loans, is exempt from compliance with the aggregate member business loan limits in this subsection (h).

- 5) Method of Calculation for Net Member Business Loan Balance. For the purposes of NCUA form 5300 reporting, a federally insured credit union's net member business loan balance is determined by calculating the outstanding loan balance plus any unfunded commitments, reduced by any portion of the loan that is:
- A) secured by shares in the credit union;
 - B) secured by shares or deposits in other financial institutions;
 - C) secured by a lien on a member's primary residence;
 - D) insured or guaranteed by any agency of the federal government, a state or any political subdivision of that state;
 - E) subject to an advance commitment to purchase by any agency of the federal government, a state or any political subdivision of that state; or
 - F) sold as a participation interest without recourse and qualifying for true sales accounting under GAAP.

i) Transitional Provisions

This subsection (i) governs circumstances in which, as of January 1, 2017, a credit union is operating in accordance with an approved waiver from the Division or NCUA or is subject to any enforcement constraint relative to its commercial lending activities.

- 1) Waivers. As of January 1, 2017, any waiver approved by the Division or NCUA concerning a credit union's commercial lending activity is rendered moot, except that waivers granted prior to January 1, 2017, for borrowing relationships (loans made to one borrower or group of associated borrowers), will be grandfathered. However, the debt associated with those relationships may not be increased.

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- 2) Enforcement Constraints. Limitations or other conditions imposed on a credit union in any written directive from the Division or NCUA, including, but not limited to, items specified in any Document of Resolution, any published or unpublished Letter of Understanding and Agreement, Regional Director Letter, Preliminary Warning Letter, or formal enforcement action, are unaffected by the adoption of this Section. Included within this subsection (i)(2) are any constraints or conditions embedded within any waiver issued by the Division or NCUA. As of January 1, 2017, all these limitations or other conditions remain in place until they are modified by the Division or NCUA.
- j) Allowance for Loan Losses for Business Loans
Allowance for loan losses for business loans will be determined in accordance with GAAP. The external auditor conducting the credit union's financial statement audit shall analyze the methodology employed by the credit union and conclude that the financial statements, including the allowance for loan losses, are fairly stated in all material respects in accordance with GAAP.
- a) The following are definitions applicable in this Section:
- 1) ~~"Associated member" means any member with a shared ownership, investment or other pecuniary interest in a business or commercial endeavor with the borrower.~~
- 2) ~~"Construction or development loan" is a financing arrangement for acquiring property or rights to property, including land or structures, with the intent to convert it to income producing property such as residential housing for rental or sale; commercial use; industrial use; or similar uses. Construction or development loan includes a financing arrangement for the major renovation or development of property already owned by the borrower that will convert the property to income producing property or convert the use of income producing property to a different use from its use before the major renovation or development or is a major expansion of its current use. Construction or development loan does not include loans to finance maintenance, repairs or improvements to an existing income producing property that do not change its use.~~

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- 3) ~~"Immediate family member" means a spouse or other family member living in the same household.~~
 - 4) ~~"Loan to value ratio" is the aggregate amount of all sums borrowed, including outstanding balances plus any unfunded commitment or line of credit from all sources on an item of collateral divided by the market value of the collateral used to secure the loan.~~
 - 5) ~~"Member business loan" includes any loan, line of credit, or letter of credit (including any unfunded commitments) in which the borrower uses the proceeds for the following purposes:~~
 - A) ~~Commercial;~~
 - B) ~~Corporate;~~
 - C) ~~Other business investment property or venture; or~~
 - D) ~~Agricultural.~~
 - 6) ~~"Net worth" has the same meaning as set forth in Section 190.2.~~
 - 7) ~~"Net member business loan balance" means the outstanding loan balance plus any unfunded commitments, reduced by any portion of the loan that is secured by shares in the credit union, or by shares or deposits in other financial institutions, or by a lien in the member's primary residence, or insured or guaranteed by any agency of the federal government, a state or any political subdivision of a state, or subject to an advance commitment to purchase by any agency of the federal government, a state or any political subdivision of a state, or sold as a participation interest without recourse and qualifying for true sales accounting under GAAP.~~
 - 8) ~~"Primary residence" means the address at which one resides.~~
- b) ~~Exceptions to and inclusions in the definition of "member business loan":~~
- 1) ~~The following are not member business loans:~~

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- A) ~~A loan fully secured by a lien on a 1 to 4 family dwelling that is the member's primary residence;~~
 - B) ~~A loan fully secured by shares in the credit union making the extension of credit or deposits in other financial institutions;~~
 - C) ~~Loans to a member or an associated member that, when the net member business loan balances are added together, are equal to less than \$50,000;~~
 - D) ~~A loan in which a federal or state agency (or its political subdivision) fully insures repayment, or fully guarantees repayment, or provides an advance commitment to purchase in full; or~~
 - E) ~~A loan granted by a corporate credit union to another credit union.~~
- 2) ~~This Part does not apply to loans made by a credit union to credit unions or loans made by a credit union to credit union service organizations (CUSOs), as defined in Section 190.5.~~
 - 3) ~~Any interest a federally insured credit union obtains in a loan that was made by another lender to the credit union's member is a member business loan, for purposes of this Section and the risk weighting standards of part 702 of the National Credit Union Administration (NCUA) Regulations (12 CFR 702 (2013, with no later editions or amendments)) to the same extent as if made directly by the credit union to its member.~~
 - 4) ~~Any interest a federally insured credit union obtains in a nonmember loan, pursuant to applicable NCUA Regulations (12 CFR 701 (2007, with no later editions or amendments)), is treated the same as a member business loan for purposes of this Section and the risk weighting standards under part 702 of the NCUA Regulations, except that the effect of the interest on a credit union's aggregate member business loan limit will be as set forth in subsection (g)(2).~~
- e) ~~Prohibited Activities~~
 - 1) ~~A credit union may not grant a member business loan to the following:~~

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- A) ~~Chief executive officer;~~
 - B) ~~Any assistant chief executive officers;~~
 - C) ~~Chief financial officer;~~
 - D) ~~Any associated member or immediate family member of anyone listed in subsections (c)(1)(A) through (c)(1)(C).~~
- 2) ~~A credit union may not grant a member business loan to a director that is compensated as an officer of the board of directors, unless the board of directors approves granting the loan and the compensated director is recused from the decision making process.~~
- 3) ~~Equity agreements/joint ventures. A credit union may not a grant a member business loan if any additional income received by the credit union or senior management employees is tied to the profit or sale of the business or commercial endeavor for which the loan is made.~~
- d) ~~Credit unions with assets greater than \$30 million may make business loans in accordance with specific lending policies adopted by the board of directors. The policies shall be reviewed annually and shall address:~~
- 1) ~~Types of business loans to be made within a designated trade area.~~
 - 2) ~~A requirement to analyze and document the ability of the borrower to repay the loan consistent with appropriate underwriting and due diligence standards, which also addresses the need for periodic financial statements, credit reports, and other data when necessary to analyze future loans and lines of credit, such as, borrower's history and experience, balance sheet, cash flow analysis, income statements, tax data, environmental impact assessment, and comparison with industry averages, depending upon the loan purpose.~~
 - 3) ~~Expertise Requirement~~
 - A) ~~Provisions for ensuring the utilization of services of experienced personnel with at least 2 years of direct experience with the type of~~

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~~business loans the credit union will be making. The experience must provide the credit union sufficient expertise given the complexity and risk exposure of the loans in which the credit union intends to engage. A credit union may comply with this experience requirement without hiring staff as long as the credit union ensures that the expertise is available. For example, a credit union may use the services of a CUSO, an employee of another credit union, an independent contractor, or other third parties. However, the actual decision to grant a loan must reside with the credit union.~~

- ~~B) Any third party used by a credit union to meet the requirements of subsection (d)(3)(A) must be independent from the transaction and a credit union is prohibited from using a third party to meet the requirements of this subsection (d) if the credit union is purchasing a business loan, or a participating interest in a business loan, from the third party responsible for reviewing the loan, or if the third party has an interest in the collateral securing a business loan that the third party is responsible for reviewing, with the following exceptions:~~
- ~~i) The third party may provide a service to the credit union related to the transaction, such as loan servicing;~~
 - ~~ii) The third party may provide the requisite experience to the credit union and purchase a loan or a participation interest in a loan originated by the credit union that the third party reviewed; or~~
 - ~~iii) A credit union may use the services of a CUSO that otherwise meets the requirements of subsection (d)(3)(A) even though the CUSO is not independent from the transaction, provided the credit union has a controlling financial interest in the CUSO as determined under GAAP.~~
- ~~4) The maximum amount of the credit union's assets, in relation to net worth, that will be invested in secured and unsecured business loans, provided credit unions subject to section 107A of the Federal Credit Union Act (12 USC 1757a) may not exceed the limit set forth in subsection (g).~~

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- 5) ~~The maximum amount of the credit union assets, in relation to net worth, that will be invested in a given category or type of business loans.~~
 - 6) ~~The maximum amount of credit union assets in relation to net worth that the credit union will loan to any one member or group of associated members, subject to the limits set forth in subsections (f) and (h).~~
 - 7) ~~Collateral requirements, including, but not limited to:~~
 - A) ~~Loan-to-value ratios;~~
 - B) ~~Determination of value;~~
 - C) ~~Determination of ownership;~~
 - D) ~~Steps to secure various types of collateral; and~~
 - E) ~~How often the credit union will re-evaluate the value and marketability of collateral.~~
 - 8) ~~Defined interest rates and defined maturities of business loans.~~
 - 9) ~~Loan monitoring, servicing and follow-up procedures, including collection procedures.~~
 - 10) ~~Identification of those individuals prohibited from receiving member business loans.~~
- e) ~~Business loans shall not be granted by credit unions with assets of \$30 million or less unless the Division has approved a credit union's request for a business loan amendment to its bylaws. The request must be accompanied with specific lending policies including but not limited to the criteria listed in subsection (d). All approval of requests shall be based upon the history of the credit union, current financial condition and the adequacy of applicable operating policies as documented in the Division's statutory or special examination. Evaluation of the history, current financial condition, and operating policies of the credit union will include, but not be limited to, the credit union's capital adequacy, asset quality, management policies, earnings and liquidity. These factors must be reflective of a~~

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~~safe and sound financial operation (in accordance with Sections 8, 9, 36 and 61 of the Act). A credit union with assets of \$30 million or less that receives approval from the Division for a business loan bylaw amendment shall comply with all other provisions of this Part.~~

