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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 repeaters 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.].

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Unusual Incidents

2) **Code Citation**: 89 Ill. Admin. Code 331

3) **Section Numbers**: Proposed Action:
   - 331.20 Amend
   - 331.40 Amend
   - 331.50 Amend
   - 331.APPENDIX A New

4) **Statutory Authority**: 325 ILCS 5

5) **A complete description of the subjects and issues involved**: 89 Ill. Admin. Code 331 describes the types of incidents involving wards that staff, caregivers, service providers, private agencies and contractors must report to the Department. Part 331 currently lists some, but not all, of the types of incidents that require an Unusual Incident Report (UIR). The proposed amendment defines all of the events that require a UIR and reformats the Part to list them in an appendix.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking**: None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives**: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) **Time, place and manner in which interested parties 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
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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

Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: 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 amendment will not have an economic impact on small businesses.

14) **Regulatory Agenda on which this rulemaking was summarized:** This rulemaking was not included on either of the 2 most recent regulatory agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 331
UNUSUAL INCIDENTS

Section
331.1 Purpose (Repealed)
331.2 Definitions (Repealed)
331.3 Reporting Unusual Incidents (Repealed)
331.4 Notifying Relatives of Unusual Incidents (Repealed)
331.5 Unusual Incidents in Department Facilities (Repealed)
331.6 Criminal Behavior of Foster Parents (Repealed)
331.7 Unusual Incidents Involving Department Employees (Repealed)
331.10 Purpose
331.20 Definitions
331.30 Reporting Requirements
331.40 Unusual Incidents Involving Children and Youth
331.50 Unusual Incidents Involving Employees or Facilities
331.60 Criminal Behavior of Foster Parents or Relative Caregivers
331.70 Dispositions and Reviews
331.80 Records Retention
331.90 Violation of this Part

331.APPENDIX A  Types of Unusual Incidents


Section 331.20 Definitions

"Caregiver" means persons designated by the Department of Children and Family Services to be responsible for the day-to-day care of children and youth for whom the Department is legally responsible. This includes foster parents, relative caregivers, and administrators of group homes, child care institutions, and child
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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welfare agencies.

"Child care facility", as used in this Part, means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, youth emergency shelter or secure child care facility as defined by the Child Care Act of 1969 [225 ILCS 10].

"Child or youth for whom the Department is legally responsible" or "ward" 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.

"Confinement" means isolating a child or youth in a restricted area away from other children or staff as his or her behavior poses a threat of physical harm to self or to others. "Confinement" does not include restricting a child to an unlocked room in a foster home, relative home or day care home for a reasonable period of time (commonly known as "timeout"). "Confinement" is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

"Disposition", for purposes of an Unusual Incident Report, means that activities or services have been undertaken such that the risk to a child or other person's health, safety or welfare has been mitigated or resolved to the point that usual and customary services can be provided, if appropriate. "Disposition" of an unusual incident does not mean a case is closed. Rather, "disposition" means that the extraordinary circumstances reported have been addressed appropriately by responsible staff of the Department or POS (purchase of service) providers and the actions taken have been recorded in a manner prescribed by the Department.

"Emotional/verbal abuse" includes incidents where a caregiver attempts to control the behavior of a ward through the use of fear, humiliation, and/or verbal assaults. It may also include rejection by the parent/caretaker, terrorizing the child through the use of threats, ignoring the child, or isolation of the child to the extent that it deprives him or her of opportunities to develop normal social relationships. "Emotional/verbal abuse" includes "mental injury" as defined by 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

"Employee", as used in this Part, means any staff person employed by the Department, purchase of service (POS) provider contracted by the Department or
NOTICE OF PROPOSED AMENDMENTS

by a child care facility, including and includes any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of children. This definition includes administrative, professional and other support staff who have contact with children as part of their duties in the present or prospective employment. The term also includes persons who receive remuneration directly from the Department pursuant to a contract for personal services.

"Expelled from school", as used in this Part, means that a child or youth has been barred from educational classes and the use of school facilities for up to two calendar years.

"Falsification of credentials" means that a job applicant or employee of the Department or a purchase of service provider submits a job application, academic record, employment record, license or certification, or similar documents to establish eligibility for employment or continued employment, or for determining the individual's eligibility for an appointment, reassignment, promotion, leave or other employment decisions that falsely states the qualifications or achievements of the individual.

"Falsification of records or statements" includes an act of misrepresentation, falsification or omission of any fact, whether written or verbal. Records include, but are not limited to, client or case records, court testimony, vouchers, personnel records, and time and attendance records.

"Mechanical restraint", as used in this Part, means any device, other than personal physical force, used to directly restrict the limbs, head or body of a person. The term does not include any medically-prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap; nor does the term include a device used for the partial or total immobilization of a person for the purpose of performing a medical/surgical procedure under the supervision of a licensed physician or registered nurse.

"Medical emergency" means any urgent situation, including an adverse reaction to medication, requiring that a child or youth be seen by a physician on-site or transported to an urgent care clinic, doctor's office or hospital emergency room for immediate treatment of an episode that does not result in admission to a hospital.
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"Misrepresentation of services"—means that services to a person served by either the Department or a purchase of service provider are reported as having been provided when they have not been provided or they were provided for a period or under conditions other than those reported. Such misrepresentation may occur in reports to the Department, the courts, auditors or others acting on behalf of the Department.

"Misrepresentation of the cost of services"—means the actual costs to provide a service are intentionally inflated to produce a larger billing or payment than one is entitled to for the services provided. "Misrepresentation of the cost of services" may include deliberately understating the cost of providing services in order to gain advantage in a competitive bidding situation.

"Missing"—means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the child or youth are unknown, and intent to run away has not been established.

"Psychiatric emergency"—means a situation requiring crisis intervention by a psychiatrist or other mental health professional, in whatever setting, to reduce the risk of the child or youth to self or others.

"Restraint", as used in this Part, means the use of physical contact or force, characterized by arm or body holds to physically restrict a child or youth and to protect him/her from injuring self or others. Physical restraint may only be used as an intervention when a child is a threat of physical harm to self or others. "Restraint" or "physical restraint" is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

"Runaway"—means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the consent of the persons responsible for the child's or youth's welfare, the whereabouts of the child or youth are unknown and intent to run away has been established. If the child or youth has left a note or other indication of intent to run away, he or she shall be considered a "runaway" immediately.

"Sexually aggressive behavior"—involves sexual activity between two or more children that includes one or more of the children having "power over" the other child or children. This power imbalance may be due to age, size, position,
physical and/or mental capacity, etc. Sexual aggression involves sexual activities such as fondling, frottage (bumping, touching, or rubbing against others for sexual satisfaction), and penetration. "Sexually aggressive behavior" may include the use of bribery, trickery, coercion, force, or weapons.

"Sexually problematic behavior" includes those behaviors of children that are not usual and expected that typically do not, but may, involve physical contact with others. These behaviors include public masturbation, voyeurism, exhibitionism, etc. Such behaviors violate societal norms for what is generally acceptable behavior and reflect an interruption of normal sexual development.

"Suicide ideation" means that a child or youth expresses or conveys to a caregiver or others a mental image of committing suicide.

"Suspected alcohol or substance abuse" means that a caregiver or others have reason to believe that a child or youth has illegally consumed alcohol; used or is using cannabis or a controlled substance as defined by the Illinois Controlled Substances Act [720 ILCS 570] without a physician’s prescription, or is using or has used inhalants or other substances intended to have an intoxicating or hallucinogenic effect or that could result in clinical dependency.

"Suspended from school", as used in this Part, means that a child or youth has been temporarily barred from attending educational classes and access to school facilities or school bus. "Suspension" is usually for up to 10 school days, but may be longer for safety reasons as determined by school authorities.

"Unusual incident", as used in this Part, means an occurrence or event beyond the customary operations, routines or relationships in the Department, a child care facility or other entity that is licensed or regulated by the Department of Children and Family Services or that provides services for the Department pursuant to a grant, contract or purchase of service agreement. Unusual incidents may involve children and youth, employees, foster parents or relative caregivers. Unusual incidents may also involve damage to property, allegations of criminal activity, misconduct, or other occurrences affecting the operations of the Department or a child care facility. Any incident that could have media impact may be an unusual incident. Unusual incidents are further enumerated in Sections 331.30, 331.40 and 331.50 of this Part.

"Ward" – See "Child or youth for whom the Department is legally responsible".
"Weapon", as used in this Part, means any instrument that is capable of producing death or serious bodily injury when used for its intrinsic purpose or that has the potential to cause serious bodily injury or endanger a life because of the way it is used, the way it is attempted to be used, or the force with which it is used. The term "weapon" includes, but is not limited to, firearms, knives, clubs and explosive devices.

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

Section 331.40 Unusual Incidents Involving Children and Youth

a) Caregivers shall immediately report to the Department those unusual incidents that involve any child or youth for whom the Department is legally responsible on a form and in a manner prescribed by the Department. Assigned caseworkers shall instruct foster parents and relative caregivers to report unusual incidents to the caseworker, who shall be responsible for reporting the incident to the Department. Further, Department employees shall immediately report all unusual incidents to the appropriate administrator of the Department region in which the unusual incident occurred and to the administrator in charge of the operations of the Department or his or her designee.

b) Events or occurrences that shall be reported to the Department as unusual incidents when they involve a child or youth for whom the Department is legally responsible include, but are not limited to:

1) [Abuse of a ward alleged](http://example.com);  
2) [Neglect of a ward alleged](http://example.com);  
3) [Emotional/verbal abuse](http://example.com);  
4) [Sexual abuse of a ward alleged](http://example.com);  
5) [Death of DCFS ward](http://example.com);  
6) [Self-inflicted injury/wound requiring medical attention](http://example.com);  
7) [Accidental injury/wound requiring medical attention](http://example.com);
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78) Restraint of a ward results in injury during restraint;

89) Medication - ward refuses prescription medication;

940) Medical emergency;

1044) Medication dispensing error;

11) Medication, adverse reaction;

12) Psychiatric emergency;

13) Medical hospitalization;

14) Psychotropic medication - emergency administration;

1544) Psychiatric hospitalization;

1645) School - ward suspended/expelled from school;

1746) School - ward expelled, arrested, charged with or convicted of crime;

1847) Crime - ward detained, arrested, charged with or convicted of crime or act of delinquency, put in restraint/confinement;

1948) Restraint of a ward (manual) - ward restrained/confined 5 or more times in 30-day period;

20) Seclusion of a ward;

2149) Runaway - ward on runaway or missing;

2230) Weapon alleged to be in ward's possession;

2321) Alcohol - alcohol or substance abuse by a ward suspected;

2422) Assault of a ward - victim of assault;
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25) Sexual assault of a ward alleged;

26) Sexually aggressive behavior by a ward alleged;

27) Sexually problematic behavior by a ward alleged;

28) Pregnant or parenting ward identified;

29) Identification of pregnant ward;

30) Kidnapping or abduction of ward;

31) Suicide attempt by ward;

32) Suicide ideation/threat by ward;

33) Property damage of $50 or more;

34) Aggressive act or behavior by a ward alleged;

35) Death of a former ward;

36) Death of a non-ward; and

37) Accident involving ward.

c) The death of a child or youth for whom the Department had previous legal responsibility shall be reported as an unusual incident when the death is made known to the staff of the Department or a purchase of service provider, and the death occurs within one year after discharge from guardianship or custody of the Department.

d) Any child whose death is reported to the State Central Register as a result of alleged child abuse or neglect shall be treated as an unusual incident in accordance with this Part.

e) Alleged child abuse or neglect reported as an unusual incident shall also be reported immediately to the State Central Register, in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). Action taken shall be in
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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accordance with those rules.

f) Unusual incidents involving children or youth for whom the Department is legally responsible shall be reported immediately to the Department by telephone, and telefax or other electronic means in a manner and form prescribed by the Department. Verbal reports shall be confirmed in a manner and written form prescribed by the Department within two working days after the occurrence.

g) Any usual incident that involves the death, assault, sexual assault, abduction or kidnapping of a child or youth for whom the Department is legally responsible shall be reported immediately to appropriate law enforcement authorities. Further, that a child or youth is missing or has run away shall be reported to law enforcement authorities as soon as the caregiver has reason to believe that the child or youth has run away or is missing.

h) In addition to filing an unusual incident report, any incident that involves death, assault, sexual assault, abduction or kidnapping of a child or youth that occurs on the premises of a Department facility shall be reported immediately, by phone, to the administrator in charge of the operations of the Department or his or her designee and to the Department's Inspector General. Any other unusual incidents in Department facilities shall be reported to the administrator in charge of the operations of the Department or his or her designee in the manner prescribed by this Part.

i) Immediately upon receipt of a report indicating that a child or youth for whom the Department is legally responsible has been the subject of abuse or neglect, is deceased, is the subject of an abduction or kidnapping, or has been on an unauthorized absence of more than 24 hours, the Department shall notify the parents, guardian or legal custodian. If the parents, guardian or legal custodian is unavailable, the Department shall notify the next of kin or other family member of the unusual incident.

j) When an incident described in this Section involves a child or youth for whom the Department is legally responsible who is in the direct care of a child care facility other than the Department, the responsible child care facility shall notify the parents, guardian or legal custodian, if other than the Department. If the parents, guardian or legal custodian is unavailable, the child care facility shall notify the next of kin or other family member of the unusual incident. Information regarding that notification shall be included in the facility's report to the
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Department regarding the incident.

k) The Department may waive the requirement of reporting repeated incidents described in subsection (b) when the Department determines that the incidents are part of the behavior pattern of a particular child or youth, or that the incidents are part of the individual treatment plan for a particular child or youth. The caregiver may apply to the Department for a waiver under this provision in accordance with procedures prescribed by the Department. The caregiver must not discontinue reporting any unusual incidents until authorization is formally granted by the Department, in accordance with procedures prescribed by the Department. The Department shall notify the child's attorney or guardian ad litem of the waiver authorization.

AGENCY NOTE: Terms used in this Section to describe unusual incidents have the meaning ascribed to them by the Criminal Code of 1961 [720 ILCS 5] or 89 Ill. Adm. Code 300 (Reports of Child Abuse or Neglect), as applicable.

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

Section 331.50 Unusual Incidents Involving Employees or Facilities

a) Incidents or occurrences that shall be reported to the Department as unusual incidents when they involve the employees or facilities of the Department or a child care facility include, but are not limited to:

1) Crime - Employee arrested, charged with or convicted of a crime;

2) Threats made against DCFS or POS staff or facility, including bomb threats, firearms, or riot/mob action regardless of source;

3) Misrepresentation of services or costs of services provided;

4) Falsification of credentials or records;

5) Firearms - Employee, other than law enforcement officer, has firearm on premises;

6) Robbery or burglary occurred on premises;
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7) Hazardous/physical condition identified at facility;

8) Legal action by/against a child care facility resulting from serious incident resulting in legal action against facility; or

9) Fire or natural disaster damaged or affected facility/home;

10) Crime - Foster parent arrested, charged with or convicted of a crime;

11) Media involvement/media inquiry;

12) Violation of a court order;

13) Report against DCFS or POS worker involving a ward alleged; or

14) Bribery or attempted bribery of a DCFS employee.

b) Unusual incidents described in subsection (a) shall be reported immediately to the Department as soon as the reporter has reason to believe that an unusual incident has occurred, in a manner and form prescribed by the Department.

c) All unusual incidents for which Department employees are allegedly responsible, including but not limited to violations of the Illinois Criminal Code of 1961 [720 ILCS 5], theft or destruction of State property, and using a weapon or bringing a weapon onto State owned or leased property, shall be reported immediately to the Department's Inspector General, as well as to other appropriate authorities in accordance with statute and this Part.

d) Bribery of a State employee is a criminal offense. Any Department employee who has reasonable grounds to believe that an attempt to bribe him or her has or will be made shall report such incidents immediately to his or her immediate supervisor and to the Department's Inspector General, as well as report to other appropriate authorities in accordance with statute and this Part.

e) Any incident that could have media impact that is other than part of planned public education or similar effort shall be reported as an unusual incident. Such incidents include, but are not limited to, those that involve a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a
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purchase of service provider, or litigation affecting a purchase of service provider.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)
Section 331. APPENDIX A. Types of Unusual Incidents

Abuse of a Ward Alleged
A caregiver, parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child or a paramour of the child's parent is alleged to have inflicted, caused to be inflicted, or allowed to be inflicted upon a ward physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function to a ward.