- f) ~~The net member business loan balances of any one member or group of associated members shall not exceed 15% of the credit union's net worth. Credit unions seeking an exception to this limit must request a waiver in writing. The maximum limit on a member business loan is in addition to the secured and unsecured limits established in Sections 190.160 and 190.140, provided however, in no event shall all loans to any member exceed in the aggregate 10% of the credit union's unimpaired capital and surplus.~~
- g) ~~Aggregate Member Business Loan Limit~~
- 1) ~~The aggregate limit on the net member business loan balances of a credit union subject to section 107A of the Federal Credit Union Act, excluding any business loans exempted from the aggregate member business loan limit by section 107A of the Federal Credit Union Act or part 723 of the National Credit Union Administration Regulations (12 CFR 723 (2012, no subsequent amendments or editions)), is the aggregate member business loan limit authorized by section 107A of the Federal Credit Union Act.~~
- 2) ~~Unless the credit union member has first received approval from the Division, pursuant to subsection (g)(2)(B):~~
- A) ~~If the interest held by a credit union in any loans made by another lender to a nonmember of the credit union would constitute a member business loan if made to a member of the credit union, the total of the credit union's net member business loan balances and nonmember business loan balances must not exceed the aggregate member business loan limit authorized by section 107A of the Federal Credit Union Act, unless the credit union has first received approval from the Division pursuant to subsection (g)(2)(B).~~
- B) ~~To request approval from the Division, a credit union must submit an application that:~~

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- i) ~~Includes a current copy of the credit union's member business loan policies;~~
 - ii) ~~Confirms that the credit union is in compliance with all other aspects of this Section;~~
 - iii) ~~States the credit union's proposed limit on the total amount of nonmember business loan interests that the credit union may acquire if the application is granted; and~~
 - iv) ~~Attests that the acquisition of an interest in nonmember business loans is not being used, in conjunction with one or more other credit unions, to have the effect of trading member business loans that would otherwise exceed the aggregate limit.~~
- ~~C) If the Division approves the request of a state chartered federally insured credit union, the Division will forward the application and its decision to the NCUA regional director. An approved application is not effective until it is approved by the NCUA regional director.~~
- 3) ~~Exceptions to the aggregate loan limit for a credit union include:~~
- ~~A) Credit unions that have a low income designation or participate in the federal Community Development Financial Institutions program (see 12 USC 4701 et seq.);~~
 - ~~B) Credit unions that were chartered for the purpose of making member business loans and can provide documentary evidence (such evidence includes but is not limited to the original charter, original bylaws, original business plan, original field of membership, board minutes and loan portfolio).~~
 - ~~C) Credit unions that have a history of primarily making member business loans, meaning that either member business loans comprise at least 25% of the credit union's outstanding loans (as evidenced in any call report filed between January 1995 and September 1998 or any equivalent documentation, including~~

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~~financial statements) or member business loans comprise the largest portion of the credit union's loan portfolio (as evidenced in any call report filed between January 1995 and September 1998 or any equivalent documentation, including financial statements). For example, if a credit union makes 23% member business loans, 22% first mortgage loans, 22% new automobile loans, 20% credit cards loans, and 13% total other real estate loans, then the credit union meets this exception.~~

4) Request for Exception

- A) ~~An exception under subsection (g)(3)(A) is effective upon written notice to the Division of that designation or participation.~~
- B) ~~A request for an exception under subsection (g)(3)(B) or (g)(3)(C) must be submitted in writing to the Division, including documentation demonstrating that the credit union meets the criteria for the exception. Approval of an exception shall be given in writing to the credit union.~~
- C) ~~The Division shall notify the appropriate region of the NCUA of any exception authorized or granted under subsection (g)(3). Exceptions authorized or granted under subsection (g)(3) do not expire unless revoked by the Division. The Division may revoke an exception upon written notice to the credit union, for reasons including, without limitation, the lack of continuing qualification for the exception, submittal of fraudulent documentation to procure the exception, or adverse impact on safety and soundness.~~

h) Collateral

- 1) ~~Unless the Division grants a waiver, all member business loans, except those made under subsections (h) (3), (4) and (5), must be secured by collateral. The maximum loan to value (LTV) ratios for all liens shall not exceed 80%, unless the loan amount in excess of 80% is covered through private mortgage or equivalent insurance, or is insured or guaranteed by, or subject to, an advance commitment to purchase by any agency of the federal government or a state or its political subdivisions, but in no case shall the LTV exceed 95%.~~

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- 2) ~~A federally insured credit union must obtain the personal liability and guarantee of principals of the borrowers except when the borrower is a not for profit organization as defined by the Internal Revenue Code (26 USC 501), or those for which the Division grants a waiver. A personal liability and guarantee of the principals of the borrowers is required for secured and unsecured member business loans.~~
 - 3) ~~Unsecured member business loans may be made if:~~
 - A) ~~The credit union has a current net worth of 7% or, if applicable, meets its risk based net worth ratio, whichever is higher, or, if it is a corporate credit union, maintains a minimum capital ratio as required by applicable rules of NCUA;~~
 - B) ~~The aggregate of the unsecured outstanding member business loans to any one member or group of associated members does not exceed the lesser of \$100,000 or 2.5% of the credit union's net worth; and~~
 - C) ~~The aggregate of all unsecured outstanding member business loans does not exceed 10% of the credit union's net worth.~~
 - 4) ~~Credit card line of credit programs offered to nonnatural person members, or guaranteed by nonnatural persons, that are limited to routine purposes normally made available under those programs are exempt from the collateral requirement of subsections (h)(1) and (2) and the requirements of subsection (h)(3).~~
 - 5) ~~Credit unions may make vehicle loans under this Section without complying with the loan to value ratios in this Section, provided that the vehicle is a car, van, pick-up truck or sports utility vehicle and not part of a fleet of vehicles.~~
- i) ~~Construction Loans~~
~~Unless the Division grants a waiver, loans granted for the construction or development of commercial or residential property are subject to the following additional requirements:~~

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- 1) ~~The aggregate of all construction and development net member business loan balances must not exceed 15% of the credit union's net worth. The following loans may be excluded from the calculation of the aggregate:~~
 - A) ~~loans made to finance the construction of a single family residence if a prospective homeowner has contracted to purchase the property; and~~
 - B) ~~a loan to finance the construction of one single family residence per member borrower or group of associated member borrowers, irrespective of the existence of a contractual commitment from a prospective homeowner to purchase the property;~~
 - 2) ~~The borrower must have a minimum of 25% equity interest in the project being financed, the value of which is determined by the market value of the project at the time the loan is made, except that the loan to value requirements of subsection (h) shall apply in lieu of this equity interest requirement in the case of loans made to finance the construction of a single family residence if a prospective homeowner has contracted to purchase the property and in the case of one loan to a member borrower or group of associated member borrowers to finance the construction of a single family residence, irrespective of the existence of a contractual commitment from a prospective homeowner to purchase the property; and~~
 - 3) ~~The funds may be released only after on-site, written inspections by qualified personnel and according to a preapproved draw schedule and any other conditions as set forth in the loan documentation.~~
- j) Request for Waiver
- 1) ~~Credit unions may request a waiver for a category of business loans in the following areas:~~
 - A) ~~Maximum secured and unsecured loan amounts to one borrower or associated group of borrowers under subsections (f) and (h);~~
 - B) ~~Maximum aggregate unsecured member business loan limit under subsection (h) and the requirements of subsection (h)(3);~~

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- ~~C) Collateral requirements under subsection (h), including, without limitation, the requirement for personal liability and guarantee;~~
 - ~~D) The aggregate amount of construction loans and the minimum equity interest in construction loans under subsection (i); and~~
 - ~~E) Any appraisal requirements imposed by this Part with respect to loans secured by real estate.~~
- 2) ~~A request for a waiver must be submitted in writing to the Division. The waiver request must contain the following:~~
- ~~A) A copy of the credit union's business lending policy;~~
 - ~~B) The waiver sought;~~
 - ~~C) An explanation of the higher limits sought (if applicable);~~
 - ~~D) Documentation supporting the credit union's ability to manage this activity; and~~
 - ~~E) An analysis of the credit union's prior experience in making member business loans, including the credit union's history of loan losses and delinquency, volume and cyclical or seasonal patterns, diversification, concentrations of credit to one borrower or group of borrowers in excess of 15% of net worth, underwriting standards and practices, types of loans grouped by purpose and collateral, and the qualifications of personnel responsible for underwriting and administering member business loans.~~
- 3) ~~The Division shall consider standard criteria when determining whether to grant a waiver requested by a credit union as provided in subsection (j)(1). The criteria include but are not limited to:~~
- ~~A) The two most recent Division examinations;~~
 - ~~B) The credit union's reserve/equity position;~~
 - ~~C) The credit union's current delinquency and loan loss trends; and~~

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- ~~D) The credit union's Business Lending Policy and Procedures.~~
- 4) The Division shall respond to requests for waivers as follows:
 - ~~A) The Division shall inform the credit union in writing of the date the written request for waiver was received.~~
 - ~~B) Approval of waivers shall be given in writing within 45 calendar days from receipt of the waiver request and supporting documents listed in subsection (j)(2), if it is determined by the Division that the waiver will not adversely affect the credit union's financial position.~~
 - ~~C) A waiver approved by the Division for a federally insured state chartered credit union must also be approved by NCUA, except that approval by the Division of a request under subsection (e) for a business loan bylaw amendment by a credit union with assets of \$30 million or less shall not require the approval of NCUA, nor shall approval by the Division of a waiver under subsection (f) to the maximum aggregate net member business loan balance to any one member or group of associated members if the waiver to exceed 15% of the credit union's net worth is for less than \$100,000. Following its approval of a waiver for a federally insured state chartered credit union, the Division shall forward the waiver request and supporting documents to the NCUA regional director and provide the credit union with written notice of the date the request was forwarded. A waiver is not effective for the credit union until it is approved by the NCUA regional director.~~
 - ~~D) If a waiver request does not require NCUA approval, the credit union may assume approval of the waiver request if it does not receive notification within 45 days after the date the request was received by the Division.~~
- k) Recordkeeping Requirements
Business loans must be separately identified in a credit union's records and separately identified in the aggregate on a credit union's financial reports.

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1) ~~Allowance for Loan Losses for Business Loans~~

~~Allowance for Loan Losses for Business Loans will be determined in accordance with GAAP. The external auditor conducting the credit union's financial statement audit shall analyze the methodology employed by the credit union and conclude that the financial statements, including the allowance for loan losses, are fairly stated in all material respects in accordance with GAAP.~~

(Source: Amended at 41 Ill. Reg. 4764, effective May 1, 2017)

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- 1) Heading of the Part: Personal Information Privacy Protection
- 2) Code Citation: 50 Ill. Adm. Code 4002
- 3) Section Number: 4002.50 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Article XXVI and Article XL of the Illinois Insurance Code [215 ILCS 5/Arts. XXVI and XL], and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) and authorized by Section 401 and Article XL of the Illinois Insurance Code [215 ILCS 5/401 and Art. XL].
- 5) Effective Date of Rule: April 20, 2017
- 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 rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 16509; December 30, 2016
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: On December 4, 2015 Gramm-Leach-Bliley was amended to eliminate the requirement for financial institutions to provide annual notices of their privacy policies provided certain conditions are met such as the issuance of an

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initial notice, joint marketing, and transaction processing and servicing. The rule change contains these new federal exemptions.

- 16) Information and questions regarding this adopted rule shall be directed to:

James Rundblom, Associate Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/785-8559
fax: 217/524-9033

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER tt: INSURANCE INFORMATION AND PRIVACY PROTECTION

PART 4002

PERSONAL INFORMATION PRIVACY PROTECTION

Section	
4002.10	Purpose
4002.20	Applicability
4002.30	Definitions
4002.35	Treatment of Individual's Information Under Group Policies
4002.40	Initial Privacy Notice to Consumers
4002.50	Annual Privacy Notice to Customers
4002.60	Information to be Included in Privacy Notices
4002.70	Form of Opt Out Notice to Consumers and Opt Out Methods
4002.80	Revised Privacy Notices
4002.90	Delivery of Notices
4002.100	Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties
4002.110	Limits on Redisclosure and Reuse of Nonpublic Personal Financial Information
4002.120	Limits on Sharing Account Number Information for Marketing Purposes
4002.130	Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing
4002.140	Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions
4002.150	Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information
4002.200	Nondiscrimination
4002.210	Enforcement
4002.220	Penalty
4002.230	Severability
4002.235	Protection of Fair Credit Reporting Act
4002.240	Effective Date
4002.ILLUSTRATION A	Sample Clauses

AUTHORITY: Implementing Article XXVI and Article XL of the Illinois Insurance Code [215 ILCS 5/Arts. XXVI and XL], and Title V of the Gramm-Leach-Bliley Act (15 USC 6801)

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through 6827) and authorized by Section 401 and Article XL of the Illinois Insurance Code [215 ILCS 5/401 and Art. XL].

SOURCE: Adopted at 25 Ill. Reg. 7176, effective July 1, 2001; amended at 41 Ill. Reg. 4814, effective April 20, 2017.

Section 4002.50 Annual Privacy Notice to Customers

- a) A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12-consecutive months during which that relationship exists. A licensee may define the 12-consecutive-month period, but the licensee shall apply it to the customer on a consistent basis. If a licensee defines the 12-consecutive-month period as a calendar year and a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.
- b) Termination of customer relationship. A licensee is not required to provide an annual notice to a former customer. For the purposes of this Part, a former customer is an individual with whom a licensee no longer has a continuing relationship, which includes, but is not limited to, when:
 - 1) The individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;
 - 2) The individual's policy is lapsed, expired or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12-consecutive months, other than to provide annual privacy notices, material required by law or regulation, or promotional materials;
 - 3) The individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful; or
 - 4) In the case of providing real estate settlement services, at the time the

DEPARTMENT OF INSURANCE

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customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

- c) Delivery. When a licensee is required by this Section to deliver an annual privacy notice, the licensee shall deliver it according to Section 4002.90 ~~of this Part~~.
- d) Affiliated Licensee. ~~The Such~~ annual notice may be provided by an affiliated licensee, as long as the notice clearly identifies all licensees to which the notice applies or states that it applies to all affiliates of the named licensee, and is accurate with respect to the licensee and other institutions and would otherwise meet the requirements of this Part.
- e) Exemptions. Provision of the annual privacy notice required under this Section shall not be required when the licensee:
 - 1) Provides nonpublic personal information to nonaffiliated third parties only in accordance with Sections 4002.130, 4002.140 and 4002.150.
 - 2) Has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies that were disclosed in the most recent disclosure sent to consumers in accordance with Section 4002.40.
- f) At any time a licensee fails to comply with any of the criteria described in subsection (e), the licensee shall be required to provide the annual privacy notice required in this Section.
- g) All licensees shall continue to be required to provide the initial privacy notices required by Section 4002.40.

(Source: Amended at 41 Ill. Reg. 4814, effective April 20, 2017)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
830.14	Amendment
830.60	Amendment
830.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].
- 5) Effective Date of Rules: April 18, 2017
- 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 all 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 the *Illinois Register*: 41 Ill. Reg. 631; January 20, 2017
- 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 agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to update site regulations.

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- 16) Information and questions regarding these adopted rules shall be directed to:

Renee Snow, 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 b: FISH AND WILDLIFEPART 830
COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.11	Special Regulations for the Commercial Harvest of VHS-Susceptible Fish Species
830.12	Special Regulations for the Commercial Harvest of Bighead Carp, Silver Carp, Grass Carp and Black Carp
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.14	License Requirements
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.25	Daily Fee Fishing Area
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size and Creel Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill.

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Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13, 2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. 11161, effective July 3, 2012; amended at 36 Ill. Reg. 12120, effective July 16, 2012; emergency amendment at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 9043, effective April 14, 2014; amended at 39 Ill. Reg. 11034, effective July 22, 2015; amended at 39 Ill. Reg. 14581, effective October 20, 2015; amended at 41 Ill. Reg. 4819, effective April 18, 2017.

Section 830.14 License Requirements

- a) All commercial fishermen shall have a commercial fishing license. All individuals assisting a licensed commercial fisherman shall have a commercial fishing license unless these individuals are under the direct supervision of and aboard the same watercraft as the licensed commercial fisherman.
- b) All commercial fishermen shall obtain a sport fishing license in addition to their commercial fishing license, unless they are exempted from being required to obtain a sport fishing license. All individuals assisting a licensed commercial fisherman shall first obtain a sport fishing license, unless they are exempted from being required to obtain a sport fishing license.
- c) All commercial fishermen shall procure a commercial roe harvest permit in addition to their commercial fishing and sport fishing license before taking roe-bearing species with commercial fishing devices from the waters of the State legally open to commercial fishing.
- d) Commercial fishermen who wish to use their watercraft as a primary collection device for the harvest of commercial fish shall first obtain a commercial watercraft device tag.

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- e) Reciprocity with Neighboring States – All Illinois-licensed commercial fishermen shall conform to the regulations of the state in which they are fishing, unless the Illinois regulations are more restrictive than the other state. When the Illinois regulation is more restrictive, the fisherman must conform to the Illinois regulation.
- 1) The States of Illinois and Iowa will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper. This includes any backwater lakes and bayous contiguous with the flow of waters in the main channel, subject to the following conditions:
 - A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Iowa; and
 - B) No fishing is conducted in any Iowa tributaries.
 - 2) Pursuant to the reciprocal agreement for the Mississippi River between the States of Iowa and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Iowa.
 - 3) The States of Illinois and Missouri will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper, subject to the following conditions:
 - A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Missouri; and
 - B) No fishing is conducted in any Missouri tributaries.
 - 4) Pursuant to the reciprocal agreement for the Mississippi River between the States of Missouri and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Missouri, except in situations where it is clearly shown to be elsewhere.

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- 5) The States of Illinois and Kentucky will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Ohio River, excluding embayments and tributaries, defined as a straight line between opposite points where the tributary of embayment connects with the main body of the Ohio River.
- 6) Illinois commercial fishing anglers shall abide by Kentucky's restricted areas below the locks and dams in this shared section of the Ohio River.
- 7) The States of Illinois and Indiana will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Wabash River proper, subject to the following conditions:
 - A) No fishing is conducted beyond the natural and ordinary river banks of the state in which the commercial fisherman is not licensed to fish;
 - B) No fishing is conducted from land attached to or taxed now by the state in which he or she is not licensed to fish;
 - C) No fishing is conducted in any tributaries, bayous or backwaters of the state in which he or she is not licensed to fish;
 - D) No device or equipment is attached to land under the jurisdiction of the state in which he or she is not licensed to fish; and
 - E) Fishermen fishing beyond the center of the main channel in waters they are not licensed to fish must comply with all the laws, rules and regulations of the adjoining state.
- 8) Pursuant to the reciprocal agreement for the Wabash River between the States of Indiana and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Indiana.

(Source: Amended at 41 Ill. Reg. 4819, effective April 18, 2017)

Section 830.60 Species

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a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Common Carp and Black Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish (only in waters specified in Section 830.13) (roe harvester permit required)
- 6) Carpsuckers
- 7) Suckers (except Longnose Sucker)
- 8) Redhorses (except River Redhorse and Greater Redhorse)
- 9) Goldeye and Mooneye
- 10) Gar (except alligator gar)
- 11) Bowfin (roe harvester permit required from October 1 through May 31)
- 12) Shovelnose sturgeon (only in waters specified in Section 830.13)(roe harvester permit required)
- 13) Gizzard shad
- 14) White amur (grass carp)
- 15) Minnows
- 16) Goldfish
- 17) Bighead Carp and Silver Carp

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- b) With the exception of the crayfish species listed in 17 Ill. Adm. Code 1010 (Illinois List of Endangered and Threatened Fauna) and the rusty crayfish, all crayfish species are legal to possess and may be taken by licensed commercial fishermen with legal commercial devices (seines only) and used, consumed or sold for bait.
- c) The following species of mussels may be taken by licensed commercial musselers:
 - 1) Washboard (*Megaloniaias nervosa*) (Ohio River Only)
 - 2) Threeridge (*Amblema plicata*)
 - 3) Mapleleaf (*Quadrula quadrula*)
 - 4) [Asian Clam \(*Corbicula fluminea*\)](#)

(Source: Amended at 41 Ill. Reg. 4819, effective April 18, 2017)

Section 830.80 Commercial Fishing and Musseling in Additional Waters

- a) Additional public waters may be open to targeted commercial fishing or musseling by a Special Use Permit. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10, 830.20 or 830.80(i) must request permission from the Division of Fisheries. The Division will determine whether the fish, crayfish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a Special Use Permit for targeted removal specifying the type of gear, season, species of fish, crayfish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.
- b) The standards for determining whether or not an additional fishery will be open to targeted commercial fishing or musseling shall include: a biological sampling of the commercial fish, crayfish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish, crayfish or mussel populations; a determination of the potential impact of commercial fishing or musseling

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activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (~~USFDA~~ 21 CFR 109.30 (2014))); and a fair and equitable allocation of commercial fishing or musseling opportunities.