Accident Involving a Ward
A child for whom the Department is legally responsible has experienced an unexpected and undesirable event that poses a threat to the ward's physical safety and well-being. Accidents include, but are not limited to, car accidents, sports accidents, falls within a facility or during a field trip.

Accidental Injury/Wound
In the case of a wound, a ward has unexpectedly received an injury in which the skin or other external surface is torn, pierced, or cut through unintentional means. An injury can encompass conditions such as burns, broken bones, severe sprains, etc. For either a wound or an injury to be reportable, the child or youth must have required medical attention.

Aggressive Act or Behavior by a Ward Alleged
A ward has engaged in serious aggressive physical behavior toward people, animals, property or other objects, posing a clear and present risk of injury to the child or youth or others.

Alcohol or Substance Abuse by a Ward Suspected
Suspected alcohol or substance abuse means that a caregiver or other person has reason to believe that a child or youth has illegally consumed alcohol; used or is using cannabis or a controlled substance (as defined by the Illinois Controlled Substance Act [720 ILCS 570]) without a physician's prescription; or is using or has used inhalants or other substances intended to have an intoxicating or hallucinogenic effect that may result in clinical dependency.

Assault of a Ward Alleged
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As a result of threats, assault, and/or physical contact, a ward is placed in reasonable fear (apprehension) of receiving or actually sustaining great bodily harm from another individual without legal justification, e.g., was held up at knife point.

Bribery or Attempted Bribery of a DCFS Employee

Any instance in which a DCFS employee accepted or is given, offered, or promised something such as money or favor to influence the employee's judgment or conduct in the performance of official duties is bribery or attempted bribery.

Crime: Foster Parent Suspected, Arrested or Convicted

A foster parent or relative caregiver is suspected of committing a crime or has been arrested or convicted of a criminal act as defined in the Illinois Criminal Code of 1961 [720 ILCS 5] (Criminal Code).

Crime: Employee Arrested, Charged with or Convicted

A Department or purchase of service (POS) employee has been arrested, charged with or convicted of a criminal act as defined in the Criminal Code.

Crime: Ward Detained, Arrested, Charged with or Convicted

A ward has recently been detained or taken into custody by law enforcement authorities, charged with committing a crime, or convicted of committing a criminal act as defined in the Criminal Code. A follow-up report is required in the event the ward is convicted.

Death of a DCFS Ward

A child dies while in the legal custody or guardianship of the Department, regardless of the cause of death and regardless of whether the child was supervised directly by the Department or by a POS provider.

Death of a Former Ward

A child for whom the Department was legally responsible dies within one year after discharge from guardianship or custody of the Department.

Death of a Non-Ward

A child has died and the Department has current or prior involvement with the family, or a child has died in a facility licensed by the Department, such as a foster home or day care center. Current involvement may include a pending child abuse and neglect investigation or an open intact family service case. Prior involvement may include, but is not limited to, being a subject in a previous child abuse or neglect investigation, or a member of a closed intact family service case.
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Falsification of Credentials or Records
Falsification of credentials means that a job applicant or a DCFS or private agency employee submits or has submitted a job application, academic records, employment record, license or certification, or similar document to establish eligibility for employment or continued employment, or used in determining the individual's eligibility for an appointment, reassignment, promotion or leave, or other employment decisions that falsely states the qualifications or achievements of the individual.

Falsification of records or statements includes an act of misrepresentation, falsification or omission of any fact in a written or verbal communication by a Department employee or an employee of a POS agency. Records may include client or case records, court testimony, vouchers, personnel records, and time and attendance records.

Fire/Natural Disaster Damaged or Affected Facility/Home
Natural disaster means those situations caused by nature that are a significant threat of harm to the safety of employees or clients in either a Department or POS provider facility/home. Natural disasters include tornado, flood, earthquake, severe winter storms. Utility emergencies such as gas leaks are included in this category. To be reported as an unusual incident, customary operations, routines or relationships at the facility/home must be disrupted.

Firearms - Employee, other than Law Enforcement Officer, Has Firearms on Premises
A Department employee or employee of a private agency brought a firearm onto facility property, including parking lots (other than by a law enforcement officer). "Firearm" means a handgun, sawed-off shotgun, sawed-off rifle, semiautomatic firearm, machine gun, rifle, shotgun, spring gun and stun gun and includes other firearms small enough to be concealed upon the person or in a briefcase or purse, or in a State-owned or private vehicle.

Hazardous/Physical Condition Discovered at Facility
A dangerous condition exists in a child-care facility and presents a threat to the physical well-being of children, staff, or other persons at the facility. This category usually pertains to the condition of the physical plant or grounds, or to materials, implements or weapons stored in or around the facility.

Kidnapping/Abduction of a Ward
A child or youth for whom the Department is legally responsible was seized and detained unlawfully by a person without the consent of either the caregiver or guardian.
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**Legal Action By/Against a Child Care Facility Resulting from a Serious Incident**
An incident involving a ward, employee of the Department or child care facility in which legal proceedings have been, or may be, initiated against the Department or child care facility by the ward, employee or facility.

**Manual Restraint**
See "Restraint of a Ward, Manual".

**Media Involvement/Media Inquiry**
Media involvement or inquiry means any incident that may have media impact and is not part of a planned public announcement, education or similar effort. Media involvement or inquiries may focus on a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a POS provider or on litigation affecting a POS provider.

**Medical Emergency**
Medical emergency means any urgent situation requiring that a child or youth be seen by a physician on-site or transported to an urgent care clinic, doctor's office or hospital emergency room for immediate treatment. Immediate medical intervention is required to address the medical problem or condition that threatens the child's health or well-being, but does not result in admission to a hospital.

**Medical Hospitalization**
A medical or health problem or condition requires admission of a ward to a hospital for examination, observation or treatment for other than for mental health reasons.

**Medication - Adverse Reaction**
An adverse reaction is an unanticipated and negative reaction to a medication. Symptoms may include itching, hives, dizziness, abdominal cramping or headache. Anaphylactic reaction is a life-threatening medical emergency as symptoms may include difficulty in breathing, bleeding, confusion or loss of consciousness.

**Medication Dispensing Error**
A ward received an incorrect dosage of a prescription or non-prescription (over the counter) medication, posing a risk to the child's ongoing health or well-being.

**Medication - Ward Refusal**
A ward refused to take his/her prescribed medication and failure to do so may jeopardize the health or well being of the child.

**Misrepresentation of Services or Cost of Services**

Misrepresentation of services means that services were reported as having been provided to a person served by either the Department or a purchase of service provider when those services were not provided, or that the services were provided for a period of time or under conditions other than those reported. Such misrepresentation may occur in reports to the Department, the courts, auditors or others acting on behalf of the Department.

Misrepresentation of the costs of services means the actual costs to provide service were intentionally inflated to produce a larger billing or payment than one is entitled to for the services provided. Misrepresentation of the cost of services includes deliberately understating the cost of providing services in order to gain advantage in a competitive bidding situation.

**Neglect of a Ward Alleged**

A child for whom the Department is legally responsible is allegedly not receiving proper or necessary nourishment, medical care or routine care.

**Pregnant or Parenting Ward Identified**

Parenting ward includes both females and males for whom the Department is legally responsible, regardless of whether the ward's child remains in the custody of the ward.

**Property Damage of $50 or More by a Ward**

An incident has occurred in which the actions of a ward resulted in damage to the property of others and there is a potential liability claim against the Department for damages of $50 or more.

**Psychiatric Emergency**

A psychiatric emergency is a situation in which behaviors or symptoms arising from an emotional disturbance or mental illness place a child or youth or others at risk for harm to self or others. A psychiatric emergency requires crisis intervention by a psychiatrist or other mental health professional, in whatever setting, to reduce the risk of injury to the child or youth or to others.

**Psychiatric Hospitalization**

An incident or episode has occurred in which a ward has been admitted to a hospital or psychiatric facility for examination, observation or treatment for mental health reasons.
Psychotropic Medication – Emergency Administration

Psychotropic medications were administered on an emergency basis to reduce the risk of harm to the child, youth or others. All emergency medications must be ordered by a psychiatrist and be subject to post-approval through the DCFS consent line. In accordance with Department policies (89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for whom the Department is Legally Responsible)), emergency medications may not continue for more than 48 hours, excluding Saturdays, Sundays and holidays. The use of chemical restraint or the introduction of medication for the express purpose of restricting a child's or youth's movement is prohibited.

Report Against DCFS or POS Worker Involving a Ward Alleged

An employee of the Department or a POS provider is alleged to have put a ward's safety or well-being in jeopardy. The direct child welfare services employee license of an individual who is named as an alleged perpetrator in a pending child abuse or neglect investigation may be suspended or may not be reinstated, pending the outcome of the investigation. In accordance with 89 Ill. Adm. Code 412, Licensure of Child Welfare Employees or Supervisors, if the report is indicated by the Department, the Direct Child Welfare Services Employee License Board may suspend, revoke or refuse to reinstate the license of a direct child welfare services employee unless or until the indication is reversed on appeal or administrative court review. One of the other types of unusual incidents described in this Appendix may also be deemed appropriate for submission with this type of report.

Restraint of a Ward, Manual

The ward was the subject of a behavior management technique involving the use of physical contact or force, characterized by arm or body holds to physically restrict the child or youth and to protect him/her from injuring self or others. Physical restraint may only be used as an intervention when a child is a threat of physical harm to self or others. (The use of physical restraint is limited to secure child care facilities, child care institutions, group homes and youth emergency shelters licensed by the Department. No other facility licensed by the Department is authorized to use manual restraint.) Manual restraint or physical restraint is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

Restraint Results in Injury to a Ward

A ward sustained a physical injury while being restrained by a responsible caregiver. The injury must have been accidental and occurred during the course of the restraint.
Physical restraint is a behavior management technique involving the use of physical contact or force, characterized by measures such as arm or body holds, to protect a child from injuring himself/herself or others. Examples of injuries that are likely to occur during restraint include broken bones, bruises, bumps, strains and rug burns.

Robbery/Burglary Occurred on Premises
Both DCFS and POS facilities must submit an Unusual Incident Report if a burglary or robbery occurs. Law enforcement must also be notified.

Runaway/ Missing Ward
A runaway or missing ward must be reported when a responsible facility representative, a caregiver or law enforcement becomes aware that the whereabouts of a ward are unknown.

"Missing" means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the youth are unknown, and the intent to run away has not been established.

"Runaway" means a child or youth who is absent from the residence of a caregiver or the premises of a child care facility without the consent of the persons responsible for the child's or youth's welfare, when the whereabouts of the child or youth are unknown and the intent to run away has been established.

A child or youth must be reported as missing or having run away as soon as a search of the home or facility is completed and it is confirmed that the youth has left the home/campus without permission. The absence is to be reported even when the child or youth returns in a short period of time.

School - Ward Expelled
A ward has been barred from educational classes and the use of school facilities for up to two calendar years.

School - Ward Suspended
A ward has been temporarily barred from attending educational classes and access to school facilities or school bus. “Suspension” is usually for up to 10 school days, but may be longer for safety reasons, as determined by school authorities.

Seclusion of a Ward
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A child or youth was removed from an area to a specifically designated room from which egress is restricted. The Department, in accordance with 89 Ill. Adm. Code 384, must approve the room that is designated as a seclusion room. Seclusion is a behavior management technique limited in its use to secure child care facilities, child care institutions, group homes, and youth emergency shelter licensed by the Department. No other facility licensed by the Department is authorized to use seclusion.

Self-inflicted Injury/Wound
A ward has deliberately inflicted an injury or wound upon himself or herself and direct care of the site of the injury is needed or required. Depending on the extent or severity of the injury or wound, care may be provided by the caregiver, other lay person or a medical professional.

Sexual Abuse of a Ward Alleged
A child for whom the Department is legally responsible has allegedly been sexually abused by a parent or responsible caregiver, immediate family member, other person residing in the home, parent’s paramour, or other person responsible for the child’s welfare as defined by 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

Sexually Aggressive Behavior by a Ward Alleged
Sexually aggressive behavior means sexual behaviors that are intrusive or potentially harmful to others. Sexually aggressive behavior may involve children/youth who are not peers (not at the same developmental level) and may be accompanied by pressure or coercion to participate or the use of force, threat of harm or violence.

Sexual Assault of a Ward Alleged
A child for whom the Department is legally responsible has allegedly been the victim of a forceful threat and use of force in submitting to (carrying out) a sexual act by a person who is not the child's caregiver, immediate family member, other person residing in the home, parent’s paramour, or other person responsible for the child’s welfare. Examples include rape, attempted rape, date rape.

Sexually Problematic Behavior by a Ward Alleged
Sexually problematic behaviors in children and youth are sexual behaviors that are compulsive, excessive, persistent and/or inconsistent with the child's age and development. They may include masturbation in inappropriate places; simulating sex with other children, toys, furniture or animals; or, as children become older, promiscuity, touching or fondling others (outside of play or consensual sexual activities with peers) or
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other boundary problems like kissing others on the lips or unwelcome, unwanted, and intrusive touching.

Suicide Attempt by a Ward
A ward intentionally, but unsuccessfully, attempted to take his/her own life.

Suicide Ideation/Threat by a Ward
A ward expresses or conveys to a caregiver or others a mental image of committing suicide.

Threats Against DCFS/POS Staff or Facility, Including Bomb Threats, Firearms, or Riot/Mob Action
A threat is a communication that forewarns of the intent to inflict physical, emotional or any other harm to an individual or to subject an individual to physical confinement or restraint. Riot and/or mob action refers to situations in which two or more persons are gathered with the intent to do harm to a person or persons in a Department or POS provider building or property.

Violation of a Court Order
An order relating to a ward or Department client issued by a court, whether juvenile, criminal or civil, was violated, placing the ward's safety and well-being in jeopardy. Examples include violations of Orders of Protection prohibiting contact with wards, failure to render court ordered services, etc.

Weapon Alleged to be in Ward's Possession
A ward had in his/her possession an instrument that is capable of producing death or serious bodily injury when used for its intrinsic purpose, or that has the potential to cause serious bodily injury or endanger a life because of the way it is used, the way it is attempted to be used or the force with which it is used. The term weapon includes firearms, knives, clubs, and explosive devices.

(Source: Added at 32 Ill. Reg. ______, effective ____________)
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1) **Heading of the Part:** Administration of the Illinois Public Community College Act

2) **Code Citation:** 23 Ill. Adm. Code 1501

3) **Section Number:** 1501.303
   **Proposed Action:** Amendment

4) **Statutory Authority:** 110 ILCS 805/2-12(h)

5) **A Complete Description of the Subjects and Issues Involved:** The Illinois (K-12) School Code 105 ILCS 5/27-3 (from Ch. 122, par. 27.3) requires that all students graduating from a public school be required to receive instruction and pass an examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system. The Illinois Community College Board has interpreted this requirement to be inclusive of community college graduates.

   Several years ago, the Illinois Board of Higher Education abandoned the requirement, except for education majors. Given the ever increasing diversity of our student population at Illinois community colleges, this requirement has become burdensome and impractical. Students who have met the specifics of the requirement in other states may not use their high school diploma as evidence since it is not from the state of Illinois. Similarly, the successful completion of the constitution test required during the citizenship process does not provide validation of the article requirements. Additionally, this requirement may hinder the opportunity for Illinois community colleges to offer online educational programs outside of the state of Illinois.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand a State mandate.
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12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Cherie VanMeter  
Administrative Aide  
Illinois Community College Board  
401 East Capitol Avenue  
Springfield, Illinois  62701-1711

Telephone: 217/785-0053  
Fax: 217/524-6195

All written comments received within 45 days after this issue of the Illinois Register will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: None

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated at the time when the agendas were published.