- c) For commercial musseling, in addition to the criteria listed in subsection (b), both of the specific criteria listed below must be met for areas to be open or remain open to commercial harvest of selected mussel species:
- 1) sub-legal to legal mussel (same species) ratio equal to or exceeding 2:1; and
 - 2) catch rate (CPUE) of individual specimens of a given species, as measured by a timed diver sample equal to or exceeding 60 per hour.
- d) For commercial fishing, in addition to the criteria listed in subsection (b), the specific criteria that must be met for areas to be open or remain open to commercial harvest of selected fish includes: the results of a biological survey of the fish population present that indicates the total biomass of fish species listed in Section 830.60(a), with the exception of catfish, paddlefish and shovelnose sturgeon, is more than the combined biomass of the sport fishes listed in subsection (e).
- e) The following fishes shall be considered "sport fishes" for the purposes of determining whether a body of water meets the criteria established under subsection (d):
- 1) The following members of the sunfish family (Centrarchidae) (~~Centrarchidae~~):
 - black crappie – Pomoxis nigromaculatus~~Pomoxis nigromaculatus~~
 - bluegill – Lepomis macrochirus~~Lepomis macrochirus~~
 - largemouth bass – Micropterus salmoides~~Micropterus salmoides~~
 - rock bass – Ambloplites rupestris~~Ambloplites rupestris~~

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redeer sunfish – [Lepomis microlophus](#)~~*Lepomis microlophus*~~

smallmouth bass – [Micropterus dolomieu](#)~~*Micropterus dolomieu*~~

spotted bass – [Micropterus punctulatus](#)~~*Micropterus punctulatus*~~

white crappie – [Pomoxis annularis](#)~~*Pomoxis annularis*~~

- 2) The following members of the catfish family ([Ictaluridae](#))~~(*Ictaluridae*)~~:

blue catfish – [Ictalurus furcatus](#)~~*Ictalurus fureatus*~~

brown bullhead – [Ameiurus nebulosus](#)~~*Ameiurus nebulosus*~~

black bullhead – [Ameiurus melas](#)~~*Ameiurus melas*~~

channel catfish – [Ictalurus punctatus](#)~~*Ictalurus punctatus*~~

flathead catfish – [Pylodictis olivaris](#)~~*Pylodictis olivaris*~~

yellow bullhead – [Ameiurus natalis](#)~~*Ameiurus natalis*~~

- 3) The following members of the pike family ([Esocidae](#))~~(*Esocidae*)~~:

muskellunge – [Esox masquinongy](#)~~*Esox masquinongy*~~

northern pike – [Esox lucius](#)~~*Esox lucius*~~

- 4) The following members of the perch family ([Percidae](#))~~(*Percidae*)~~:

sauger – [Sander canadensis](#)~~*Sander canadensis*~~

walleye – [Sander vitreus](#)~~*Sander vitreus*~~

yellow perch – [Perca flavescens](#)~~*Perca flavescens*~~

- 5) The following members of the temperate bass family ([Moronidae](#))~~(*Moronidae*)~~:

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Striped bass – Morone saxatilis~~Morone saxatilis~~

Striped bass X white bass hybrid – M. Saxatilis X M. chrysops~~M. Saxatilis X M. chrysops~~

White bass – Morone chrysops~~Morone chrysops~~

- f) Commercial fishing or musseling Special Use Permits will not be issued:
- 1) for non-commercial purposes; or
 - 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or this Part during the past 12 months.
- g) Commercial fishing Special Use Permits may be issued for private bodies of water at the request of the owner or his or her authorized agent, if all of the following conditions have been satisfied:
- 1) The body of water is completely encompassed by land that is owned by an individual, leased by a tenant residing upon it, or controlled by ownership or lease by a private club or association.
 - 2) The commercial fisherman has obtained permission in writing from the owner, tenant or private club who controls the property; and either:
 - A) None of the commercially-harvested fish are offered for barter or sale; or
 - B) If commercially-harvested fish are offered for barter or sale, it has been determined that either:
 - i) the fish are tested and found safe for public consumption (~~U.S. Food and Drug Administration (FDA)~~ standards are followed (21 CFR 109.30 (2004))); or
 - ii) the fish are sold to a market utilizing them for a product other than human consumption.

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- h) Application procedures for targeted commercial fish removal Special Use Permits for the waters identified under subsections (i) and (j):
- 1) Illinois resident and non-resident commercial fishermen can submit an application for a Special Use Permit from June 1 through 15 of each year for any of the waters designated in subsection (i) or (j). Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who were issued a commercial fish removal Special Use Permit in the previous year [for the water body to which they are submitting an application](#) and successfully harvested a minimum of 1,000 pounds of fish and abided by all provisions of the permit are eligible to obtain a Special Use Permit in the first computerized random drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (see subsections (i) and (j)). If there are more applications than permits available, a computerized random drawing will be conducted on July 1 to allocate available permits.
 - 2) Non-resident or resident commercial fishermen who did not obtain a permit in the first drawing or who desire an additional Special Use Permit can submit an application on July 1 through 15 of each year for any of the waters designated in subsection (i) or (j) for any remaining permits. If there are more applications than permits available, a drawing will be conducted on July 31 to allocate available permits.
 - 3) Any permits remaining after the first two allocations will be issued on a first come-first served basis.
- i) The following water bodies will be open to commercial removal of selected fish species under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Rock River – divided into 6 sections with one Special Use Permit allocated per section

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- 2) Rend Lake – maximum of 25 Special Use Permits
- 3) Carlyle Lake – maximum of 25 Special Use Permits
- 4) Mississippi River State Fish and Wildlife Area – maximum of 15 Special Use Permits
- 5) Anderson Lake State Fish and Wildlife Area – maximum of 15 Special Use Permits
- 6) Otter Creek in Green County (from the Route 100 crossing downstream to the Illinois River) – maximum of ~~2~~ Special Use ~~Permits~~[Permit](#)
- 7) Macoupin Creek in Jersey and Green Counties (from the Reddish Ford Bridge downstream to the Illinois River) – maximum of ~~2~~ Special Use ~~Permits~~[Permit](#)
- 8) Quincy Bay – maximum of ~~3~~ Special Use ~~Permits~~[Permit](#)
- 9) Horseshoe Lake in Alexander County – Maximum of 5 Special Use Permits
- 10) Horseshoe Lake in Madison County – Maximum of 5 Special Use Permits
- 11) Taylorville City Lake – Maximum of 1 Special Use Permit
- 12) Clinton Lake – Maximum of 1 Special Use Permit
- 13) Rice Lake – Maximum of 15 Special Use Permits
- 14) Frank Holten State Park Lakes – Maximum of 1 Special Use Permit
- 15) LaMoine River – Maximum of 10 Special Use Permits
- 16) Spoon River – Maximum of 10 Special Use Permits
- 17) Washington County Lake – Maximum of 1 Special Use Permit

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- 18) Mermet Lake – Maximum of 1 Special Use Permit
 - 19) Powerton Lake – Maximum of 1 Special Use Permit
 - 20) Lake Decatur – Maximum of 1 Special Use Permit
- j) The following water bodies, all currently open to commercial fishing under Section 830.10, will be open to commercial removal of selected fish species with the use of trammel and gill nets under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Kaskaskia River – maximum of 20 Special Use Permits
 - 2) Sangamon River – maximum of 15 Special Use Permits
 - 3) Big Muddy River – maximum of 10 Special Use Permits
 - 4) Saline River – maximum of 6 Special Use Permits
- k) For any U.S. Fish and Wildlife Service (USFWS) special use permit issued to commercial fisherman for commercial harvest of selected fish species within USFWS National Wildlife Refuge areas, a Special Use Permit pursuant to subsection (a) must be obtained from the Department. All Illinois laws and regulations apply.

(Source: Amended at 41 Ill. Reg. 4819, effective April 18, 2017)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 18, 2017 through April 24, 2017. The rulemakings are scheduled for review at the Committee's May 9, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
6/2/17	<u>Department of Children and Family Services</u> , Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 425)	7/15/16 41 Ill. Reg. 09304	5/9/17
6/3/17	<u>Pollution Control Board</u> , General Rules (35 Ill. Adm. Code 101)	2/10/17 41 Ill. Reg. 1293	5/9/17
6/3/17	<u>Pollution Control Board</u> , Regulatory and Information Hearings and Proceedings (35 Ill. Adm. Code 102)	2/10/17 41 Ill. Reg. 1364	5/9/17
6/3/17	<u>Pollution Control Board</u> , Enforcement (35 Ill. Adm. Code 103)	2/10/17 41 Ill. Reg. 1394	5/9/17
6/3/17	<u>Pollution Control Board</u> , Regulatory Relief Mechanisms (35 Ill. Adm. Code 104)	2/10/17 41 Ill. Reg. 1411	5/9/17
6/3/17	<u>Pollution Control Board</u> , Appeals of Final Decisions of State Agencies (35 Ill. Adm. Code 105)	2/10/17 41 Ill. Reg. 1446	5/9/17

6/3/17	<u>Pollution Control Board</u> , Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)	2/10/17 41 Ill. Reg. 1466	5/9/17
6/3/17	<u>Pollution Control Board</u> , Petition to Review Pollution Control Facility Siting Decisions (35 Ill. Adm. Code 107)	2/10/17 41 Ill. Reg.1524	5/9/17
6/3/17	<u>Pollution Control Board</u> , Administrative Citations (35 Ill. Adm. Code 108)	2/10/17 41 Ill. Reg. 1534	5/9/17
6/3/17	<u>Pollution Control Board</u> , Tax Certifications (35 Ill. Adm. Code 125)	2/10/17 41 Ill. Reg. 1544	5/9/17
6/3/17	<u>Pollution Control Board</u> , Identification and Protection of Trade Secrets and Other Non-Disclosable Information (35 Ill. Adm. Code 130)	2/10/17 41 Ill. Reg. 1552	5/9/17
6/3/17	<u>Department of Public Health</u> , Hospital Licensing Requirements (77 Ill. Adm. Code 250)	2/10/17 41 Ill. Reg. 1572	5/9/17
6/3/17	<u>Department of Human Services</u> , Administration of Medication in Community Settings (59 Ill. Adm. Code 116)	6/24/16 40 Ill. Reg. 8512	5/9/17
6/3/17	<u>Department of Human Services</u> , Administrative Hearings (89 Ill. Adm. Code 508)	6/24/16 40 Ill. Reg. 8541	5/9/17
6/3/17	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	11/28/16 40 Ill. Reg. 15645	5/9/17

PROCLAMATIONS

2017-59
Medical Assistants Week

WHEREAS, medical assistants are multi-skilled health care professionals who perform clinical and administrative functions; and,

WHEREAS, medical assistants help ensure the health and well-being of Illinois residents; and,

WHEREAS, all citizens greatly depend on the efforts of hard-working medical assistants; and,

WHEREAS, medical assistants act as liaisons between physicians and other health care workers and their patients; and,

WHEREAS, the medical assistant occupation is projected to be one of the fastest growing professions in the medical field during the next decade; and,

WHEREAS, medical assistants provide the necessary support to keep doctors' offices functioning and running smoothly; and,

WHEREAS, patients receive better care and treatment thanks to medical assistants, who improve their knowledge and skills through educational programs offered by professional organizations such as the Illinois Society of Medical Assistants;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 16-20, 2017, as **MEDICAL ASSISTANTS WEEK** in Illinois in recognition of medical assistants' commitment and dedication to the medical profession and to the well-being of patients.