The full text of the Proposed Amendment begins on the next page:
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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501
ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section
1501.101 Definition of Terms
1501.102 Advisory Groups
1501.103 Rule Adoption (Recodified)
1501.104 Manuals
1501.105 Advisory Opinions
1501.106 Executive Director
1501.107 Information Request (Recodified)
1501.108 Organization of ICCB
1501.109 Appearance at ICCB Meetings
1501.110 Appeal Procedure
1501.111 Reporting Requirements (Repealed)
1501.112 Certification of Organization (Repealed)
1501.113 Administration of Detachments and Subsequent Annexations
1501.114 Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section
1501.201 Reporting Requirements
1501.202 Certification of Organization
1501.203 Delineation of Responsibilities
1501.204 Maintenance of Documents or Information
1501.205 Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section
1501.301 Definition of Terms
1501.302 Units of Instruction, Research, and Public Service
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SUBPART D: STUDENTS

Section
1501.401 Definition of Terms
1501.402 Admission of Students
1501.403 Student Services
1501.404 Academic Records
1501.405 Student Evaluation
1501.406 Reporting Requirements

SUBPART E: FINANCE

Section
1501.501 Definition of Terms
1501.502 Financial Planning
1501.503 Audits
1501.504 Budgets
1501.505 Student Tuition
1501.506 Published Financial Statements
1501.507 Credit Hour Claims
1501.508 Special Populations Grants (Repealed)
1501.509 Workforce Preparation Grants (Repealed)
1501.510 Reporting Requirements
1501.511 Chart of Accounts
1501.514 Business Assistance Grants (Repealed)
1501.515 Advanced Technology Equipment Grant (Repealed)
1501.516 Capital Renewal Grants
1501.517 Retirees Health Insurance Grants (Repealed)
1501.518 Uncollectible Debts
1501.519 Special Initiatives Grants
1501.520 Lincoln's Challenge Scholarship Grants
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1501.521 Technology Enhancement Grants
1501.522 Deferred Maintenance Grants (Repealed)
1501.523 Foundation Matching Grants

SUBPART F: CAPITAL PROJECTS

Section
1501.601 Definition of Terms
1501.602 Approval of Capital Projects
1501.603 State Funded Capital Projects
1501.604 Locally Funded Capital Projects
1501.605 Project Changes
1501.606 Progress Reports (Repealed)
1501.607 Reporting Requirements
1501.608 Approval of Projects in Section 3-20.3.01 of the Act
1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section
1501.701 Definition of Terms
1501.702 Applicability
1501.703 Recognition
1501.704 Programs
1501.705 Finance
1501.706 Personnel
1501.707 Facilities

SUBPART H: PERSONNEL

Section
1501.801 Definition of Terms
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

SUBPART C: PROGRAMS

Section 1501.303 Program Requirements
a) Comprehensive Program. The programs of each college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.

b) Degrees and Certificates. A college shall award associate degrees and certificates in accordance with units of instruction approved by the ICCB. This authority is not extended to administrative units of the college.

c) Honorary Degrees. Honorary degrees awarded by a board shall be limited to the associate degree.

d) Review and Evaluation of Programs.

1) Each college shall have a systematic, college-wide program review process for evaluating all of its instructional, student services, and academic support programs at least once within a five-year cycle.

2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.

3) Each college shall develop a schedule that shows when each program will be reviewed during each five-year cycle. Occupational programs shall be scheduled in the year following their inclusion in the ICCB follow-up study unless the college obtains an exception in writing from the ICCB. The review of general education objectives of the academic programs shall be scheduled annually, but may focus each year on areas specified by the Illinois Board of Higher Education and ICCB.

4) The ICCB may request the college to include special reviews of programs that have been identified as a result of State-level analyses, legislative resolutions, or Illinois Board of Higher Education policy studies by notifying the college of this request prior to January 1 of the year the special review is to be conducted.

5) Each college shall keep on file for ICCB recognition purposes a copy of its current program review process, its five-year schedule for program review, and complete reports of program reviews conducted during the past five years.
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6) Each college shall submit to the ICCB by August 1 each year a summary report of its previous year's program review results in a format designated by the ICCB and a copy of its current five-year schedule of program reviews.

e) Academic Calendar.

1) A college shall operate on an academic calendar which provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction).

2) The days of instruction prescribed in subsection (e)(1) above shall include all days when there is a full schedule of classes and support services, but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, college-wide placement or assessment testing, faculty workshops, and final examinations.

3) Colleges may include terms during the summer or any other time during the year, in addition to the ones identified in subsection (e)(1).

4) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections 1501.309(b) and 1501.507(b)(10).

5) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request the ICCB President/CEO to approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).

6) If a college entered into a contract with its faculty regarding the length of the academic calendar in compliance with subsection (e)(1) prior to the effective date of this revision, it may continue to operate under the
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provisions of that contract until that contract is renegotiated or expires.

f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in those areas in which the work experience and related training is the principal learning medium.

g) Library. Each college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of acquisition and deletion.

h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies that are adequate for effective teaching and learning.

i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.

j) Apprenticeships. A college participates in apprenticeships coordinated by the Bureau of Apprenticeship Training, U.S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, State, and local governmental rules, regulations, and guidelines.

k) Examination of Patriotism, Principles of Representative Government, Proper Use and Display of the American Flag, and Method of Voting. The examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system may be satisfied in one of the following ways:

1) The student may pass an appropriate examination at the college;

2) The student may complete, with a passing grade, a specified course that includes all subject matter identified above; or
3) The college may accept as evidence that the student has previously met the examination requirement a diploma earned from an Illinois high school or an Illinois high school equivalency certificate for the successful completion of the Test of General Education Development (GED). Such evidence authorizes the college to make an appropriate notation on the student's transcript.

(Source: Amended at 32 Ill. Reg. ______, effective _____________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Narrative and Planning Policies

2) **Code Citation:** 77 Ill. Adm. Code 1100

3) **Section Numbers:**
   - 1100.220: Amendment
   - 1100.800: New

4) **Statutory Authority:** Illinois Health Facilities Planning Act [20 ILCS 3960]

5) **A Complete Description of the Subjects and Issues Involved:**
   In Section 1100.220, the proposed amendments include new definitions for Freestanding Emergency Center Medical Services (FECMS), a new category of service.

   Section 1100.800 provides planning policies for the FECMS category of service. The policies concern: planning areas; age groups; utilization standards; and need determination.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** Yes

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HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

1100.660 Amendment 31 Ill. Reg. 16387; December 14, 2007

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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

   Public Hearing on Friday, February 1, 2008
   9:00-11:00 AM at
   Harold Washington College
   30 E. Lake Street, Room 102
   Chicago, IL  60601

   Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the Illinois Register to:

   Claire Burman
   Coordinator, Rules Development
   Illinois Health Facilities Planning Board
   100 W. Randolph Street, 6th Floor
   Chicago, Illinois  60601

   312/814-2565
   e-mail: CLAIRE.BURMAN@illinois.gov

13) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

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

   C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section
1100.10  Introduction
1100.20  Authority
1100.30  Purpose
1100.40  Health Maintenance Organizations (Repealed)
1100.50  Subchapter Organization
1100.60  Mandatory Reporting of Data
1100.70  Data Appendices
1100.75  Annual Bed Report
1100.80  Institutional Master Plan Hospitals (Repealed)
1100.90  Public Hearings

SUBPART B: GENERAL DEFINITIONS

Section
1100.210  Introduction
1100.220  Definitions

SUBPART C: PLANNING POLICIES

Section
1100.310  Need Assessment
1100.320  Staffing
1100.330  Professional Education
1100.340  Public Testimony
1100.350  Multi-Institutional Systems
1100.360  Modern Facilities
1100.370  Occupancy/Utilization Standards
1100.380  Systems Planning
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1100.400 Location
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1100.430 Coordination with Other State Agencies
1100.440 Requirements for Authorized Hospital Beds

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section
1100.510 Introduction, Formula Components and Planning Area Development Policies
1100.520 Medical-Surgical/Pediatric Categories of Service
1100.530 Obstetric Category of Service
1100.540 Intensive Care Category of Service
1100.550 Comprehensive Physical Rehabilitation Category of Service
1100.560 Acute Mental Illness Category of Service
1100.570 Substance Abuse/Addiction Treatment Category of Service (Repealed)
1100.580 Neonatal Intensive Care Category of Service
1100.590 Burn Treatment Category of Service (Repealed)
1100.600 Therapeutic Radiology Equipment (Repealed)
1100.610 Open Heart Surgery Category of Service
1100.620 Cardiac Catheterization Services
1100.630 Chronic Renal Dialysis Category of Service
1100.640 Non-Hospital Based Ambulatory Surgery
1100.650 Computer Systems (Repealed)
1100.660 General Long-Term Care-Nursing Care Category of Service
1100.661 General Long-Term Care-Sheltered Care Category of Service (Repealed)
1100.670 Specialized Long-Term Care Categories of Service
1100.680 Intraoperative Magnetic Resonance Imagining Category of Service (Repealed)
1100.690 High Linear Energy Transfer (L.E.T.) (Repealed)
1100.700 Positron Emission Tomographic Scanning (P.E.T.) (Repealed)
1100.710 Extracorporeal Shock Wave Lithotripsy (Repealed)
1100.720 Selected Organ Transplantation
1100.730 Kidney Transplantation
1100.740 Subacute Care Hospital Model
1100.750 Postsurgical Recovery Care Center Alternative Health Care Model
1100.760 Children's Respite Care Center Alternative Health Care Model
1100.770 Community-Based Residential Rehabilitation Center Alternative Health Care Model
1100.800 Freestanding Emergency Center Medical Services Category of Service
HEALTH FACILITIES PLANNING BOARD

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1100.APPENDIX A  Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].


SUBPART B: GENERAL DEFINITIONS

Section 1100.220 Definitions

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Applicable Codes and/or Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to
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Illinois health facilities and/or standards of health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"Authorized Hospital Bed Capacity" means the number of beds recognized for planning purposes at a hospital facility, as determined by HFPB. The operational status of authorized hospital beds is identified as physically available, reserve, or transitional, as follows:

"Physically Available Beds" means beds that are physically set up, meet hospital licensure requirements, and are available for use. These are beds maintained in the hospital for the use of inpatients and that furnish accommodations with supporting services (such as food, laundry, and housekeeping). These beds may or may not be staffed, but are physically available.

"Reserve Beds" means beds that are not set up for inpatients, but could be made physically available for inpatient use within 72 hours.

"Transitional Beds" means beds for which a Certificate of Need (CON) has been issued, but that are not yet physically available, and beds that are temporarily unavailable due to modernization projects that do not require a CON.

"Authorized Long-Term Care Bed Capacity" means the number of beds by category of service, recognized and licensed by IDPH for long-term care.

"Average Daily Census" or "ADC" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay" or "ALOS" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, cardiac catheterization, etc. A category of service may include
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subcategories or levels of care that identify a particular degree or type of care within the category of service.

"Emergency Medical Services System" or "EMS System" means an organization of hospitals, vehicle service providers and personnel approved by IDPH in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS, and/or ALS level pursuant to a System program plan submitted to and approved by IDPH, and pursuant to the EMS Region Plan adopted for the EMS Region in which the System is located. [210 ILCS 50/3.20]

"Emergent Care" means medical or surgical procedures and care provided to those patients treated in an emergency department (ED) of a hospital or freestanding emergency center who have traumatic conditions or illnesses with an acuity level that is classified as level one or level two based upon the Emergency Severity Index (ESI) as defined in the "Emergency Severity Index Version 4: Implementation Handbook" published by the Agency for Healthcare Research and Quality, Rockville MD (Gilboy N, Tanabe P, Travers DA, Rosenau AM, Eitel DR; AHRQ Publication No. 05-0046-2; May 2005, no later amendments or editions included).

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Freestanding Emergency Center" or "FEC" means a facility subject to licensure under Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50/32.5] that provides emergency medical and related services.

"Freestanding Emergency Center Medical Services" or "FECMS" means a category of service pertaining to the provision of emergency medical and related services provided in a freestanding emergency center.

"Health Service Area" or "HSA" means the following geographic areas:

HSA I – Illinois Counties of Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago

HSA II – Illinois Counties of Bureau, Fulton, Henderson, Knox, LaSalle,
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Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren, and Woodford


HSA IV – Illinois Counties of Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby, and Vermilion


HSA VI – City of Chicago

HSA VII – DuPage County and Suburban Cook County

HSA VIII – Illinois Counties of Kane, Lake, and McHenry

HSA IX – Illinois Counties of Grundy, Kankakee, Kendall, and Will

HSA X – Illinois Counties of Henry, Mercer, and Rock Island

HSA XI – Illinois Counties of Clinton, Madison, Monroe, and St. Clair

"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act [210 ILCS 45] or a State-operated facility that is utilized for the prevention, diagnosis and treatment of physical and mental ills. For purposes of this Subchapter, two basic types of hospitals are recognized:

General Hospital – a facility that offers an integrated variety of categories of service and that offers and performs scheduled surgical procedures on an inpatient basis.
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Special or Specialized Hospital – a facility that offers, primarily, a special or particular category of service.

"Illinois Department of Public Health" or "Agency" or "IDPH" means the Department of Public Health of the State of Illinois. [20 ILCS 3960/3]

"Modernization" means modification of an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does not include a substantial change in either the bed count or scope of the facility.

"Non-emergent Care" means medical or surgical procedures and care provided to those patients treated in an emergency department (ED) of a hospital or freestanding emergency center who have conditions or illnesses that are not classified as level one or level two based upon the Emergency Severity Index.

"Observation Days" means the number of days of service provided to outpatients for the purpose of determining whether a patient requires admission as an inpatient or other treatment. The observation period shall not exceed 48 hours.

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by the calculated capacity. It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

"Occupancy Target" means a minimum utilization level established by IDPH for a facility or service, reflecting adequate access as well as operational efficiency.

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period. This figure includes observation days if the observation patient occupies a bed that is included in the State Agency's Inventory of Health Care Facilities and Services as described in Section 1100.70.

"Population" or "Population Projections" means the latest estimates available as determined by IDPH.

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of
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information to determine health care resources and needs and to serve as a basis for planning.

"Site" means the location of an existing or proposed facility. An existing facility site is determined by street address. In a proposed facility the legal property description or the street address can be used to identify the site.

"State Board" means the Health Facilities Planning Board established by the Act. [20 ILCS 3960/3]

"Unit" means the grouping of beds to provide a category of service. Units are physically identifiable areas that are staffed to provide all care required for particular service.

"Use Rate" means the ratio of inpatient days per 1,000 population over a 12-month period (Inpatient Days/Population in Thousands = Use Rate).

"Use Rate or Utilization Maximum" means a ceiling placed on an area's use or utilization rate in order to reduce the projected need for beds or services. Use rate maximums are designed to prevent the overestimation of needed beds in formulas which utilize historical demand. Maximums are used in planning areas where historical demand is inflated due to an immigration of patients from other planning areas.

"Use Rate or Utilization Minimum" means a lower limit placed on an area's use or utilization rate in order to inflate the projected need for beds or services. Use rate minimums are designed to promote the development of beds in areas where historical utilization is too low to create a formula bed need. Low utilization is caused by a lack of services in the area or by an out migration of area residents to other areas for care.

"Utilization" means patterns or rates of use of a single service or type of service, within a given facility or also in combinations of facilities. Use is expressed in rates per unit of population at risk for a given period.

"Variance" means an exception to computed need based upon criteria or conditions for particular categories of service.

(Source: Amended at 32 Ill. Reg. _______, effective ______________)
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SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section 1100.800 Freestanding Emergency Center Medical Services Category of Service

a) Planning Areas
Planning areas are the same as those for medical-surgical and pediatric care.

b) Age Groups
For freestanding emergency center medical services, all ages.

c) Utilization
The minimum operational capacity for each treatment station in an FEC is 5.5 patients per day (2000 patient visits per year) based upon 24-hour availability.

d) Need Determination
No formula need determination for the establishment of a freestanding emergency center medical service category of service or the number of treatment stations has been established. Need shall be established pursuant to the applicable review criteria of 77 Ill. Adm. Code 1110.

(Source: Added at 32 Ill. Reg. _____, effective ___________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Processing, Classification Policies and Review Criteria

2) **Code Citation:** 77 Ill. Adm. Code 1110

3) **Section Numbers:**
   - 1110.3210 New
   - 1110.3230 New

4) **Statutory Authority:** Illinois Health Facilities Planning Act [20 ILCS 3960]

5) **A Complete Description of the Subjects and Issues Involved:** The proposed rulemaking concerning "Freestanding Emergency Centers" is an amendment to 77 Ill. Adm. Code 1110, as mandated by the Illinois Health Facilities Planning Act. The rulemaking contains review criteria for the establishment, expansion or modernization of freestanding emergency center medical services as a category of service. The review criteria contain various tests of need, including: planning area need; historical and projected service demand; service accessibility; unnecessary duplication/maldistribution; and staffing availability.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** Yes

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1110.510  Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.520  Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.530  Amend   31 Ill. Reg. 5935; April 20, 2007
1110.610  Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.620  Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.630  Amend   31 Ill. Reg. 5935; April 20, 2007
1110.1410 Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.1420 Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.1430 Amend   31 Ill. Reg. 5935; April 20, 2007
1110.2310 Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.2320 Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.2330 Amend   31 Ill. Reg. 5935; April 20, 2007
1110.2410 Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.2420 Repeal   31 Ill. Reg. 5935; April 20, 2007
1110.2430 Amend   31 Ill. Reg. 5935; April 20, 2007
1110.3030 New   31 Ill. Reg. 5935; April 20, 2007

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate.

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

   Public Hearing
   on
   Friday, February 1, 2008
   9:00 am – 11:00 am
   at
   Harold Washington College
   30 E. Lake Street, Room 102
   Chicago, IL

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the Illinois Register to:

Claire Burman
Coordinator, Rules Development
Illinois Health Facilities Planning Board
100 W. Randolph Street, 6th Floor
HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago, Illinois 60601

312/814-2565
e-mail: CLAIRE.BURMAN@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendments begins on the next page.
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TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110
PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

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1110.20 Projects Required to Obtain a Permit (Repealed)
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1110.120 Discontinuation – Definition
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1110.235 Additional General Review Criteria for Master Design and Related Projects Only
1110.240 Changes of Ownership, Mergers and Consolidations

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1110.810 Introduction (Repealed)
1110.820 Substance Abuse/Addiction Treatment – Definitions (Repealed)
1110.830 Substance Abuse/Addiction Treatment – Review Criteria (Repealed)

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1110.1010 Introduction (Repealed)
1110.1020 Burn Treatment – Definitions (Repealed)
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1110.1620 Computer Systems – Definitions (Repealed)
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1110.2010 Introduction (Repealed)
1110.2020 High Linear Energy Transfer (L.E.T.) – Definitions (Repealed)
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1110.2130 Positron Emission Tomographic Scanning (P.E.T.) – Review Criteria (Repealed)

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1110.2210 Introduction (Repealed)
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SUBPART AG: CATEGORY OF SERVICE REVIEW CRITERIA – FREESTANDING EMERGENCY CENTER MEDICAL SERVICES

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HEALTH FACILITIES PLANNING BOARD

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AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].


SUBPART AG: CATEGORY OF SERVICE REVIEW CRITERIA – FREESTANDING EMERGENCY CENTER MEDICAL SERVICES

Section 1110.3210 Introduction

No person shall construct, modify, or establish a freestanding emergency center in Illinois, or acquire major medical equipment or make capital expenditures in relation to such a facility in excess of the capital expenditure minimum, as defined by the Act, without first obtaining a permit from the State Board in accordance with criteria, standards, and procedures adopted by the State Board for freestanding emergency centers that ensure the availability of and community access to emergency medical services. [20 ILCS 3960/5.1a]

(Source: Added at 32 Ill. Reg. ______, effective ____________.)
Section 1110.3230  Freestanding Emergency Center Medical Services - Review Criteria

a) Introduction

1) These criteria are applicable only to those projects or components of projects involving the freestanding emergency center (FEC) medical services (FECMS) category of service. In addition, the applicant shall address other applicable requirements in this Part, as well as those in 77 Ill. Adm. Code 1100 and 1130. Applicants proposing to establish, expand or modernize an FECMS category of service shall comply with the applicable subsections of this Section, as follows:

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2) If the proposed project involves the replacement of an FEC facility on site, the applicant shall comply with the requirements listed in subsection (a)(1) for Category of Service Modernization.

3) If the proposed project involves the replacement of the FEC facility on a new site, the applicant shall comply with the requirements listed in subsection (a)(1) for Establishment of Service.
All projects shall meet or exceed the utilization standards for the service, as specified in 77 Ill. Adm. Code 1100.

All projects for an FEC must comply with the licensing requirements established in the Emergency Medical Services (EMS) Systems Act [210 ILCS 50/32.5], including the following:

A) Be located in a municipality with a population of 75,000 or fewer inhabitants;
B) Be within 20 miles of the hospital that owns or controls the FEC; and
C) Be within 20 miles of the Resource Hospital affiliated with the FEC as part of the EMS system.

The applicant shall certify that it has reviewed, understands, and plans to comply with all of the following requirements:

A) The requirements of becoming a Medicare provider of freestanding emergency services; and
B) The requirements of becoming licensed under the Emergency Medical Services Systems Act [210 ILCS 50].

Planning Area Need – Establishment or Expansion of Service

No formula need calculation has been established for the FECMS category of service.

Applicants proposing to establish or expand an FECMS category of service shall document that the primary purpose of the project will be to provide necessary health care to the residents of the area in which the proposed project will be physically located (i.e., the planning area).

A) For projects to establish an FECMS category of service, the applicant shall document that at least 50% of the projected patient...
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volume will be residents of the area. Documentation shall consist of letters from authorized representatives of hospitals or other FEC facilities that are part of the Emergency Medical Services System (EMSS) for the area. The letters shall provide patient origin information by zip code, based upon the patient's legal residence, for patients receiving services at the existing EMSS facilities' emergency departments (ED), verifying that at least 50% of the ED patients served during the last 12-month period were residents of the area. Each letter shall contain a certification by the authorized representative that the representations contained in the letter are true and correct. A complete set of the letters with original notarized signatures shall accompany the application for permit.

B) An applicant proposing to expand an FECMS category of service shall provide patient origin information for all patients served at the existing FEC facility for the last 12-month period, verifying that at least 50% of patients served were residents of the planning area. The applicant shall submit patient origin information by zip code, based upon the patient's legal residence.

3) Service Demand - Establishment of FECMS Category of Service
The applicant shall document that establishment of an FECMS category of service is necessary to accommodate the service demand experienced annually by the existing EMSS over the latest two-year period.

A) Historical Referrals
The applicant shall document:

i) The number of area residents (for the latest two-year period) by zip code that were referred to hospitals or freestanding emergency center facilities that were not members of the EMSS;

ii) The estimated number of patients anticipated to receive services at the proposed FEC. The anticipated number cannot exceed the documented historical caseload of the EMSS. The data shall be submitted by letter and certified by an authorized representative of the applicant resource hospital, and state that the estimated number of patients to
receive services has not been used to support another pending or approved CON application for FECMS and that the representations contained in the letter are true and correct. A complete set of the letters with original notarized signatures shall accompany the application for permit.

B) Projected Service Demand – Data Requirements
The applicant shall document:

i) The number of Emergency Department (ED) patients annually (specifying the number that required emergency treatment or immediate care and the number that required non-emergency care or treatment) that have received care at facilities that are members of the applicant’s EMSS for the latest two-year period prior to submission of the application;

ii) The estimated number of patients anticipated to receive services at the proposed FEC (specifying the estimated number that will require emergency treatment or immediate care and the number that will require non-emergency care or treatment). The anticipated number cannot exceed the documented historical caseload. The data shall be submitted by letter and certified by an authorized representative of the applicant resource hospital, and state that the estimated number of patients to receive services has not been used to support another pending or approved CON application for FECMS and that the representations contained in the letter are true and correct. A complete set of the letters with original notarized signatures shall accompany the application for permit; and

iii) The estimated number of patients anticipated to receive services at the proposed FEC (specifying the estimated number that will require emergency treatment or immediate care and the number that will require non-emergency care or treatment), based upon rapid population growth in the applicant facility’s existing market area.
HEALTH FACILITIES PLANNING BOARD

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C)  Projected Service Demand – Documentation Parameters

  i) Population projections shall be produced, using, as a base, the population census or estimate for the most recent year for county, incorporated place, township, or community area by the U.S. Census Bureau or IDPH;

  ii) Projections shall be for a maximum period of 10 years from the date the application is submitted;

  iii) The number of years projected shall not exceed the number of historical years documented;

  iv) Projections shall contain documentation of population changes in terms of births, deaths, and net migration for a period of time equal to or in excess of the projection horizon;

  v) Projections shall be for total population and specified age groups for the applicant's market area, as defined by HFPB for each category of service in the application; and

  vi) Documentation on projections methodology, data sources, assumptions and special adjustments shall be submitted to HFPB.

4)  Service Accessibility
The proposed project to establish or expand an FECMS category of service is necessary to improve access for planning area residents. The applicant shall document the following:

A)  Service Restrictions
The applicant shall document that at least one of the following factors exists in the planning area:

  i) The absence of the proposed ED service within the planning area;
ii) Access limitations due to payer status of patients, including, but not limited to, individuals with health care coverage through Medicare, Medicaid, managed care, or charity care;

iii) Restrictive admission policies of existing providers;

iv) The area population and existing care system exhibit indicators of medical care problems, such as an average family income level below the State average poverty level, high infant mortality, or designation by the Secretary of Health and Human Services as a Health Professional Shortage Area, a Medically Underserved Area, or a Medically Underserved Population;

v) All existing emergency services within the 30-minute normal travel time meet or exceed the utilization standard specified in 77 Ill. Adm. Code 1100.

B) Supporting Documentation
The applicant shall provide the following documentation, as applicable, concerning existing restrictions to service access:

i) The location and utilization of other planning area service providers;

ii) Patient location information by zip code;

iii) Travel-time studies;

iv) A certification of waiting times;

v) Scheduling or admission restrictions that exist in area providers;

vi) An assessment of area population characteristics that documents that access problems exist;

vii) Most recently published IDPH Hospital Questionnaire.
c) Unnecessary Duplication/Maldistribution - Review Criterion

1) The applicant shall document that the project will not result in an unnecessary duplication. The applicant shall provide the following information:

A) A list of all zip code areas (in total or in part) that are located within 30 minutes normal travel time of the project's site;

B) The total population of the identified zip code areas (based upon the most recent population numbers available for the State of Illinois population); and

C) The names and locations of all existing or approved health care facilities located within 30 minutes normal travel time from the project site that provide emergency medical services.

2) The applicant shall document that the project will not result in maldistribution of services. Maldistribution exists when the identified area (within the planning area) has an excess supply of ED treatment stations characterized by such factors as, but not limited to:

A) Historical utilization (for the latest 12-month period prior to submission of the application) for existing ED within 30 minutes travel time of the applicant’s site that is below the utilization standard established pursuant to 77 Ill. Adm. Code 1100; or

B) Insufficient population to provide the volume or caseload necessary to utilize the ED services proposed by the project at or above utilization standards.

3) The applicant shall document that, within 24 months after project completion, the proposed project:

A) Will not lower the utilization of other area providers below the utilization standards specified in 77 Ill. Adm. Code 1100; and
B) Will not lower, to a further extent, the utilization of other area hospitals or FECs that are currently (during the latest 12-month period) operating below the utilization standards.

4) The applicant shall document that a written request was received by all existing facilities that provide ED service located within 30 minutes travel time of the project site asking the number of treatment stations at each facility, historical ED utilization (specifying the number of patients receiving emergency treatment or care and non-emergency treatment or care), and the anticipated impact of the proposed project upon the facility's ED utilization. The request shall include a statement that a written response be provided to the applicant no later than 15 days after receipt. Failure by an existing facility to respond to the applicant's request for information within the prescribed 15-day response period shall constitute an assumption that the existing facility will not experience an adverse impact in utilization from the project. Copies of any correspondence received from the facilities shall be included in the application.

d) Category of Service Modernization

1) If the project involves modernization of an existing FECMS category of service, the applicant shall document that the existing treatment areas to be modernized are deteriorated or functionally obsolete and need to be replaced or modernized, due to such factors as, but not limited to:

A) High cost of maintenance;

B) Non-compliance with licensing or life safety codes;

C) Changes in standards of care; or

D) Additional space for diagnostic or therapeutic purposes.

2) Documentation shall include the most recent:

A) IDPH Inspection reports; and

B) Joint Commission on Accreditation of Healthcare Organizations reports.
3) Other documentation shall include the following, as applicable to the factors cited in the application:

   A) Copies of maintenance reports;

   B) Copies of citations for life safety code violations; and

   C) Other pertinent reports and data.

e) Staffing Availability - Review Criterion

1) An applicant proposing to establish an FECMS category of service shall document that a sufficient supply of personnel will be available to staff the service. Sufficient staff availability shall be based upon evidence that for the latest 12-month period prior to submission of the application, those hospitals or FECs located in zip code areas that are (in total or in part) within one hour normal travel time of the applicant facility's site have not experienced a staffing shortage with respect to the categories of services proposed by the project.

2) A staffing shortage is indicated by an average annual vacancy rate of more than 10% for budgeted full-time equivalent staff positions for health care workers who are subject to licensing by the Department of Financial and Professional Regulation.

3) An applicant shall document that a written request for such information was received by all existing facilities within the zip code areas, and that the request included a statement that a written response be provided to the applicant no later than 15 days after receipt. Failure by an existing facility to respond to the applicant’s request for information within the prescribed 15-day response period shall constitute an assumption that the existing facility has not experienced staffing vacancy rates in excess of 10%. Copies of any correspondence received from the facilities shall be included in the application.

4) If more than 25% of the facilities contacted indicated an experienced staffing vacancy rate of more than 10% percent, the applicant shall provide documentation as to how sufficient staff shall be obtained to operate the proposed project, in accordance with licensing requirements.
HEALTH FACILITIES PLANNING BOARD

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(Source: Added at 32 Ill. Reg. _______, effective ___________)
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Lottery (General)

2) **Code Citation:** 11 Ill. Adm. Code 1770

3) **Section Numbers:**  
   - 1770.240 Proposed Action: New  
   - 1770.APPENDIX B New

4) **Statutory Authority:** 20 ILCS 1605/7.1 and 7.2

5) **A Complete Description of the Subjects and Issues Involved:** The personal and social costs of gambling addiction are a focus of the lottery industry worldwide, and the Illinois Lottery recognizes the need to have a uniform policy to assist people who have admitted they have a problem and wish to eliminate their ability to claim large lottery prizes and thus reduce their incentive to play. The rulemaking establishes a voluntary self-exclusion option for such individuals.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** The self-exclusion rules and materials are patterned after a similar program offered in the State of Iowa, as well as the voluntary self-exclusion program rules of the Illinois Gaming Board.

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand a State mandate.