Issued by the Governor March 20, 2017

Filed by the Secretary of State April 18, 2017

2017-60
Medical Billers Day

WHEREAS, medical billers play an integral part in the healthcare industry and provide much needed services to doctors and other healthcare providers; and,

WHEREAS, healthcare providers increasingly rely on billing companies to assist them in processing claims in accordance with applicable statutes and regulations; and,

PROCLAMATIONS

WHEREAS, providers also consult with billing companies for advice on reimbursement matters, as well as overall business decision-making; and,

WHEREAS, medical billers can offer expertise in program reimbursement requirements, help ensure claims are accurately prepared, and allow physicians and other practitioners to devote their full efforts to the care of their patients; and,

WHEREAS, medical billers strive to provide the highest possible level of ethical, lawful, and professional conduct throughout the entire healthcare industry; and,

WHEREAS, medical billers continue to influence the billing process in a positive and credible manner;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 30, 2017, as **MEDICAL BILLERS DAY** in Illinois in recognition of the important role medical billers play in the healthcare system.

Issued by the Governor March 20, 2017

Filed by the Secretary of State April 18, 2017

2017-61
Safe Digging Month

WHEREAS, the State of Illinois and the Illinois Commerce Commission are concerned with the safety of the people in our state as well as the integrity of our underground utility infrastructure; and,

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage from those who fail to have underground utility lines located prior to digging; and,

WHEREAS, every eight minutes an underground utility line is damaged, often causing unintended consequences such as service interruptions, damage to the environment, and personal injury or even death; and,

WHEREAS, a call to the Joint Utility Locating Information for Excavators, Inc. (JULIE), provides excavators and underground utility owners with a one-stop message-handling and delivery service committed to protecting our underground pipelines, cables, and wiring, as well as the health and safety of those working or living near underground utilities; and,

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WHEREAS, JULIE, Inc., serves the entire state outside of the city limits of Chicago, has nearly 100 employees, represents 1,950 members, and receives 1.5 million locate calls annually; and,

WHEREAS, Illinois law requires all homeowners and contractors to call the statewide JULIE number, 811, prior to digging in order to have underground utility lines marked, regardless of whether they are planting a sapling or excavating a major construction project; and,

WHEREAS, through education efforts on safe digging practices, excavators and homeowners may save time and money and keep our state safe by calling 811; and,

WHEREAS, Illinois is a leader in the campaign to spread awareness of the one-call number, 811;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2017 as **SAFE DIGGING MONTH** in Illinois, and encourage every excavator and homeowner to call 811 before digging.

Issued by the Governor March 21, 2017

Filed by the Secretary of State April 18, 2017

2017-62**Howard Goldstein Day**

WHEREAS, Howard Goldstein was in the U.S. Army from 1965-1971, serving as a medic in Vietnam field hospitals from 1968-1969 as a Specialist 5th Class; and,

WHEREAS, Howard currently serves as the American Red Cross relationship manager to Edward Hines, Jr. Veterans Administration Hospital in Hines, Illinois; and,

WHEREAS, while serving at Hines, Howard works to identify additional services and ways in which the Red Cross can support veterans who seek care at the VA Hospital; and,

WHEREAS, Howard has generously donated his time as a Red Cross volunteer for five years, participating in seven national-level disasters, including providing support for families affected by Hurricane Matthew; and,

WHEREAS, Howard also volunteers at the Military Entrance and Processing Station (MEPS) where he has helped educate hundreds of families on what to do should they experience an emergency at home while separated from their Service Member; and,

PROCLAMATIONS

WHEREAS, Howard's leadership extends beyond the VA hospital, as he is a key leader within the local Red Cross and for other organizations that focus on serving veterans in his community; and,

WHEREAS, as a veteran of the Vietnam War, Howard is passionate about helping his peers through volunteer service;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Thursday, March 23, 2017, as **HOWARD GOLDSTEIN DAY** in Illinois, in honor and recognition of Howard's many years of dedicated service to veterans, the American Red Cross, and the people of Illinois.

Issued by the Governor March 22, 2017

Filed by the Secretary of State April 18, 2017

2017-63**Public Health Week**

WHEREAS, the week of April 3–9, 2017, is designated as National Public Health Week with the theme "Healthiest Nation 2030"; and,

WHEREAS, the observation is a cooperative effort of the American Public Health Association, the Illinois Public Health Association, state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which join together to promote a common interest in public health; and,

WHEREAS, some of the greatest achievements of public health include vaccinations, safer workplaces, control of infectious diseases, safer and healthier foods, motor vehicle safety, healthier moms and babies, fluoridation of drinking water, public health preparedness, and recognition of tobacco use as a health hazard; and,

WHEREAS, Americans are living 20 years longer than their grandparents' generation, largely thanks to the work of public health; yet people in many other high-income countries live longer and suffer fewer health issues than we do; and,

WHEREAS, changing our health means ensuring conditions that give everyone the opportunity to be healthy by removing barriers and pursuing options for expanded access to quality care; and,

WHEREAS, strong and consistent funding levels are necessary for the public health system to respond to both everyday health threats and also unexpected health emergencies; and,

PROCLAMATIONS

WHEREAS, collaborative efforts by individuals, communities, providers, and policy makers include rallying around a common goal of creating the healthiest nation in one generation;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of April 3-9, 2017, as **PUBLIC HEALTH WEEK** in Illinois and call upon residents to observe this week by helping our families, friends, neighbors, co-workers, and leaders better understand the value of public health and adopt preventive lifestyle habits in light of this year's theme, "Healthiest Nation 2030."

Issued by the Governor March 23, 2017

Filed by the Secretary of State April 18, 2017

2017-64**Frank Mathie Day**

WHEREAS, veteran broadcast journalist Frank Mathie will retire from ABC 7 in Chicago on April 3, 2017, 50 years to the day after he started his tenure at ABC 7 on April 3, 1967; and,

WHEREAS, Frank began his broadcasting career as a news writer, film editor, and reporter at WISN-TV in Milwaukee, Wisconsin, in 1964, before accepting a reporting position in 1967 at what would become WLS-TV in Chicago, launching his long and illustrious career at ABC 7; and,

WHEREAS, throughout his career as feature reporter at ABC 7, Frank has enjoyed telling the unique stories of Chicagoans, from political and consumer reports to off-beat, often humorous feature stories; and,

WHEREAS, Frank has been honored with many awards during his five-decade career, including as a national finalist in the 1995 Edward R. Murrow Awards and winning Emmy Awards in 1985, 1986, 1987, and 1988 for Outstanding News Feature Reporting; he was also honored with the United Press International award for Best News Feature in 1981, 1985, and 1986; and,

WHEREAS, a proud Irishman, Frank was a part of every ABC 7 St. Patrick's Day Parade broadcast, beginning with the first one the station aired in the late 1960s; and,

WHEREAS, Frank retired from full-time feature reporting in 2006 and has worked as a freelance feature reporter since then; and,

WHEREAS, in his retirement, Frank plans to play with his grandchildren and live a schedule-free life with his wife, Mary;

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THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Monday, April 3, 2017, as **FRANK MATHIE DAY** in Illinois, in honor and recognition of Frank's remarkable 50 years of dedicated service to the people of Chicago and Illinois.

Issued by the Governor March 24, 2017

Filed by the Secretary of State April 18, 2017

2017-65**Illinois Auctioneers Day**

WHEREAS, auctioneering is one of history's oldest professions; and,

WHEREAS, auction professionals create a competitive marketplace and connect buyers with sellers wishing to sell their assets for the highest dollar value; and,

WHEREAS, the Illinois State Auctioneers Association and its members strive to advance the auction method of marketing and uphold the highest standards of professionalism in serving the American public; and,

WHEREAS, auction professionals are proud business owners who support their communities; and,

WHEREAS, a National Auctioneers Day has been observed for more than 25 years by state and local governments and private organizations; and,

WHEREAS, the designation of Illinois Auctioneers Day will heighten public awareness of the contributions made by auctions and auction professionals to communities and the economy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 8, 2017, as **ILLINOIS AUCTIONEERS DAY** and urge all citizens to recognize the achievements of these dedicated individuals.

Issued by the Governor March 24, 2017

Filed by the Secretary of State April 18, 2017

2017-66**Month of the Military Child**

WHEREAS, since 1986, the armed forces and concerned citizens around the world have celebrated the Month of the Military Child throughout the month of April, recognizing the sacrifices and applauding the courage of military children; and,

PROCLAMATIONS

WHEREAS, each day, military children experience unique challenges, which they face with resilience and dignity beyond their years; and,

WHEREAS, it is essential to recognize that military children make a significant contribution to our nation through understanding and supporting their military parents who often work long hours and make numerous deployments when called upon; and,

WHEREAS, military children contribute to their families by providing a source of strength and providing a sense of responsibility for those who protect our nation; and,

WHEREAS, the State of Illinois strives to provide a safe and nurturing environment for military children, enabling our military members to have peace of mind and thus be a stronger and more ready and resilient fighting force; and,

WHEREAS, 2017 marks the 31st year that we celebrate the Month of the Military Child, joining in recognizing the important contributions and sacrifices our military children make as we honor them throughout the month of April;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2017 as **MONTH OF THE MILITARY CHILD** in Illinois and encourage all citizens to honor our military children.

Issued by the Governor March 24, 2017

Filed by the Secretary of State April 18, 2017

2017-67
Loyalty Day

WHEREAS, the nation is kept strong and free by citizens who preserve American heritage through positive patriotic declarations and actions; and,

WHEREAS, today is a day to commemorate and confirm the values upon which our nation was conceived; and,

WHEREAS, the men and women serving in our military have sacrificed so liberty can become a reality for the citizens of other nations; and,

WHEREAS, created by the United States Congress on July 18, 1958, through Public Law 85-529, Loyalty Day is a holiday set aside for the reaffirmation of loyalty to the United States and recognition of the heritage of American Freedom; and,

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WHEREAS, Loyalty Day was first proclaimed by President Dwight D. Eisenhower on May 1, 1959; and,

WHEREAS, as a nation of immigrants, we are united in the shared ideals of equality, liberty, and honor, ideals for which our Armed Forces have defended and protected; and,

WHEREAS, every individual, school, church, organization, business establishment, and household within the State of Illinois is invited to participate in pledging allegiance to our flag, country, and the men and women in uniform, through active participation in patriotic programs sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary on May 1, 2017;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1, 2017, as **LOYALTY DAY** in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor March 27, 2017

Filed by the Secretary of State April 18, 2017

2017-68
Bird Appreciation Week

WHEREAS, during the spring, millions of birds fly over Illinois on their way to northern nesting grounds; and,

WHEREAS, more than 100 different species will fly overhead or land briefly to feed during their migration, allowing birdwatchers to view varieties seldom seen in Illinois; and,

WHEREAS, these colorful visitors are not only attractive but an integral part of our thriving natural heritage; and,

WHEREAS, their brief sojourn in our state ensures the completion of vital natural cycles each year; and,

WHEREAS, birds and bird-related activities have a significant economic impact, and promoting abundant sustainable bird populations and healthy habitats affords significant benefits to human society;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 23-29, 2017, as **BIRD APPRECIATION WEEK** in Illinois, and encourage all citizens to take this

PROCLAMATIONS

opportunity to observe the portion of this magnificent natural phenomenon that takes place in Illinois.

Issued by the Governor March 29, 2017

Filed by the Secretary of State April 18, 2017

2017-69**International Internal Audit Awareness Month**

WHEREAS, internal auditing is a vital part of strengthening organizations and protecting stakeholders of both the public and private sectors; and,

WHEREAS, internal auditing helps identify and manage an organization's risks and ensure policies, procedures, and controls are in place and working appropriately; and,

WHEREAS, internal auditing is an increasingly sophisticated and complex activity requiring specialized knowledge, training, and education; and,

WHEREAS, internal auditing is an established profession, with a globally recognized code of ethics and International Standards for the Professional Practice of Internal Auditing; and,

WHEREAS, historically, the global internal audit profession promotes awareness about its value during the month of May each year; and,

WHEREAS, the contributions of internal auditors to the success of organizations and the global economy at large deserve our recognition and commendations;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of May 2017 as **INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH** in Illinois, and invite the citizens of Illinois to join me in recognizing professional internal auditors for their contribution to society.

Issued by the Governor March 30, 2017

Filed by the Secretary of State April 18, 2017

2017-70**Money Smart Week**

WHEREAS, the economic progress of our country is dependent upon the financial well-being of its citizens; and,

PROCLAMATIONS

WHEREAS, citizens have many choices on how to manage their financial affairs, making it important to become educated about the best options available; and,

WHEREAS, educational institutions, financial institutions, government entities, and community-based organizations can work together to help consumers make informed choices about their personal finances; and,

WHEREAS, improved financial literacy results in a higher standard of living for individuals, as well as greater community stability;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 22-29, 2017, as **MONEY SMART WEEK** in Illinois and encourage all citizens to increase their financial literacy.

Issued by the Governor March 30, 2017

Filed by the Secretary of State April 18, 2017

2017-71**Education and Sharing Day**

WHEREAS, education is essential to putting our children on the path to good jobs and a decent living; and,

WHEREAS, in order to remain competitive into the 21st century, the state will need to equip the next generation's children with the education and skills demanded by a modern economy; and,

WHEREAS, learning is a lifelong practice, not confined solely to the classroom. In every action, whether at work, play, or rest, it is our task as parents, teachers, and mentors to make sure our children grow up practicing the values we preach; and,

WHEREAS, we have a solemn obligation to pass on values that we hold dear, such as independence, honesty, discipline, compassion, drive, and courage. We must be ever mindful that we are on a continuing path toward a more perfect union, and that much remains to be done to fulfill the concept of equality for all; and,

WHEREAS, we recall the memory of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, who worked to teach generations of young men and women the value of education and strong character; and,

WHEREAS, his work deepened ties among people the world around, and his legacy inspires the service, charity, and goodwill he championed in life; and,

PROCLAMATIONS

WHEREAS, as we take this opportunity to reflect on the example he and so many others have set, let each of us strive to better realize the values we share;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 7, 2017, as **EDUCATION AND SHARING DAY** in Illinois.

Issued by the Governor April 3, 2017

Filed by the Secretary of State April 18, 2017

2017-72**Exceptional Children's Week**

WHEREAS, children with exceptionalities may be identified by having one or more of the following needs: autism, deaf-blindness, deafness, hearing impairment, emotional or intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disabilities, speech or language impairment, traumatic brain injury, gifts/talents, or visual impairment who, by reason thereof, require special education and related services; and,

WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social, and vocational skills to use within the community and today's world; and,

WHEREAS, the tendency of placing limitations and inadequate access of an exceptionality can be changed by properly trained professionals who provide specialized instruction in conjunction with community awareness, knowledge, interest, and understanding of exceptional individuals; and,

WHEREAS, consistent with democratic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an appropriate education and are provided the specialized instruction they need; and,

WHEREAS, the Council for Exceptional Children, a professional organization that promotes the advancement and education of all exceptional infants, toddlers, children, and youth, has helped and will continue to help make advancements in the field of special education;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-7, 2017, as **EXCEPTIONAL CHILDREN'S WEEK** in Illinois, and I urge each citizen of Illinois to take responsibility for continued awareness of and support for exceptional children and youth.

Issued by the Governor April 3, 2017

PROCLAMATIONS

Filed by the Secretary of State April 18, 2017

2017-73
National Water Safety Month

WHEREAS, swimming and aquatic-related activities can play a role in good physical and mental health and enhance the quality of life for all people; and,

WHEREAS, water safety education plays into preventing drowning and recreational water-related injuries; and,

WHEREAS, Illinois is aware of the contributions made by the recreational water industry, as represented by the organizations involved in the National Water Safety Month Coalition, in developing safe swimming facilities, aquatic programs, home pools and spas, and related activities; and,

WHEREAS, these organizations provide healthy places to recreate; learn and grow; and build self-esteem, confidence, and a sense of self-worth which contributes to the quality of life in our communities; and,

WHEREAS, the pool, spa, water park, recreation, and parks industries support ongoing efforts and commitments to educate the public on pool and spa safety issues and initiatives; and,

WHEREAS, the citizens of Illinois understand the vital importance of communicating water safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to water parks;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby declare May 2017 as **NATIONAL WATER SAFETY MONTH** in Illinois.

Issued by the Governor April 3, 2017

Filed by the Secretary of State April 18, 2017

2017-74
Better Hearing and Speech Month

WHEREAS, founded in 1960, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing more than 4,000 licensed professionals with advanced degrees in speech-language pathology and audiology; and,

PROCLAMATIONS

WHEREAS, specializing in normal and disordered human communication, speech-language pathologists and audiologists are professionals who serve people with communicative disorders; and,

WHEREAS, speech-language pathologists are specialists trained to identify, evaluate, and remediate communication or swallowing problems, and to determine the best treatment solutions; and,

WHEREAS, speech-language pathologists work with people of all ages, from infants to the elderly, providing treatment to improve language, voice, stuttering, articulation, memory, literacy, and swallowing; and,

WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing and balance disorders, and the habilitation/rehabilitation of individuals with hearing impairment; and,

WHEREAS, ISHA has three main goals: to make the public aware of services available to persons with speech, language, and hearing disorders; to advocate for quality hearing services throughout the state; and to support the scientific study of human communication and its disorders; and,

WHEREAS, approximately 46 million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 16 million individuals with a speech and/or language disorder; and,

WHEREAS, 45 percent of individuals reported to have a chronic speech and/or language disorder are younger than the age of 18; and,

WHEREAS, speech-language pathologists and audiologists serve these individuals in a wide variety of settings, including hospitals, nursing homes/extended care facilities, rehabilitation centers, private practice home health agencies, parent-infant centers, pre-schools, public and private schools, college and university speech-language and hearing clinics, government facilities, and research laboratories;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2017 as **BETTER HEARING AND SPEECH MONTH** in Illinois to raise awareness of the contributions of speech-language pathologists and audiologists and the help that is available to those individuals with a speech, language, or hearing problem.

Issued by the Governor April 5, 2017

Filed by the Secretary of State April 18, 2017

PROCLAMATIONS

2017-75**Electrical Safety Month**

WHEREAS, hundreds of people die and thousands are injured each year in the United States as a result of electrically-related incidents; and,

WHEREAS, property damage resulting from home fires caused by electrical failure or malfunction amounts to more than \$1.4 billion annually; and,

WHEREAS, more than six people are electrocuted each week in the United States; and,

WHEREAS, citizens are advised to protect their homes and families with the latest safety technology, such as ground fault circuit interrupters, arc fault circuit interrupters, and tamper resistant receptacles; and,

WHEREAS, citizens are urged to install, test, and properly maintain an adequate number of smoke alarms; and,

WHEREAS, the Electrical Safety Foundation International (ESFI) is dedicated exclusively to promoting electrical safety in the home, school, and workplace through education, awareness, and advocacy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2017 as **ELECTRICAL SAFETY MONTH** in Illinois, and encourage all citizens to observe the importance of establishing and practicing electrical safety habits in the home, school, and workplace to reduce the number of electrically-related fires, injuries, and deaths.