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

    Illinois Department of Revenue  
    Illinois Lottery Legal Section
13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE C: LOTTERY
CHAPTER II: DEPARTMENT OF REVENUE

PART 1770
LOTTERY (GENERAL)

Section
1770.10 Definitions
1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30 Special Licenses
1770.40 License Revocation Without Prior Notice
1770.50 License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60 Conditions of Licensing
1770.70 License to be Displayed
1770.80 Change of Name, Ownership, or Form of Business Organization
1770.90 Delinquent Financial Obligations
1770.100 Bonding of Agents
1770.110 License Expiration and Renewal
1770.120 Agent Financial Adjustments
1770.130 Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140 Sales by Department Directly
1770.150 Sales, Inspection, Compensation, and Ticket Purchases
1770.160 Lottery Tickets
1770.170 Lottery Games
1770.180 Drawings
1770.190 Prize Payment, Claiming or Redeeming of Prizes and Transfers to Common School Fund
1770.200 Eligibility to Buy
1770.210 Promotional Items
1770.220 Priority of Rules
1770.230 Assignment of Lottery Prizes
1770.240 Voluntary Self-exclusion Program
1770.APPENDIX A Affidavit
1770.APPENDIX B Voluntary Self-exclusion Agreement

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2].
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Section 1770.240 Voluntary Self-exclusion Program

Any individual wishing to reduce his or her incentive to purchase Illinois Lottery tickets may do so by participating in a voluntary self-exclusion program.

a) In order to participate in the voluntary self-exclusion program, an individual must complete a self-exclusion agreement as set forth in Appendix B to this Part, sign the agreement in the presence of a notary public, and mail or otherwise deliver the signed and notarized agreement to the Illinois Lottery's Claims Unit at 101 West Jefferson, MC5-915, Springfield, Illinois 62702. The form may be obtained in person or by mail from any Lottery office or may be downloaded and printed from the Lottery's website.

b) Upon receipt of the signed and notarized document, the Illinois Lottery will add the individual's identifying information to its confidential database of persons prohibited from receiving payment of prizes through the Lottery's regional prize payment facilities or central office.

c) Upon receipt of a voluntary self-exclusion agreement, the Lottery will take all reasonable steps, including but not limited to providing the enrollee's name and address to advertising and public relations firms retained by the Lottery and to staff in charge of in-house e-mail and fax lists, to remove the self-exclusion program enrollee from existing promotional mailing lists, electronic distribution...
lists or other promotional listings, and to prevent the inclusion of the individual's name in any promotional listings that may be created in the future.

d) All Illinois Lottery prizes that are unclaimed as a result of the voluntary self-exclusion program shall be handled in the same manner as other unclaimed prizes and may be included in the prize pool of such special drawing or drawings as the Division may, from time to time, designate. All unclaimed prize money not included in the prize pool of a special drawing shall be transferred to the Common School Fund. [20 ILCS 1605/19]

e) Removal from Self-exclusion List

1) Upon the expiration of 5 years from the date of placement on the Lottery's voluntary self-exclusion list, an individual may request that he or she be removed from the list based upon the elimination of a mental health or medical condition underlying the person's acknowledgment that he or she was a problem gambler and unable to gamble responsibly. The request for removal from the self-exclusion list must be in writing, be addressed to the Lottery Superintendent at the Lottery's central office in Springfield, and include the following:

A) Information as to treatment received for the person's gambling problem, length of treatment, and names and qualifications of treatment providers.

B) A waiver of liability of the Department of Revenue, Illinois Lottery, their agents and the State of Illinois for any damages that might arise out of any act or omission committed by the person as a consequence of his or her removal from the Lottery's voluntary self-exclusion list, including any monetary or other damages sustained in connection with the person's renewal of lottery ticket purchases or redemptions.

C) The requestor's name, address and taxpayer identification number and notarized signature (subscribed and sworn).

2) A decision whether to remove a person from the self-exclusion list shall be at the discretion of the Superintendent, and the Superintendent shall not rule on a request for removal from the voluntary self-exclusion list until all
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of the requirements of this subsection (e) are met. Written notification of the determination will be sent to the requestor by certified mail.

f) Any information as to mental health or medical conditions received pursuant to this Section will be maintained pursuant to the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and other applicable federal and State laws.

(Source: Added at 32 Ill. Reg. ______, effective ____________)
ILLINOIS REGISTER

DEPARTMENT OF REVENUE

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Section 1770.APPENDIX B   Voluntary Self-exclusion Agreement

ILLINOIS LOTTERY
SELF-EXCLUSION FROM PLAY
AND PRIZE PAYMENT AGREEMENT

of , in the State of Illinois,

(Name of Individual Signing Contract) (City of Residence)

hereinafter "Player", and the Illinois Lottery, a Division of the Illinois Department of Revenue, hereinafter "Lottery", (collectively, the "Parties") in consideration of the agreed mutual benefits to be derived by the Parties from Player's cessation of lottery game play, do hereby covenant and agree as follows:

1. Player acknowledges that she/he is a compulsive or problem gambler.

2. Player acknowledges that access to payment of prizes won as a result of playing Lottery games is an unwelcome incentive to play such games.

3. Player desires to reduce the incentive to play by entering into a voluntary self-exclusion agreement restricting Player's access to lottery prizes to which Player would otherwise be entitled by virtue of playing lottery games and/or otherwise possessing lottery tickets presented for payment.

4. Lottery intends to honor Player's commitment to abstain from playing Lottery's games by denying Player access to redeem prizes for tickets or chances at any one of the Lottery's regional offices and through Lottery Central whenever such denial is feasible. Player acknowledges that enforcement of this agreement at retailer locations is currently not feasible.

5. Lottery represents and Player acknowledges that compulsive or problem gambler participation in games offered by Lottery is contrary to the policy and objectives of Lottery management, is detrimental to the health and well-being of the problem player, and is not in the best interests of State government and the citizens of Illinois.

6. Lottery agrees to take reasonable steps to remove Player's name from any existing promotional mailing lists, electronic distribution lists or other promotional listings and to prevent the inclusion of Player's name in any promotional listings that may be created in the future. Player acknowledges that any lottery promotional materials sent in error to
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Player by mail or electronically are not an invitation to play Lottery games. Player agrees to immediately notify the Lottery's Public Information Officer by phone at 800-252-1775 if Player receives any promotional materials from Lottery and Lottery agrees to take corrective action upon receipt of that notification. Player understands and agrees that, although Lottery will endeavor to exclude Player's name from all promotional mailings, electronic communications, web-based players clubs and other promotional listings, Lottery cannot guarantee that Player's name will not be included in such a mailing or listing. Player understands and agrees that inclusion of Player's name in any such lottery listing, club or promotional listing shall neither create nor be construed to create in Player any right, claim or cause of action against Lottery.

NOW, THEREFORE, Player requests that, from this date forward, Player be deemed ineligible to play any Illinois Lottery game and barred from claiming and/or receiving any cash payment or non-cash prize whatsoever that might be won as a result of Player's purchase of a ticket or chance or of Player's playing any Illinois Lottery game, until such time as Player may request and be approved for removal from the self-exclusion game pursuant to 11 Ill. Adm. Code 1770.240(e). To that end, and to facilitate Lottery's implementation of this agreement to be banned from Lottery gaming, Player furnishes the following information:

My Full Name (and any nicknames):
My Address:
City: ____________________________ State: __________ Zip: __________
Telephone #: (_____) __________________________
Driver's License #: __________________________ State: __________
Date of Birth: mm/dd/yr: __________________________
Social Security #: __________________________
Email Address: __________________________

I (Player) acknowledge that, by signing this Self-Exclusion from Play and Prize Payment Agreement, I knowingly and intentionally, and for valuable consideration, including Lottery’s efforts to implement my exclusion, enter into a contractual relationship in which I relinquish and release any right, title, claim or cause of action on behalf of myself, my heirs, executors, administrators and assigns to any and all prize winnings that might otherwise accrue as a result of my purchase and/or play of Illinois Lottery gaming products. Specifically, I acknowledge that, during the term of this contract, I agree to waive any right to claim a prize pursuant to the Illinois Lottery Law [20 ILCS 1605] and
the administrative rules promulgated thereunder (11 Ill. Adm. Code 1770). I understand and agree that any lottery prize that would otherwise be due me shall be deemed void and uncollectible and that any such prize shall be deemed to be an unclaimed prize within the meaning of Section 19 of the Illinois Lottery Law [20 ILCS 1605/19] and handled in accordance with the requirements for disposition of all such funds held by Lottery.

I understand and agree that I will not seek to hold Lottery liable in any way should I continue to play Lottery games at any venue in the State of Illinois despite this Agreement. I further understand and acknowledge that I am not entitled to a refund of any purchase price even though any Illinois Lottery product purchased by me is deemed void and uncollectible. In other words, I understand and agree that I cannot collect any prize nor can I receive a refund for any lottery product purchased.

I agree to indemnify Lottery, its board members, business partners, officers, employees, agents, retailers, affiliates, contractors and licensees, and their heirs, successors and assigns from any liability Lottery, or any of those persons or entities named, may incur relating to this request. Specifically, I, for myself and my family members, heirs and legal representatives, hereby release and forever discharge Lottery, its board members, business partners, officers, employees, agents, retailers and affiliates, and their heirs, successors and assigns, and those with whom Lottery and those persons or entities named may lawfully share information regarding this Agreement, including any contractor or Internet Services Provider that offers services on behalf of these persons and entities (collectively, the "Released Parties"), from any and all claims in law or equity that I now have or may have in the future against any or all of the Released Parties arising out of, or by reason of, the performance or nonperformance of this Self-Exclusion Request, or any other matter relating to it, including the release of information contained in this Agreement. I further agree, in consideration for the Released Parties' efforts to implement my exclusion, to indemnify and hold harmless the Released Parties to the fullest extent permitted by law from any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or nonperformance of this self-exclusion request.

I understand and intend that this release be general in nature and broadly construed, and that it shall extend to the Illinois Lottery, its officers, board members, business partners, employees, agents, retailers, affiliates, contractors and licensees, and their heirs, successors and assigns.

I further request, should any prize payment be made to me in error, that, to the extent practical and feasible, the Illinois Lottery, its officers, board members, business partners,
employees, agents, retailers, affiliates, contractors and licensees, and their heirs, successors and assigns, and they hereby are authorized to, confiscate or stop any such payment and to pursue any appropriate legal remedies for breach of this Agreement, thereby depriving me of the benefit of the prize payment.

Signed this __________ day of ________________, 2______

__________________________
PLAYER

State of ____________________________ )
County of __________________________ )

I, ____________________________, a Notary Public, in and for the County and State aforesaid, do hereby certify that ____________________________, who acknowledged to me that she/he is the person described as "Player" in the above and foregoing "Illinois Lottery Self-Exclusion from Play and Prize Payment Agreement", appeared before me on the date shown immediately above his/her signature, signed this Agreement in my presence, and declared the act of signing to be of his/her own free will and accord.

__________________________ (SEAL)
Notary Public

Signed this __________ day of ________________, 2______
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS LOTTERY

By:______________________________________________

Its: ____________________________________________

State of Illinois ____________________________

County of ________________________________

I, ______________________________, a Notary Public, in and for the County and State aforesaid, do hereby certify that __________________________________________, a person known to me to be a duly-authorized officer of the Illinois Lottery, appeared before me on the date shown immediately above his/her signature, signed this Agreement in my presence for and on behalf of the Illinois Lottery, and declared the act of signing to be of his/her own free will and accord and for the uses and purposes set forth in the Illinois Lottery Self-Exclusion from Play and Prize Payment Agreement.

______________________________________________
Notary Public (SEAL)

(Source: Added at 32 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) **Section Numbers:**
   - 310.40 Amendment
   - 310.47 Amendment
   - 310.110 Amendment
   - 310.130 Amendment
   - 310.220 Amendment
   - 310.260 Amendment
   - 310.290 Amendment
   - 310.295 Amendment
   - 310.410 Amendment
   - 310.490 Amendment
   - 310.APPENDIX A TABLE O Amendment
   - 310.APPENDIX B Amendment
   - 310.APPENDIX D Amendment

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

5) **Effective Date of Amendments:** January 11, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments 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. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services and Agency Training and Development.

9) **Notice of Proposal Published in the Illinois Register:** November 2, 2007; 31 Ill. Reg. 14619

10) **Has JCAR issued a Statement of Objection to these amendments?** No
11) Differences between proposal and final version. In the table of contents and main source note, changes are because of intervening rulemakings (the adoption of proposed amendments at 31 Ill. Reg. 16094, effective November 20, 2007; proposed amendments at 31 Ill. Reg. 16792, effective December 13, 2007; and peremptory amendments at 32 Ill. Reg. 598, effective December 27, 2007).

In Sections 310.40, 310.47, 310.110, 310.130, 310.290, 310.410, 310.490, 310.Appendix B, and 310.Appendix D, changes are because bargaining units have petitioned to represent Salary Grade or Merit Compensation (MC) classification titles and, with respect to the titles, CMS is to take no action. As memoranda of understanding are signed, peremptory amendments will reflect the titles' bargaining unit pay grade assignments. If positions are exempted from bargaining unit representation by the Illinois Labor Relations Board, proposed amendments will reflect the titles' MS range assignments. Over time, proposed amendments will remove references to Salary Grade pay grades and MC ranges.

In Section 310.260, changes are because clarification is needed in the streamlining of salary schedules. All, not just Salary Grade, non-bargaining unit trainee program titles are assigned to MS ranges.

In Section 310.290, changes are because clarification is needed to identify the titles assigned to out-of-state rates effective January 1, 2008. In addition to the Executive II title that has positions that remain assigned to out-of-state rates because the title has been petitioned for representation by a bargaining unit, the broadbanded Public Service Administrator (that also has been petitioned for representation by a bargaining unit) and Senior Public Service Administrator titles have positions assigned to out-of-state rates.

In Section 310.295, other changes are because clarification is needed to identify the titles assigned to foreign service rates effective January 1, 2008. All, not just Salary Grade, non-bargaining unit titles that have foreign service positions are assigned to MS ranges.

In Section 310.410, the Revenue Audit Supervisor title is removed from the table effective January 1, 2008 because a Memorandum of Understanding was signed December 6, 2007. No position within the title was excluded from the bargaining unit by the Illinois Labor Relations Board, so no Merit Compensation range is assigned to the title. Peremptory amendments were adopted December 27, 2007 reflecting the bargaining unit pay grade assignment. The Office Administrator III title and its salary grade pay grade assignment are removed because the title has been petitioned for representation by a bargaining unit. The following titles retain their MC range
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

assignments because they have been petitioned for representation by bargaining units: Corrections Leisure Activities Specialist IV; Data Processing Supervisor II; Data Processing Supervisor III; Dietary Manager I; Dietary Manager II; Executive II; Executive Secretary III; Human Services Casework Manager; Internal Security Investigator I; Internal Security Investigator II; Mental Health Administrator I; Mental Health Administrator II; Office Administrator III; Police Lieutenant; Security Officer Chief; Security Officer Lieutenant; Security Therapy Aide IV; Statistical Research Supervisor; Telecommunications Supervisor; and Waterways Construction Supervisor I. The following titles with MS range assignments are added because agencies have requested temporary, provisional, or emergency appointments to positions within the titles: Automotive Mechanic; Educator; Revenue Tax Specialist I; Revenue Tax Specialist II; Revenue Tax Specialist Trainee; and Storekeeper II. A typographical error is corrected so that the Foreign Service Economic Development Representative title in the MS range assignment table matches the title in the classification specification.

In Section 310.490, because titles assigned to MC ranges have been petitioned for by bargaining units, the reference to MC ranges in the overtime guide continues. The subsection (q) is added because the differential paid to employees in positions formerly assigned to a foreign service rate will be paid the same differential within the Merit Compensation System.

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 these amendments replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: In Section 310.40 (Pay Schedules), except for Salary Grade pay grade 11 and effective January 1, 2008, the change is that "the Schedule of Salary Grades (Appendix B) and the Schedule of Rates (Sections 310.290 - Out-of-State Rate and 310.295 - Foreign Service Rate)" are no longer in effect. The only exception is the Schedule of Salary Grades (Appendix B) pay grade 11 because the Data Processing Supervisor I and Office Administrator III titles assigned to the pay grade 11 were petitioned for bargaining unit representation and, therefore, no change for those titles shall occur.