Issued by the Governor April 5, 2017

Filed by the Secretary of State April 18, 2017

2017-76**Bring Your Own Bag Month**

WHEREAS, Earth Day is celebrated each April to raise awareness of sustainable best practices to support environmental protection; and,

WHEREAS, Bring Your Own Bag Month is a state effort to raise awareness about the benefits of bringing your own bag when shopping; and,

PROCLAMATIONS

WHEREAS, plastic bags are made from limited natural resources, can become a form of litter, are harmful to animals that ingest plastic bags, and clog recycling center sorting machines and storm drains; and,

WHEREAS, reducing the use of plastic bags helps curb harmful plastic pollution and reliance on single-use disposable plastic;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2017 as **BRING YOUR OWN BAG MONTH** in Illinois, in support of raising awareness of environmental conservation efforts and participation of residents in environmentally-friendly practices.

Issued by the Governor April 6, 2017

Filed by the Secretary of State April 18, 2017

2017-77**Catholic Charities of the Archdiocese of Chicago Day**

WHEREAS, Catholic Charities of the Archdiocese of Chicago is celebrating its 100th year as a faith-based, nonprofit social service organization open to all in need; and,

WHEREAS, as the nation was engaged in World War I and Spanish influenza swept the globe in 1917, Cardinal Mundelein gathered a group of prominent Illinois businessmen to help thousands of Catholics and local parishes as they struggled to meet the needs of the poor in their Chicago-area communities; and,

WHEREAS, the organization was formally chartered in 1918, laying the groundwork and beginning fundraising for what is now Catholic Charities of the Archdiocese of Chicago. This centralized fundraising arm of the Catholic Church quickly became a social service provider for the most vulnerable and desolate in our communities; and,

WHEREAS, during the Great Depression, Catholic Charities played a key role in aiding families struggling to survive prolonged unemployment. Along with helping people access private and public relief programs, the agency became well known for feeding the hungry and caring for orphans and children of unwed mothers, as well as the mothers themselves; and,

WHEREAS, by 1945, a group of 48 individual program sites fell under the auspices of Catholic Charities of the Archdiocese of Chicago; and,

WHEREAS, during the latter half of the 20th century, Catholic Charities of the Archdiocese of Chicago grew and changed to reflect societal needs and trends. Throughout the 1990s and into

PROCLAMATIONS

the 21st century, the agency grew its programming for seniors, building many affordable residences for this population, while at the same time partnering with State of Illinois; and,

WHEREAS, along with new initiatives, Catholic Charities continues to provide core services to meet basic human needs, emergency assistance, counseling, addiction services, and employment and training; and,

WHEREAS, today Catholic Charities of the Archdiocese of Chicago is one of the largest private, non-profit social service agencies in the Midwest, annually assisting approximately one million people, without regard to religious, ethnic, or economic background. Catholic Charities offers 150 programs at 160 locations across Cook and Lake counties in Illinois, covering needs from "cradle to grave" and every point in between, assisting individuals to become as self-sufficient as possible; and,

WHEREAS, during its 100-year history, Catholic Charities of the Archdiocese of Chicago has fulfilled the Roman Catholic Church's mission of charity to anyone in need by providing compassionate, competent, and professional services that strengthen and support individuals, families, and communities; and,

WHEREAS, Catholic Charities of the Archdiocese of Chicago and charitable nonprofit organizations like it save Illinois taxpayers millions of dollars through their services and contribute significantly to the high quality of life of all our citizens;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 10, 2017, as **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF CHICAGO DAY** in Illinois and encourage all residents to recognize the positive impact Catholic Charities continues to make on the quality of life of the citizens of our great state.

Issued by the Governor April 6, 2017

Filed by the Secretary of State April 18, 2017

2017-78
Law Day

WHEREAS, Law Day is an occasion marking public acknowledgement of our nation and state's heritage of justice, liberty, and equality under the law; and,

WHEREAS, the United States Congress statutorily designated May 1 as the annual day for commemoration of Law Day; and,

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WHEREAS, the American Bar Association designated the 2017 Law Day theme as "The Fourteenth Amendment: Transforming American Democracy" in recognition of the numerous contributions to American law and society of one of the most often-cited constitutional enactments; and,

WHEREAS, in the nearly century and a half that has elapsed since its ratification, the Fourteenth Amendment has greatly expanded the constitutional protections available to all through its clauses guaranteeing due process and equal protection; and,

WHEREAS, the Fourteenth Amendment has served as the vehicle by which many of the protections in the Bill of Rights have been found to be enforceable against state and local government actions that infringe upon fundamental liberties; and,

WHEREAS, the Fourteenth Amendment constitutionally defined national citizenship for the first time and guaranteed that the privileges or immunities of United States citizenship would not be denied to any individual citizen; and,

WHEREAS, the Fourteenth Amendment has served as the basis and inspiration for landmark civil rights legislation and court decisions protecting and advancing the rights of Americans; and,

WHEREAS, promoting public understanding of the roots of our freedom is an important component in the civic education of the citizens of the United States and the State of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1, 2017, to be **LAW DAY** in Illinois in recognition of the laws that govern our state and judiciary.

Issued by the Governor April 6, 2017

Filed by the Secretary of State April 18, 2017

2017-79**Motorcycle Awareness Month**

WHEREAS, the Illinois Department of Transportation and its partners are committed to improving traffic safety and working together to reduce the number of traffic fatalities in Illinois; and,

WHEREAS, the Illinois Department of Transportation is a national leader in motorcycle safety and education, training more than 400,000 riders throughout the state since the Illinois Cycle Rider Safety Training Program began in 1976; and,

PROCLAMATIONS

WHEREAS, preliminary statistics indicate motorcycle fatalities claimed 152 lives in 2016, continuing a trend of motorcycle fatalities accounting for nearly 15 percent of all traffic fatalities in Illinois, even though motorcycles account for just three percent of all vehicle registrations; and,

WHEREAS, the spring and summer months are motorcycle season in Illinois, and motorists can expect to see more motorcyclists riding in traffic; and,

WHEREAS, motorcycles have rightful access to the same roads as any other vehicle; and,

WHEREAS, increased motorcycle awareness leads to improved safety for all of the traveling public;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2017 as **MOTORCYCLE AWARENESS MONTH** in Illinois and encourage all motorists to keep our highways safe and to "Start Seeing Motorcycles".

Issued by the Governor April 6, 2017

Filed by the Secretary of State April 18, 2017

2017-80**Professional Medical Coders Week**

WHEREAS, the health and safety of all Illinoisans are important to the happiness, prosperity, and well-being of our state's families and communities; and,

WHEREAS, Illinois professional medical coders skillfully identify patterns of diseases, illness, and injury within populations; and,

WHEREAS, it is important to recognize that all citizens who receive health care treatment in Illinois benefit from the expertise and professionalism of Illinois professional medical coders; and,

WHEREAS, the use of medical codes for disease and injury prevention has contributed to a greater understanding of the correlations between illness, injury, and treatment in a variety of medical conditions, including heart disease, stroke, viral infections, infectious diseases, motor vehicle accidents, and workplace injuries; and,

WHEREAS, the need for qualified medical coders continues to increase in physician offices, outpatient facilities, long-term care facilities, and hospital settings in Illinois; and,

PROCLAMATIONS

WHEREAS, the integrity and high standards of medical coders contribute to the U.S. Department of Health and Human Services' campaign against fraud and abuse in medical reimbursement; and,

WHEREAS, it is important to encourage all Illinoisans and people throughout the country to educate themselves on the impact of medical coders in our health care systems and to support research and education programs designed to support these professionals in their continuous efforts; and,

WHEREAS, the State of Illinois is proud to recognize medical coders for all their hard work in this state and throughout the country;

THEREFORE, I, Bruce Rauner, Governor of the state of Illinois, proclaim May 15-21, 2017, as **PROFESSIONAL MEDICAL CODERS WEEK** in Illinois and encourage all citizens to recognize and honor medical coders for their invaluable contributions to the improvement of our healthcare systems.

Issued by the Governor April 6, 2017

Filed by the Secretary of State April 18, 2017

2017-81**Turkish Heritage and Children's Day**

WHEREAS, the children of Turkey have celebrated "Sovereignty and Children's Day" as a national holiday since 1920; and,

WHEREAS, on this day the children of the nation of Turkey hold a special session of the Grand National Assembly to discuss children's issues; and,

WHEREAS, throughout the last two decades, children from around the world have traveled to Turkey to participate in this important day; and,

WHEREAS, UNICEF has recognized this important day as International Children's Day – a day of worldwide fraternity and understanding between children; and,

WHEREAS, "Turkish Heritage and Children's Day" represents an international commitment to peace and brotherhood; and,

WHEREAS, "Turkish Heritage and Children's Day" promotes the welfare of the children, not only in the state of Illinois but also around the world;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim April 23, 2017, as **TURKISH HERITAGE AND CHILDREN'S DAY** in Illinois.

Issued by the Governor April 6, 2017

Filed by the Secretary of State April 18, 2017

2017-82**Lonnie Brooks Day**

WHEREAS, Lee Baker, Jr. was born on December 18, 1933, in Dubuison, Louisiana, and later relocated to Chicago, Illinois, in 1959, changing his professional name to Lonnie Brooks upon his arrival; and,

WHEREAS, Lonnie Brooks became a star of Chicago's West Side blues scene, recording the album "Sweet Home Chicago" in 1974; and,

WHEREAS, Lonnie Brooks recorded a dozen classic blues albums, including the Grammy-nominated "Blues Deluxe" recorded live at Chicagofest in 1980; and,

WHEREAS, Lonnie Brooks went on a national concert tour with B.B. King, Buddy Guy, Koko Taylor, Junior Wells, and Eric Johnson in 1993; and,

WHEREAS, Lonnie Brooks was inducted into the Blues Hall of Fame in 2010; and,

WHEREAS, Lonnie Brooks passed away at the age of 83 in Chicago on April 1, 2017;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Monday, April 10, 2017, as **LONNIE BROOKS DAY** in Illinois, honoring him as a legendary blues musician who will forever be known as a worldwide icon of Chicago blues music.

Issued by the Governor April 7, 2017

Filed by the Secretary of State April 18, 2017

2017-83**Crossing Guard Appreciation Day**

WHEREAS, nearly 450 pedestrians age eight to 14 are hurt in incidents involving a vehicle every year in Illinois; and,

WHEREAS, many of these injuries could be avoided if children did not cross streets unsupervised; and,

PROCLAMATIONS

WHEREAS, about 12 percent of students walk or bike to school; and,

WHEREAS, crossing guards play a key role in ensuring children arrive safely to school in communities throughout Illinois; and,

WHEREAS, crossing guards provide assistance in every form of weather, be it rain, snow, or sun; and,

WHEREAS, crossing guards help children develop safe pedestrian and bicycling habits, such as looking both ways before crossing roads, navigating intersections, and using crosswalks; and,

WHEREAS, the Illinois Department of Transportation, through its Safe Routes to School program, deeply values the role that crossing guards play in promoting a healthy and environmentally-friendly option for traveling to school;

THEREFORE, I, Bruce Rauner, do hereby proclaim May 8, 2017, as **CROSSING GUARD APPRECIATION DAY** in Illinois, in recognition of the services these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor April 10, 2017

Filed by the Secretary of State April 18, 2017

2017-84
Days of Remembrance

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and murder of six million Jews by the Nazi regime and its collaborators between 1933 and 1945; and,

WHEREAS, the people of the State of Illinois should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and,

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and,

WHEREAS, we should rededicate ourselves to the principles of individual freedom in a just society; and,

WHEREAS, pursuant to Public Law 96-388, enacted on October 7, 1980, the United States Congress dedicated the Days of Remembrance of the victims of the Holocaust; and,

PROCLAMATIONS

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to bear in memory the victims of the Holocaust while reflecting on the need for respect of all people; and,

WHEREAS, this year's observance will take place from April 23-30, including the Day of Remembrance known as Yom HaShoah on April 23, 2017;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 23-30, 2017, as the **DAYS OF REMEMBRANCE** in Illinois, in memory of the victims and survivors of the Holocaust as well as the rescuers and liberators, and I urge all citizens to collectively and individually strive to overcome bigotry, hatred, and indifference through learning, tolerance, and remembrance.

Issued by the Governor April 10, 2017

Filed by the Secretary of State April 18, 2017

2017-85
Home Education Week

WHEREAS, the growth and development of school-age children is of paramount importance in Illinois and across the country; and,

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and,

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and,

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and,

WHEREAS, studies show students who are educated at home typically score at or above the national average on standardized tests, exhibit self-confidence, good citizenship, and are fully-prepared academically to meet the challenges of today's society;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 15-19, 2017, as **HOME EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the important role home education plays in educating our children.

PROCLAMATIONS

Issued by the Governor April 10, 2017
Filed by the Secretary of State April 18, 2017

2017-86
National Volunteer Week

WHEREAS, service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet challenges by volunteering in their communities; and,

WHEREAS, Illinois is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, in 2016, nearly 2.43 million Illinoisans gave back more than 286.6 million hours to their communities, which led to more than \$7.3 billion in impact; and,

WHEREAS, more than one million men and women across the nation, including more than 39,000 from Illinois, have taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps Members since 1994; and,

WHEREAS, more than 12,000 Illinois seniors volunteer through Senior Corps; and,

WHEREAS, in Illinois, the Serve Illinois Commission on Volunteerism and Community Service strives to improve our communities by supporting volunteer and community service efforts throughout the state; and,

WHEREAS, the annual observance of National Volunteer Week sets aside an entire week dedicated to serving others in need and honoring those who volunteer all year; and,

WHEREAS, during National Volunteer Week, service projects and special events will take place throughout Illinois and across the nation;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim April 23-29, 2017, as **NATIONAL VOLUNTEER WEEK** in Illinois, and encourage all citizens to promote the spirit of volunteerism in our families and communities across the state. To find a volunteer opportunity or to learn more about how to recognize your volunteers, visit the Serve Illinois Commission website at Serve.Illinois.gov or call 800-592-9896.

Issued by the Governor April 12, 2017
Filed by the Secretary of State April 18, 2017

2017-87

PROCLAMATIONS

Armenian Genocide Remembrance Day

WHEREAS, the murder of 1.5 million Armenians and the forced deportation of countless others between the years of 1915 and 1923 by the Ottoman Turks is known as the Armenian Genocide; and,

WHEREAS, during this same period, hundreds of thousands of Greeks and Assyrians in the Ottoman Empire were also victims of genocide; and,

WHEREAS, after being forced to witness the massacre of their relatives and suffering the loss of their ancestral homeland, survivors of this genocide and their descendants found refuge and began new lives in Illinois; and,

WHEREAS, many of the 20,000 Armenian-Americans in Illinois are descendants of survivors of the Armenian genocide, and have been forthright in their efforts to preserve their culture, heritage, and language, while making significant contributions in all areas of American life including education, medicine, science, business, arts, government, and public service in Illinois; and,

WHEREAS, the State of Illinois has affirmed, through the establishment of a Holocaust and Genocide Commission and the creation of a public school genocide education curriculum mandate, that raising awareness of the Armenian Genocide and other such atrocities is crucial in the prevention of future crimes against humanity; and,

WHEREAS, the Armenian-American community, and people of good conscience around the world, will commemorate the 102nd Anniversary of the Armenian Genocide on April 24, 2017;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 24, 2017, as **ARMENIAN GENOCIDE REMEMBRANCE DAY** in Illinois, in honor of the 1.5 million victims of the Armenian Genocide.

Issued by the Governor April 13, 2017

Filed by the Secretary of State April 18, 2017

2017-88

Brain Tumor Awareness Month

WHEREAS, doctors diagnose brain tumors in more than 220,000 Americans each year, across all ages, races, socio-economic statuses, and gender; and,

PROCLAMATIONS

WHEREAS, malignant brain tumors are among the deadliest forms of cancer, with just a 34 percent five-year relative survival rate, and are the leading cause of cancer-related deaths in children under the age of 14; and,

WHEREAS, nearly 3,380 people in Illinois will be diagnosed with a brain tumor and 568 will die from a brain tumor in 2017; and,

WHEREAS, Illinois is home to major facilities, such as the Northwestern Brain Tumor Institute, the University of Illinois Brain Tumor Center, and others that focus on research to find better treatments, a cure for brain tumors, and a higher quality of life for brain tumor patients; and,

WHEREAS, increased public awareness of brain tumors through advocacy and support for targeted research, as well as education about the impact on patients and their families, are critical to support and action for a cure;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2017 as **BRAIN TUMOR AWARENESS MONTH** in the State of Illinois.

Issued by the Governor April 13, 2017

Filed by the Secretary of State April 18, 2017

2017-89**Emergency Medical Services for Children Day**

WHEREAS, Emergency Medical Services (EMS) for Children recognizes that children have unique physiological responses to illness and injury; and,

WHEREAS, EMS for Children promotes a specialized approach to pediatric care; and,

WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and,

WHEREAS, in Illinois there are 11 standby emergency departments and 89 emergency departments approved for pediatrics; 10 pediatric critical care centers; 7,894 first responder defibrillators; 20,469 basic, 605 intermediate, and 15,768 paramedic EMTs; 4,959 emergency communications registered nurses; 2,702 trauma nurse specialists; 409 pre-hospital registered nurses; and 2,892 emergency medical dispatchers dedicated to promoting preventive measures, pre-hospital care, emergency department services, outpatient and specialized services, and inpatient and rehabilitative care; and,

PROCLAMATIONS

WHEREAS, Illinois champions the nation's EMS for Children commitment to reduce childhood morbidity and mortality associated with severe illness and trauma;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 24, 2017, as **EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY** in Illinois.

Issued by the Governor April 13, 2017

Filed by the Secretary of State April 18, 2017

2017-90**Emergency Medical Services Week**

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers; EMS system hospitals; ambulance providers; emergency and trauma physicians; emergency nurses; basic, intermediate, and paramedic emergency medical technicians (EMTs); field nurses; emergency communication nurses; trauma nurse specialists; emergency medical dispatchers; and first responders who are dedicated to saving lives; and,

WHEREAS, in Illinois there are 63 EMS resource hospitals and 67 trauma centers; 7,894 first responder defibrillators; 20,469 basic EMTs, 605 intermediate EMTs, 15,768 paramedic EMTs; 4,959 emergency communications registered nurses; 2,702 trauma nurse specialists; 409 pre-hospital registered nurses; and 2,892 emergency medical dispatchers selflessly providing 24-hour service to the people of Illinois; and,

WHEREAS, this year's national theme, "EMS Strong: Always in Service", underscores the immediate nature of the situations to which EMS personnel must respond;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 21-27, 2017, as **EMERGENCY MEDICAL SERVICES WEEK** in Illinois and call this observance to the attention of all our citizens.

Issued by the Governor April 13, 2017

Filed by the Secretary of State April 18, 2017

2017-91**Childhood Drowning Prevention Month**

WHEREAS, drowning is the second leading cause of death for children ages one through 14 and claims the life of an average of two children per day in the United States; and,

PROCLAMATIONS

WHEREAS, child drowning can occur in seconds in pools, bathtubs, hot tubs, decorative garden ponds, and even buckets that contain as little as two inches of water; and,

WHEREAS, 21 Illinois children lost their lives to accidental drowning in 2016, including 13 in swimming pools, three in bathtubs, two in lakes, two in rivers, and one in a drainage ditch; and,

WHEREAS, for every child that drowns, five more are victims of near-drowning that require emergency medical care, often leading to hospitalization and causing long-term brain damage that can include memory loss, learning disabilities, and permanent loss of basic functioning that results in a permanent vegetative state; and,

WHEREAS, inadequate supervision of children, which includes neglect that results in drowning, is the third-leading cause of all child deaths indicated by the Illinois Department of Children and Family Services; and,

WHEREAS, it is important to recognize that constant adult supervision is needed when children are near or in water; and,

WHEREAS, the use of floatation devices and inflatable toys cannot replace parental supervision because such devices can suddenly shift position, lose air, or slip out from underneath, leaving the child in a dangerous situation; and,

WHEREAS, adults need to practice "Reach Supervision" by staying within an arm's length of young children; and,

WHEREAS, the state's "Get Water Wise...Supervise!" campaign urges the public to prevent childhood drowning and near-drowning by providing adult supervision whenever children are near or in water; and,

WHEREAS, the Illinois Department of Children and Family Services, the Illinois Child Death Review Team, and other community partners recognize that childhood drowning is preventable if proper adult supervision is provided;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2017 as **CHILDHOOD DROWNING PREVENTION MONTH** in Illinois, and encourage all parents and caregivers to learn and practice proven child water safety precautions, ensuring the safety of all Illinois children.

Issued by the Governor April 14, 2017

Filed by the Secretary of State April 18, 2017

ILLINOIS ADMINISTRATIVE CODE

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