In Section 310.47 (In-Hiring Rate), the pay range and in-hiring rate are adjusted for the titles formerly assigned to Salary Grade pay grades. The titles are Commerce
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Commission Police Officer Trainee, Internal Auditor Trainee, and Products and Standards Inspector Trainee.

In Section 310.110 (Implementation of Pay Plan Changes), except for Salary Grade pay grade 11 and effective January 1, 2008, the Schedule of Salary Grades (Appendix B) is no longer in effect. The only exception is the Schedule of Salary Grades (Appendix B) pay grade 11 remains in effect.

In Section 310.130 (Effective Date), a change clarifies that "the Schedule of Salary Grade Pay Grades - Monthly Rates of Pay (Appendix B) and the Schedule of Rates (Sections 310.290 - Out-of-State Rate and 310.295 - Foreign Service Rate)" are not effective for the entire fiscal year 2008. The only exception is that the Schedule of Salary Grades (Appendix B) pay grade 11 remains in effect.

In Section 310.220 (Negotiated Rate) in subsection (b), "effective January 1, 2008, the non-union positions and employees are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D)" is added.

In Section 310.260 (Trainee Rate), effective January 1, 2008, the Trainee Programs assigned to non-bargaining-unit rates are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D).

In Section 310.290 (Out-of-State Rate) in subsection (d), effective January 1, 2008, the out-of-state positions assigned to non-bargaining-unit rates are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D). The only exception is that the Executive II, Public Service Administrator and Senior Public Service Administrator titles remain subject to out-of-state rates.

In Section 310.295 (Foreign Service Rate) in subsection (d), effective January 1, 2008, the foreign service rate positions assigned to non-bargaining-unit rates are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D).

In Section 310.410 (Jurisdiction), effective January 1, 2008, titles or positions within titles assigned to the Salary Grade, Trainee Programs, out-of-state, foreign services or non-union rates based on Section 310.220 subsection (b) are subject to the Merit
Compensation System, except for the Data Processing Supervisor I and Office Administrator III titles. The salary range assignments for these and those titles or positions within a title previously subject to the Merit Compensation System Salary Schedule (Appendix D) are assigned to ranges beginning with MS followed by a number, unless the title has been petitioned for bargaining unit representation. The petitioned titles are: Corrections Leisure Activity Specialist IV; Data Processing Supervisor II; Data Processing Supervisor III; Dietary Manager I; Dietary Manager II; Executive II; Executive Secretary III; Human Services Casework Manager; Internal Security Investigator I; Internal Security Investigator II; Mental Health Administrator I; Mental Health Administrator II; Police Lieutenant; Security Officer Chief; Security Officer Lieutenant; Security Therapy Aide IV; Statistical Research Supervisor; Telecommunications Supervisor; and Waterways Construction Supervisor I. Former MC-12 ranges and above have no change in minimum or maximum salary as to retain the integrity of the Pay Plan and the Personnel Code [20 ILCS 415 Sections 8b.18(a) and (b) and 8b.19(a) and (b)] that define term appointments. Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code that formerly was indicated by MC-12 is MS-32. The former MC-11 and below minimum and maximum salaries may have been adjusted so as to create a sequence of ranges where their minimum and maximum salaries increase in a reasonable relationship with each other and to contain the cost of implementation. Because of the petitioned titles, only the MC-02, MC-03, MC-04, MC-05, MC-07, and MC-09 salary ranges remain in effect on or after January 1, 2008.

In Section 310.490 (Other Pay Provisions) in subsection (d)(2)(A) and effective January 1, 2008, the indicators of the merit compensation salary ranges demark the general overtime eligibility change. Prior to and including December 31, 2007, the indicators were MC-06 and MC-07. Effective January 1, 2008, the indicators MS-23 and MS-24 are added.

In Section 310.Appendix A, Table O (RC-028 (Paraprofessional Human Services Employees, AFSCME)), the Inhalation Therapist Supervisor title is corrected to Inhalation Therapy Supervisor in the title table.

In Section 310.Appendix B (Schedule of Salary Grade Pay Grades – Monthly Rates of Pay), effective January 1, 2008, the titles or positions within a title formerly assigned to salary grade pay grades are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D). The only exception is that the Data Processing Supervisor I and Office Administrator III titles that remain assigned to Salary Grade pay grade 11 and Salary Grade pay grade 11 remain in
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

effect. The rate table effective December 2, 2005 is removed as the rates are not effective during fiscal year 2008.

In Section 310.Appendix D (Merit Compensation System Salary Schedule), the information on the December 2, 2005 increases and the resulting rates are removed as they were not effective during fiscal year 2008. Information is provided on titles continuing to be assigned MC ranges. The new merit system ranges effective January 1, 2008 are indicated beginning with MS followed by a sequential number and are listed with the minimum and maximum salaries. A note is included to ensure integrity of the Personnel Code definition of term appointment.

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

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

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

17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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-Hiring Rate
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstiution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
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310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State Rate
310.295 Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases and Bonuses
310.455 Intermittent Merit Increase
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units (Repealed)
310.520 Conversion of Base Salary to Daily or Hourly 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)

APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C RC-056 (Site Superintendents and Natural Resource, Historic
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

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

NOTICE OF ADOPTED AMENDMENTS

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SUBPART A: NARRATIVE

Section 310.40 Pay Schedules

The attached Schedule of Salary Grades (Appendix B), Schedule of Rates (Subpart B), Medical Administrator Rates (Appendix C) and the Merit Compensation System (Subpart C) are hereby made a part of this Part. Each employee subject to this Part, except those whose rates of pay is determined under the Schedule of Rates (Subpart B) or the Merit Compensation System (Subpart C) of this Part, or Section 8(a) of the Personnel Code [20 ILCS 415/8a], shall be paid at a step in the appropriate salary grade in the Schedule of Salary Grades (Appendix B) for the class of position in which he/she is employed. During fiscal year 2008, the Schedule of Salary Grades (Appendix B) and the Schedule of Rates (Sections 310.290 - Out-of-State Rate and 310.295 - Foreign Service Rate) are effective July 1, 2007 through December 31, 2007. Effective January 1, 2008, the titles or positions within a title formerly assigned to the Schedule of Salary Grades and the Schedule of Rates (Sections 310.290 and 310.295) are assigned to the Merit Compensation System (Subpart C). The only exception is that the Data Processing Supervisor I and Office Administrator III titles remain assigned to the salary grade pay grade 11 and salary grade pay grade 11 remains in effect.

(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)

Section 310.47 In-Hiring Rate

a) Request – An agency head may request in writing that the Director of Central Management Services approve an in-hiring rate. The rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated pay grade, salary grade pay grade, out-of-state rate, foreign service rate, merit compensation pay range, medical administrator rate or broad-band pay range. The rate may be for the classification title or limited within the classification title
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hiring rate and the limitations are included in the agency request. An effective date may be included in the request.

b) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and 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.

c) Approval – The Director of Central Management Services indicates in writing the approved in-hiring rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.

d) Implementation – In the classification title or within the limitations of the classification title, an employee paid below the in-hiring rate receives the in-hiring rate on the approved effective date. The in-hiring 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-hiring rate is approved by the Director of Central Management Services.

e) Approved In-Hiring Rates –

Effective until and including December 31, 2007

<table>
<thead>
<tr>
<th>Title</th>
<th>Pay Grade or Range</th>
<th>In-Hiring Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting &amp; Fiscal Administration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Career Trainee</td>
<td>RC-062-12</td>
<td>Step 3</td>
</tr>
<tr>
<td>Actuarial Examiner Trainee</td>
<td>RC-062-13</td>
<td>Step 4</td>
</tr>
<tr>
<td>Children &amp; Family Services Intern,</td>
<td>RC-062-15</td>
<td>Step 1b</td>
</tr>
<tr>
<td>Option 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil Engineer I</td>
<td>RC-063-15</td>
<td>Step 2</td>
</tr>
<tr>
<td>Civil Engineer II</td>
<td>RC-063-17</td>
<td>Step 1</td>
</tr>
<tr>
<td>Civil Engineer Trainee</td>
<td>NR-916</td>
<td>To minimum monthly rate for appointee with Bachelor's degree in accredited civil engineering program, add $40/quarter work</td>
</tr>
</tbody>
</table>
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Experience up to 8, add $60 if passed Engineering Intern exam, and add $40/quarter master's program up to 8.

<table>
<thead>
<tr>
<th>Position</th>
<th>Code</th>
<th>Step</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commerce Commission Police Officer Trainee</td>
<td>SG-13</td>
<td>Step 2</td>
</tr>
<tr>
<td>Correctional Officer</td>
<td>RC-006-09</td>
<td>Step 2</td>
</tr>
<tr>
<td>Correctional Officer Trainee</td>
<td>RC-006-05</td>
<td>Step 4</td>
</tr>
<tr>
<td>Engineering Technician I</td>
<td>NR-916</td>
<td>See Note</td>
</tr>
<tr>
<td>Engineering Technician II</td>
<td>NR-916</td>
<td>See Note</td>
</tr>
<tr>
<td>Engineering Technician III</td>
<td>NR-916</td>
<td>See Note</td>
</tr>
<tr>
<td>Engineering Technician IV</td>
<td>NR-916</td>
<td>See Note</td>
</tr>
<tr>
<td>Environmental Engineer I</td>
<td>RC-063-15</td>
<td>Step 2</td>
</tr>
<tr>
<td>Environmental Engineer II</td>
<td>RC-063-17</td>
<td>Step 1</td>
</tr>
<tr>
<td>Environmental Protection Engineer I</td>
<td>RC-063-15</td>
<td>Step 5</td>
</tr>
<tr>
<td>Environmental Protection Engineer II</td>
<td>RC-063-17</td>
<td>Step 4</td>
</tr>
<tr>
<td>Financial Institutions Examiner Trainee</td>
<td>RC-062-13</td>
<td>Step 2</td>
</tr>
<tr>
<td>Forensic Scientist Trainee</td>
<td>RC-062-15</td>
<td>Step 2, and Step 3 if completed Forensic Science Residency Program at the U of I-Chicago</td>
</tr>
<tr>
<td>Information Services Intern</td>
<td>RC-063-15</td>
<td>See Note</td>
</tr>
<tr>
<td>Information Services Specialist I</td>
<td>RC-063-17</td>
<td>Step 1a for Outside Cook County and Step 2 for Cook County</td>
</tr>
<tr>
<td>Information Services Specialist II</td>
<td>RC-063-19</td>
<td>Step 1a for Cook County</td>
</tr>
<tr>
<td>Insurance Company Financial Examiner Trainee</td>
<td>RC-062-13</td>
<td>Step 4</td>
</tr>
<tr>
<td>Internal Auditor Trainee</td>
<td>SG-12</td>
<td>Step 3</td>
</tr>
<tr>
<td>Meat &amp; Poultry Inspector Trainee</td>
<td>RC-033</td>
<td>Step 3 for Regions 1 and 6</td>
</tr>
<tr>
<td>Physician Specialist, Option C</td>
<td>RC-063-MD-C</td>
<td>Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities</td>
</tr>
<tr>
<td>Physician Specialist, Option D</td>
<td>RC-063-MD-D</td>
<td>Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<table>
<thead>
<tr>
<th>Title</th>
<th>Pay Grade or Range</th>
<th>In-Hiring Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Lieutenant</td>
<td>MC-09</td>
<td>$3,450</td>
</tr>
<tr>
<td>Products &amp; Standards Inspector Trainee</td>
<td>SG-12</td>
<td>Step 5 for Cook, Dupage, Lake, Kane, and Will counties; and Step 3 for all other counties</td>
</tr>
<tr>
<td>Revenue Auditor Trainee</td>
<td>RC-062-12</td>
<td>Step 5</td>
</tr>
<tr>
<td>Revenue Special Agent Trainee</td>
<td>RC-062-14</td>
<td>Step 2</td>
</tr>
<tr>
<td>Security Therapy Aide Trainee</td>
<td>RC-009-13</td>
<td>Step 5 for the Joliet Treatment and Detention Facility</td>
</tr>
<tr>
<td>State Mine Inspector</td>
<td>RC-062-19</td>
<td>Step 1</td>
</tr>
<tr>
<td>Telecommunicator</td>
<td>RC-014-12</td>
<td>Step 2 for District 2</td>
</tr>
<tr>
<td>Telecommunicator Trainee</td>
<td>RC-014-10</td>
<td>Step 3 for Kane County and Step 7 for Cook County</td>
</tr>
<tr>
<td>Terrorism Research Specialist Trainee</td>
<td>RC-062-14</td>
<td>Step 2</td>
</tr>
<tr>
<td>Youth Supervisor Trainee</td>
<td>RC-006-05</td>
<td>Step 3</td>
</tr>
<tr>
<td>Youth Supervisor II</td>
<td>RC-006-09</td>
<td>Step 1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Pay Grade or Range</th>
<th>In-Hiring Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting &amp; Fiscal Administration Career Trainee</td>
<td>RC-062-12</td>
<td>Step 3</td>
</tr>
<tr>
<td>Actuarial Examiner Trainee</td>
<td>RC-062-13</td>
<td>Step 4</td>
</tr>
<tr>
<td>Children &amp; Family Services Intern, Option 2</td>
<td>RC-062-15</td>
<td>Step 1b</td>
</tr>
<tr>
<td>Civil Engineer I</td>
<td>RC-063-15</td>
<td>Step 2</td>
</tr>
<tr>
<td>Civil Engineer II</td>
<td>RC-063-17</td>
<td>Step 1</td>
</tr>
<tr>
<td>Civil Engineer Trainee</td>
<td>NR-916</td>
<td>To minimum monthly rate for appointee with bachelor's degree in accredited civil engineering</td>
</tr>
</tbody>
</table>

Effective January 1, 2008
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Commerce Commission Police Officer Trainee
- **MS-10**
- **$2,943**

Correctional Officer
- **RC-006-09**
- **Step 2**

Correctional Officer Trainee
- **RC-006-05**
- **Step 4**

Engineering Technician I
- **NR-916**
- **See Note**

Engineering Technician II
- **NR-916**
- **See Note**

Engineering Technician III
- **NR-916**
- **See Note**

Engineering Technician IV
- **NR-916**
- **See Note**

Environmental Engineer I
- **RC-063-15**
- **Step 2**

Environmental Engineer II
- **RC-063-17**
- **Step 1**

Environmental Protection Engineer I
- **RC-063-15**
- **Step 5**

Environmental Protection Engineer II
- **RC-063-17**
- **Step 4**

Financial Institutions Examiner Trainee
- **RC-062-13**
- **Step 2**

Forensic Scientist Trainee
- **RC-062-15**
- **Step 2, and Step 3 if completed Forensic Science Residency Program at the U of I-Chicago**

Information Services Intern
- **RC-063-15**
- **See Note**

Information Services Specialist I
- **RC-063-17**
- **Step 1a for Outside Cook County and Step 2 for Cook County**

Information Services Specialist II
- **RC-063-19**
- **Step 1a for Cook County**

Insurance Company Financial Examiner Trainee
- **RC-062-13**
- **Step 4**

Internal Auditor Trainee
- **MS-09**
- **$2,854**

Meat & Poultry Inspector Trainee
- **RC-033**
- **Step 3 for Regions 1 and 6**

Physician Specialist, Option C
- **RC-063-MD-C**
- **Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities**

program, add $40/quarter work experience up to 8, add $60 if passed Engineering Intern exam, and add $40/quarter master's program up to 8
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Unit Code</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physician Specialist, Option D</td>
<td>RC-063-MD-D</td>
<td>Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities</td>
</tr>
<tr>
<td>Police Lieutenant</td>
<td>MC-09</td>
<td>$3,450</td>
</tr>
<tr>
<td>Products &amp; Standards Inspector Trainee</td>
<td>MS-09</td>
<td>$3,057 for Cook, Dupage, Lake, Kane, and Will counties; and $2,854 for all other counties</td>
</tr>
<tr>
<td>Revenue Auditor Trainee</td>
<td>RC-062-12 Step 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(IL); RC-062-15 (CA or NJ); and RC-062-13 (states other than IL, CA, or NJ)</td>
<td></td>
</tr>
<tr>
<td>Revenue Special Agent Trainee</td>
<td>RC-062-14 Step 2</td>
<td></td>
</tr>
<tr>
<td>Security Therapy Aide Trainee</td>
<td>RC-009-13 Step 5 for the Joliet Treatment and Detention Facility</td>
<td></td>
</tr>
<tr>
<td>State Mine Inspector</td>
<td>RC-062-19 Step 1</td>
<td></td>
</tr>
<tr>
<td>Telecommunicator</td>
<td>RC-014-12 Step 2 for District 2</td>
<td></td>
</tr>
<tr>
<td>Telecommunicator Trainee</td>
<td>RC-014-10 Step 3 for Kane County and Step 7 for Cook County</td>
<td></td>
</tr>
<tr>
<td>Terrorism Research Specialist Trainee</td>
<td>RC-062-14 Step 2</td>
<td></td>
</tr>
<tr>
<td>Youth Supervisor Trainee</td>
<td>RC-006-05 Step 3</td>
<td></td>
</tr>
<tr>
<td>Youth Supervisor II</td>
<td>RC-006-09 Step 1</td>
<td></td>
</tr>
</tbody>
</table>

Note: The Engineering Technician series has the following in-hiring rates –

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completion of 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)</td>
<td>$2,295</td>
</tr>
<tr>
<td>Completion of 3 years of college in areas other than civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)</td>
<td>$2,205</td>
</tr>
<tr>
<td>An Associate Degree from an accredited 2 year civil engineering</td>
<td>$2,400</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Completion of 3 years of college courses in civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit) $2,400
Completion of 4 years of college courses in areas other than civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit) $2,295
Completion of 4 years of college in civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree) $2,500
Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology $2,835

The Information Services Intern title has the following in-hiring rates –

<table>
<thead>
<tr>
<th>Education</th>
<th>Outside Cook County</th>
<th>Cook County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer Science degree at 4-year college</td>
<td>Step 4</td>
<td>Step 6</td>
</tr>
<tr>
<td>Computer Science degree at 2-year technical school</td>
<td>Step 2</td>
<td>Step 4</td>
</tr>
<tr>
<td>Non-Computer Science degree at 4-year college</td>
<td>Step 1</td>
<td>Step 3</td>
</tr>
</tbody>
</table>

(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)

Section 310.110 Implementation of Pay Plan Changes

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grade Pay Grades shall be as set out in Appendix B, Schedule of Salary Grade Pay Grades – Monthly Rates of Pay. No title or position within a title is subject to the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B) effective January 1, 2008. The only exception is that the Data Processing Supervisor I and Office Administrator III titles remain assigned to salary grade pay grade 11.

(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)

Section 310.130 Effective Date
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

This Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), Merit Compensation System (Subpart C), Schedule of Salary Grade Pay Grades - Monthly Rates of Pay (Appendix B), Medical Administrator Rates (Appendix C), Merit Compensation System Salary Schedule (Appendix D), and Broad-Band Pay Range Classes Salary Schedule (Appendix G) shall be effective for Fiscal Year 2008 except that, effective January 1, 2008, the Schedule of Salary Grade Pay Grades - Monthly Rates of Pay (Appendix B) and the Schedule of Rates (Sections 310.290 - Out-of-State Rate and 310.295 - Foreign Service Rate) are not in effect. The only exception is that the salary grade pay grade 11 to which the Data Processing Supervisor I and Office Administrator III titles remain assigned.

(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)

SUBPART B: SCHEDULE OF RATES

Section 310.220 Negotiated Rate

a) The rate of pay for a class in any specific area or agency, or in a specific area for an agency, as established and approved by the Director of Central Management Services after having conducted negotiations for this purpose, or as certified as being correct and reported to the Director of Central Management Services by the Director of the Illinois Department of Labor for designated classifications.

b) An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall receive the contract rate and other compensation items specified by the contract, unless the Director of Central Management Services has established another specific provision. Subsection (b) is suspended for non-union positions and employees. Effective January 1, 2008, the non-union positions and employees are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D).

c) As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for and the amount of this pay will be as provided in the contract.

d) The negotiated rates of pay for classifications in specified operating agencies, in specified agency facilities or with specified duties shall be as indicated in Appendix A of this Part.
Section 310.260 Trainee Rate

Rates of pay for employees working in Trainee classes or in other classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in the applicable Trainee Program, to salary grade pay grades approved for or pay grades negotiated for such training classes. Merit compensation system Trainee Program rates, which are recommended by the agency head where the Trainee Program is established, will normally be less than the entrance rate for the class for which training is being conducted unless otherwise approved by the Director of Central Management Services. (Effective July 1, 2003, increases are suspended for non-union positions and employees.) Effective December 2, 2005, non-bargaining-unit trainee rates receive a 4% adjustment increase and the base salary for each non-bargaining-unit employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in the employee's creditable service date. Effective January 1, 2007, salary grade trainee rates receive a 3% adjustment increase and the base salary for each salary grade employee receives a 3% adjustment increase without change in the employee's creditable service date. Effective January 1, 2008, the Trainee Programs assigned to non-bargaining-unit rates are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D).

Section 310.290 Out-of-State Rate

a) Requirements – The out-of-state rate is the rate of pay for employees not subject to Section 310.220 but occupying positions in the classification titles listed in subsection (d) that require payment in accordance with the economic conditions of another state. The employee shall reside in the state where the position is assigned.

b) Adjustments and Bonuses –

1) Approval - The Director of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

2) Adjustments Effective December 2, 2005 - Effective December 2, 2005, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in the employee's creditable service date.

3) Adjustments Effective January 1, 2007 - Effective January 1, 2007, the base pay for each employee in positions assigned to and receiving out-of-state rates where the classification's positions are otherwise assigned to a bargaining unit receives a 3% adjustment increase without change in the employee's creditable service date.

4) Eligibility for Annual Merit Increases and Bonuses – Employees in positions assigned to and receiving out-of-state rates where the classification's positions are otherwise assigned to the merit compensation system or not assigned to a bargaining unit are eligible for the annual merit increases and bonuses whose procedures and guidechart are in Sections 310.450 and 310.540, respectively.

5) Suspension – Effective July 1, 2003 through and including December 31, 2006, adjustments except those effective December 2, 2005 and January 1, 2007 were suspended for non-union positions and employees. The suspension of adjustments remains in effect for employees in positions assigned to and receiving out-of-state rates where the classification's positions are otherwise assigned to a bargaining unit.

c) Out-Of-State Rate Calculation – Ranges assigned to states other than California and New Jersey are 15% above the ranges assigned to in-state positions (except when those in-state positions are assigned to bargaining unit rates) and are listed in subsection (d). Ranges assigned to California and New Jersey are 30% above the ranges assigned to in-state positions (except when those in-state positions are assigned to bargaining unit rates) and are listed in subsection (d).

d) Minimum and Maximum Out-of-State Rates in Ranges by Classification Title – Effective January 1, 2008, the out-of-state positions assigned to non-bargaining-unit rates are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D), except for Executive II, Public Service Administrator and Senior Public Service Administrator positions.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Title</th>
<th>Ranges</th>
<th>December 2, 2005</th>
<th>January 1, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>minimum</td>
<td>maximum</td>
<td>minimum</td>
</tr>
<tr>
<td>Executive II</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>3401</td>
<td>6130</td>
<td>3401</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>3844</td>
<td>6929</td>
<td>3844</td>
</tr>
<tr>
<td>Office Administrator IV</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>2673</td>
<td>4630</td>
<td>2673</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>3021</td>
<td>5234</td>
<td>3021</td>
</tr>
<tr>
<td>Office Associate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>2387</td>
<td>3204</td>
<td>2459</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>2699</td>
<td>3622</td>
<td>2780</td>
</tr>
<tr>
<td>Office Coordinator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>2465</td>
<td>3327</td>
<td>2539</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>2786</td>
<td>3761</td>
<td>2870</td>
</tr>
<tr>
<td>Public Service Administrator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>3583</td>
<td>7843</td>
<td>3583</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>4051</td>
<td>8866</td>
<td>4051</td>
</tr>
<tr>
<td>Revenue Tax Specialist I</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>2751</td>
<td>3803</td>
<td>2834</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>3110</td>
<td>4299</td>
<td>3203</td>
</tr>
</tbody>
</table>
Revenue Tax Specialist Trainee  
(States Other Than California and New Jersey)  
(States Other Than California and New Jersey)  
(CA, NJ)  
2546  3468  2622  3572
2878  3921  2964  4039

Senior Public Service Administrator  
(States Other Than California and New Jersey)  
(CA, NJ)  
4939  11607  4939  11607
5584  13121  5584  13121

(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)

Section 310.295 Foreign Service Rate

a) Requirements – The foreign service rate is the rate of pay for employees not subject to Section 310.220 but occupying positions in the classification titles listed in subsection (d) that require payment in accordance with the economic conditions of a foreign country. The employee shall reside in the foreign country where the position is assigned.

b) Adjustments –

1) Approval – The Director of Central Management Services will, before approving an adjustment to a foreign service rate, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Adjustments Effective December 2, 2005 – Effective December 2, 2005, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in the employee's creditable service date.

3) Adjustments Effective January 1, 2007 - Effective January 1, 2007, the base pay for each employee in positions assigned to and receiving foreign service rates where the classification's positions are otherwise assigned to a bargaining unit receives a 3% adjustment increase without change in the
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

employee's creditable service date.

4) Eligibility for Annual Merit Increases and Bonuses – Employees in positions assigned to and receiving foreign service rates where the classification's positions are otherwise assigned to the merit compensation system or not assigned to a bargaining unit are eligible for the annual merit increases and bonuses whose procedures and guidechart are in Sections 310.450 and 310.540, respectively.

5) Suspension – Effective July 1, 2003 through and including December 31, 2006, adjustments except those effective December 2, 2005 and January 1, 2007 were suspended for non-union positions and employees. The suspension of adjustments remains in effect for employees in positions assigned to and receiving foreign service rates where the classification's positions are otherwise assigned to a bargaining unit.

c) Differentials – For foreign service rates listed in subsection (d), a differential shall be made once a month to the base salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate.

d) Minimum and Maximum Foreign Service Rates in Ranges by Classification
Title – Effective January 1, 2008, the foreign service rate positions assigned to non-bargaining-unit rates are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D).

<table>
<thead>
<tr>
<th>Title</th>
<th>December 2, 2005</th>
<th>January 1, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreign Service Economic Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive I</td>
<td>4002</td>
<td>7365</td>
</tr>
<tr>
<td></td>
<td>4002</td>
<td>8617</td>
</tr>
<tr>
<td>Foreign Service Economic Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive II</td>
<td>5126</td>
<td>9654</td>
</tr>
<tr>
<td></td>
<td>5126</td>
<td>11295</td>
</tr>
<tr>
<td>Foreign Service Economic Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Representative</td>
<td>3400</td>
<td>6130</td>
</tr>
<tr>
<td></td>
<td>3400</td>
<td>7172</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Office Assistant (Foreign Service)  
(2256 2976 2324 3065)

(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below, Medical Administrator classes in Appendix C, 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.

Effective until and including December 31, 2007

Title | Title Code | Salary Plan
--- | --- | ---
Accountant Supervisor | 00135 | MC-05
Activity Therapist Supervisor | 00163 | MC-07
Actuary III | 00203 | MC-16
Administrative Assistant I | 00501 | MC-04
Administrative Assistant II | 00502 | MC-06
Agricultural Marketing Representative | 00810 | MC-05
Assistant Automotive Shop Supervisor | 01565 | MC-03
Automotive Shop Supervisor | 03749 | MC-07
Boat Safety Inspection Supervisor | 04850 | MC-06
Building Construction Inspector I | 05541 | MC-04
Building Construction Inspector II | 05542 | MC-05
Business Manager | 05815 | MC-05
Commerce Commission Police Sergeant | 08457 | MC-07
Corrections Leisure Activities Specialist III | 09813 | MC-06
Corrections Leisure Activities Specialist IV | 09814 | MC-07
Corrections Vocational School Supervisor | 09880 | MC-05
Court Reporter Supervisor | 09903 | MC-08
Data Processing Supervisor II | 11436 | MC-04
Data Processing Supervisor III | 11437 | MC-07
# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>FTE</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dietary Manager I</td>
<td>12501</td>
<td>MC-03</td>
</tr>
<tr>
<td>Dietary Manager II</td>
<td>12502</td>
<td>MC-05</td>
</tr>
<tr>
<td>Disability Claims Analyst</td>
<td>12540</td>
<td>MC-06</td>
</tr>
<tr>
<td>Electrical Engineer</td>
<td>13180</td>
<td>MC-10</td>
</tr>
<tr>
<td>Employment Security Field Office Supervisor</td>
<td>13600</td>
<td>MC-06</td>
</tr>
<tr>
<td>Engineering Technician IV</td>
<td>13734</td>
<td>MC-07</td>
</tr>
<tr>
<td>Executive I</td>
<td>13851</td>
<td>MC-05</td>
</tr>
<tr>
<td>Executive II</td>
<td>13852</td>
<td>MC-07</td>
</tr>
<tr>
<td>Executive Secretary II</td>
<td>14032</td>
<td>MC-01</td>
</tr>
<tr>
<td>Executive Secretary III</td>
<td>14033</td>
<td>MC-02</td>
</tr>
<tr>
<td>Facility Fire Chief</td>
<td>14433</td>
<td>MC-02</td>
</tr>
<tr>
<td>Guard Supervisor</td>
<td>17685</td>
<td>MC-01</td>
</tr>
<tr>
<td>Guardianship Supervisor</td>
<td>17720</td>
<td>MC-07</td>
</tr>
<tr>
<td>Highway Construction Supervisor I</td>
<td>18525</td>
<td>MC-07</td>
</tr>
<tr>
<td>Highway Construction Supervisor II</td>
<td>18526</td>
<td>MC-09</td>
</tr>
<tr>
<td>Historical Library Chief of Acquisitions</td>
<td>18987</td>
<td>MC-06</td>
</tr>
<tr>
<td>Human Rights Mediator</td>
<td>19771</td>
<td>MC-05</td>
</tr>
<tr>
<td>Human Services Casework Manager</td>
<td>19788</td>
<td>MC-07</td>
</tr>
<tr>
<td>Internal Auditor I</td>
<td>21721</td>
<td>MC-05</td>
</tr>
<tr>
<td>Internal Security Investigator I</td>
<td>21731</td>
<td>MC-04</td>
</tr>
<tr>
<td>Internal Security Investigator II</td>
<td>21732</td>
<td>MC-07</td>
</tr>
<tr>
<td>International Marketing Representative I</td>
<td>21761</td>
<td>MC-05</td>
</tr>
<tr>
<td>KidCare Supervisor</td>
<td>22003</td>
<td>MC-07</td>
</tr>
<tr>
<td>Laundry Manager I</td>
<td>23191</td>
<td>MC-01</td>
</tr>
<tr>
<td>Librarian II</td>
<td>23402</td>
<td>MC-05</td>
</tr>
<tr>
<td>Lottery Regional Coordinator</td>
<td>24504</td>
<td>MC-07</td>
</tr>
<tr>
<td>Management Operations Analyst I</td>
<td>25541</td>
<td>MC-06</td>
</tr>
<tr>
<td>Manuscripts Manager</td>
<td>25610</td>
<td>MC-06</td>
</tr>
<tr>
<td>Mental Health Administrator I</td>
<td>26811</td>
<td>MC-05</td>
</tr>
<tr>
<td>Mental Health Administrator II</td>
<td>26812</td>
<td>MC-07</td>
</tr>
<tr>
<td>Mental Health Program Administrator</td>
<td>26908</td>
<td>MC-20</td>
</tr>
<tr>
<td>Methods and Procedures Advisor III</td>
<td>27133</td>
<td>MC-07</td>
</tr>
<tr>
<td>Office Administrator IV</td>
<td>29994</td>
<td>MC-02</td>
</tr>
<tr>
<td>Office Administrator V</td>
<td>29995</td>
<td>MC-03</td>
</tr>
<tr>
<td>Plumbing Consultant</td>
<td>32910</td>
<td>MC-09</td>
</tr>
<tr>
<td>Police Lieutenant</td>
<td>32977</td>
<td>MC-09</td>
</tr>
<tr>
<td>Private Secretary I</td>
<td>34201</td>
<td>MC-02</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Private Secretary II 34202 MC-04
Public Aid Family Support Specialist II 35842 MC-05
Public Aid Staff Development Specialist III 36073 MC-06
Public Health Program Specialist III 36613 MC-07
Radiologic Technologist Chief 37505 MC-03
Rehabilitation Workshop Supervisor III 38196 MC-05
Reimbursement Officer II 38200 MC-05
Reproduction Service Supervisor II 38202 MC-04
Residential Care Program Supervisor I 38271 MC-06
Security Officer Chief 39875 MC-04
Security Officer Lieutenant 39876 MC-02
Security Therapy Aide IV 39904 MC-05
Sign Shop Foreman 41000 MC-06
Staff Development Specialist I 41771 MC-05
Staff Development Technician II 41782 MC-03
State Mine Inspector-At-Large 42240 MC-11
Statistical Research Specialist III 42743 MC-06
Statistical Research Supervisor 42745 MC-07
Storekeeper III 43053 MC-01
Supervising Vehicle Testing Compliance Officer 43680 MC-06
Switchboard Chief Operator 44410 MC-01
Technical Advisor I 45251 MC-05
Technical Advisor II 45252 MC-07
Telecommunications Supervisor 45305 MC-07
Utility Engineer I 47451 MC-05
Utility Engineer II 47452 MC-07
Vehicle Emissions Compliance Supervisor 47583 MC-05
Waterways Construction Supervisor I 49061 MC-05
Waterways Construction Supervisor II 49062 MC-07

Effective January 1, 2008

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

### NOTICE OF ADOPTED AMENDMENTS

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Switchboard Chief Operator 44410 MS-11
Switchboard Operator I 44411 MS-03
Technical Advisor I 45251 MS-20
Technical Advisor II 45252 MS-24
Technical Advisor III 45253 MS-29
Telecommunications Systems Technician Trainee 45314 MS-05
Utility Engineer I 47451 MS-20
Utility Engineer II 47452 MS-24
Vehicle Emissions Compliance Supervisor 47583 MS-20
Veterans Nursing Assistant - Certified 47750 MS-05
Waterways Construction Supervisor II 49062 MS-24

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 32 Ill. Reg. 1082, effective January 11, 2008)

Section 310.490 Other Pay Provisions

a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.

b) Entrance Base Salary –

1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the
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higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

d) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay -

A) Eligibility - The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MC-06 and below
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and, effective January 1, 2008, classes in salary ranges MS-23 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MC-07 and above and, effective January 1, 2008, classes in MS-24 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

B) Compensatory Time - Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

e) Equivalent Earned Time –
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1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.

2) Restoration - Employees who are eligible for equivalent earned time shall have the balance of the employee's unused equivalent earned time at the close of business on June 30, 2007 restored as accrued equivalent earned time effective July 1, 2007.

3) Accrual –

   A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.

   B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

4) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

f) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.

g) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The
NOTICE OF ADOPTED AMENDMENTS

Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

h) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).

AGENCY NOTE: The method to be used in computing lump sum payment for accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

i) Salary Treatment upon Return from Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained.

2) An employee returning to his/her former salary range from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the
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salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

j) Employees in classes that are made subject to the Merit Compensation System will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

k) Temporary Assignment Pay When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

l) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

m) Reinstatement – The salary upon reinstatement should not provide more than a 10% increase over the candidate's current base salary or exceed the salary rate held in the position where previously certified without prior approval of the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

n) Bilingual Pay – Individual positions whose job descriptions require the use of sign
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language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

o) Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

p) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a merit compensation (including broad-band and medical administrator) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.

1) When Assigned to the Merit Compensation Position - When assigned to the merit compensation position, the adjustment is an amount equivalent to between 8% and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.

2) When Assigned to the Salary Grade Position - When assigned to the salary grade position, the adjustment is determined by taking the difference between the salary on the step equivalent to or greater than the employee's current base salary and the salary one step above that step and adding that difference to the employee's current base salary. Then place the employee on the lowest step in the higher pay grade that is at least
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equivalent to that amount. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the pay grade to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.

q) International Differential Pay - For positions with a headquarters outside of the United States, a differential shall be made once a month to the base salary of the employee residing outside the United States to compensate for a change in the currency exchange rate.

(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)
**DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

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**Section 310**. **APPENDIX A**  Negotiated Rates of Pay

**Section 310**. **TABLE O**  RC-028 (Paraprofessional Human Services Employees, AFSCME)

<table>
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**Therapist**
## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

### NOTICE OF ADOPTED AMENDMENTS

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Effective July 1, 2007

Bargaining Unit: RC-028

Pay    Pay Plan    Grade    Code

S T E P S
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310. APPENDIX B  Schedule of Salary Grade Pay Grades – Monthly Rates of Pay

Effective January 1, 2008, the titles or positions within a title formerly assigned to salary grade pay grades are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D). The only exception is that the Data Processing Supervisor I and Office Administrator III titles that remain assigned to salary grade pay grade 11 and salary grade pay grade 11 remains in effect.

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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| Registered Nurse - Advanced Practice | 38135 | 22 |
| Research Fellow, Option B       | 38211 | 18 |
| Seed Analyst Trainee          | 39953 | 10 |
| Social Worker Intern         | 41430 | 5 |
| Telecommunications Systems Technician Trainee | 45314 | 8 |

**Effective December 2, 2005**

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**Effective January 1, 2007**
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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(Source: Amended at 32 Ill. Reg. 1082, effective January 11, 2008)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  

NOTICE OF ADOPTED AMENDMENTS  

Section 310. APPENDIX D  Merit Compensation System Salary Schedule  

Effective January 1, 2008, the titles or positions within a title assigned to the Merit Compensation System (Subpart C) and to rates within MC salary ranges are assigned to rates within the MS salary ranges in the Merit Compensation System Salary Schedule (Appendix D). The only exceptions are the Executive Secretary III and Security Officer Lieutenant titles that remain assigned to MC-02, the Dietary Manager I title that remains assigned to MC-03, the Data Processing Supervisor II, Internal Security Investigator I and Security Officer Chief titles that remain assigned to MC-04, the Dietary Manager II, Mental Health Administrator I, Security Therapy Aide IV, and Waterways Construction Supervisor I titles that remain assigned to MC-05, the Corrections Leisure Activity Specialist IV, Data Processing Supervisor III, Executive II, Human Services Casework Manager, Internal Security Investigator II, Mental Health Administrator II, Statistical Research Supervisor and Telecommunications Supervisor titles that remain assigned to MC-07, and the Police Lieutenant title that remains assigned to MC-09. The only MC ranges that remain effective January 1, 2008 are MC-02, MC-03, MC-04, MC-05, MC-07, and MC-09.  

Effective December 2, 2005, the minimum, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in creditable service date.  

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## NOTICE OF ADOPTED AMENDMENTS

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| MC 13 | 4468  | 5985  | 7802  | 4168  | 6648  | 9128  |
| MC 14 | 4457  | 6426  | 8395  | 4457  | 7140  | 9822  |
| MC 15 | 4784  | 6889  | 8995  | 4784  | 7654  | 10523 |
| MC 16 | 5122  | 7401  | 9679  | 5122  | 8223  | 11324 |
| MC 17 | 5527  | 7989  | 10450 | 5527  | 8877  | 12227 |
| MC 18 | 5957  | 8336  | 10714 | 5957  | 9246  | 12535 |
| MC 19 | 6434  | 8699  | 10963 | 6434  | 9631  | 12827 |
| MC20 | 13109 | 14615 | 16120 | 13109 | 14615 | 16120 |

**Effective January 1, 2008**

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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 32 Ill. Reg. 1082, effective January 11, 2008)
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:  Department of Children and Family Services Scholarship Program

2) Code of Citation:  89 Ill. Adm. Code 312

3) Section Numbers:  Adopted Action:

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4) Statutory Authority:  20 ILCS 505/8

5) Effective Date of Amendments:  January 30, 2008

6) Does this rulemaking contain an automatic repeal date?  No

7) Does this rulemaking contain incorporations by reference?  No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:  July 13, 2007; 31 Ill Reg. 9699

10) Has JCAR issued a Statement of Objection to this rulemaking?  No

11) Differences between proposal and final version:  Recommendations made by the Joint Committee on Administrative Rules resulted in edits for purposes of clarification or continuity of information and the restoration or addition of the following information: (1) a scoring mechanism for scholarship application information in Section 212.60(b); and (2) Scholarship Awards Selection Committee membership criteria in Section 212.60(a). The public did not comment on the proposed rule changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?  Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect?  No
Are there any amendments pending on this Part? No

Summary and Purpose of Amendments: Amendments to the Department of Children and Family Scholarship Program enhance the ability of scholarship recipients to meet their educational goals. Other amendments address changes in the program's administrative structure, provide clarification, and/or provide an expanded explanation of program requirements or benefits.

Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

Telephone: 217/524-1983
TDD: 217/524-3715
e-Mail: cfpolicy@idcfs.state.il.us

The full text of the Adopted Amendments begins on the next page:
PART 312
DEPARTMENT OF CHILDREN AND FAMILY SERVICES SCHOLARSHIP PROGRAM

Section
312.10 Purpose
312.20 Definitions
312.30 Description
312.40 Eligibility Requirements
312.50 Application
312.60 Selection
312.70 Service Planning and Living Arrangements
312.80 Ongoing Eligibility Requirements
312.90 Benefits
312.100 Discharge from the Scholarship Program

AUTHORITY: Implementing and authorized by Section 8 of the Children and Family Services Act [20 ILCS 505/8].


Section 312.30 Description

The DCFS Scholarship Program provides a maximum of 48 scholarships each year, four of which are awarded to children of veterans. Scholarship recipients receive up to four consecutive years of supplemental services and maintenance payments (see Section 312.90) that will include annual tuition and fee waivers if the student attends an Illinois State community college or university. Scholarships do not cover room, board, or dormitory fees. Students may attend other colleges or universities, if scholarships are awarded them, and receive the same maintenance benefits as those students attending State-supported community colleges or universities.

Department scholarships awarded to college students shall be prorated based on the age of the student so that scholarship benefits do not extend beyond the school year in which the youth becomes 21 years of age.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 1144, effective January 30, 2008)

Section 312.50 Application

a) The application package will contain the following:

1) completed DCFS Scholarship Program Student Application, CFS 438;

2) transcript of high school grades through the first semester of the senior year and class standing information or copy of GED and score. College student applicants must also submit a transcript of their college grades provided by the college or university directly to the DCFS Office of Education and Transition Services (OETS);

3) ACT or SAT test and score; and

4) three letters of recommendation from persons unrelated to the applicant.

b) Other supporting documentation may be attached to the application at the discretion of the applicant.

be) Applications must be postmarked or are due to the Education Coordinator for the Office of Education and Transition Services (OETS) no later than March 31 or the next working day. Applications received with a postmark after the due date will be ineligible for consideration.

(Source: Amended at 32 Ill. Reg. 1144, effective January 30, 2008)

Section 312.60 Selection

a) The Office of Education and Transition Services OETS Business Manager and Education Coordinator shall coordinate the Scholarship Awards Selection Committee (SASC). Members of the SASC are appointed by the Deputy Director of Service Intervention and shall include the following: Deputy Director, Division of Field Operations; Deputy Director, Division of Placement/Permanency; Deputy Director, Division of Service Intervention; Deputy Director, Division of Child Protection; Deputy Director, Division of Performance Monitoring/Quality Assurance; DCFS Regional Administrators; a
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

representative from the Director's Office; DCFS Legislative Liaison; Chairperson, Child Welfare Advisory Committee; Chairperson, DCFS Advisory Committee; Chairperson, Child Care Association of Illinois; Chairperson, Illinois Foster Parent Association; Chairperson, Statewide Foster Care Advisory Council; President, Council on Adoptable Children; and a representative of the Walter and Connie Payton Foundation. Department staff and representatives of the Child Welfare Advisory Committee, DCFS Advisory Committee, Child Care Association of Illinois, Illinois Foster Parent Association, Statewide Foster Care Advisory Council, Council on Adoptable Children and the Walter and Connie Payton Foundation.

b) The SASC shall meet in April to evaluate each applicant's scholastic record; ACT, SAT or GED test scores; community and extracurricular activities; letters of recommendation; and interest in higher education. SASC members shall assign an assessed value of 0 to 20 points to each area of consideration and the applicants with the highest composite scores shall be recommended to the Director to receive a Department Scholarship. Applicants will be notified no later than May 20 of their award status.

(Source: Amended at 32 Ill. Reg. 1144, effective January 30, 2008)

Section 312.80 Ongoing Eligibility Requirements

Scholarship recipients are required to take a minimum of 12 credit hours per semester or quarter, maintain a "C" grade point average and provide a copy of their semester or quarter grades to their caseworker and OETS Business Office Manager. Recipients who are under the care of the Department shall also notify their caseworkers and the OETS Business Office Manager if they transfer to another school, change their address, attend summer school or withdraw from school. Youth who are no longer the legal responsibility of the Department shall submit the above-required documentation to the OETS Business Office Manager. Scholarship recipients are responsible for filing a FAFSA form and applying for other forms of financial aid annually, if needed, and for paying their own room and board, as well as other costs not covered by the Department scholarship.

(Source: Amended at 32 Ill. Reg. 1144, effective January 30, 2008)

Section 312.90 Benefits

a) Tuition and Fee Waiver
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

The OETS Business Office will request a waiver of tuition and mandatory fees for scholarship youth that attend an Illinois State university or community college if the youth does not have a tuition and/or fee scholarship from another source. If the student attends an Illinois State community college or university and does not have a tuition or fee scholarship from another source, the OETS Business Office will request a waiver of tuition and fees. Students who choose to attend other colleges or universities will receive a maintenance grant, but will not receive a waiver of tuition and fees.

b) Monthly Grant Stipend

1) Youth must provide their caseworkers with written verification of their acceptance/enrollment in a college or university and their school address prior to the beginning of their initial semester or quarter. Caseworkers will verify the information and forward it to the OETS Business Office. Youth that no longer have a legal relationship with the Department must forward the information directly to the OETS Business Office. The OETS Business Office will forward payment information to the Central Payment Unit (CPU). Grant payments will be effective the first day the youth is at school and continue throughout the school year. Youth will receive their first payments the following month. The amount will be prorated based on the day of the month the youth was first located at the school.

2) Caseworkers must provide youth with an explanation of the financial and security benefits of having their grant checks directly deposited and assist the youth with completing the C-95, Authorization for Deposit of Recurring Payments. Youth who do not choose direct deposit will have their grant checks mailed directly to them. Youth are required to report their address change immediately to the OETS Business Office (5415 N. University, Peoria IL 61615, 309/693-5150, facsimile 309/693-5433) and their caseworker to ensure timely receipt of correspondence and their grant payments.

A) Summer School
The OETS will discontinue grant payments through the summer unless the youth is enrolled in summer school and taking a minimum of six college credit hours, or participating in an approved internship program. Youth that choose to continue their education through the summer months must submit an official
NOTICE OF ADOPTED AMENDMENTS

class schedule or documentation of participation in an approved internship program to the OETS Business Office and their caseworker no later than the first Monday in May so that their grant payments will not be disrupted.

B) Terminating Payment

i) When a youth no longer meets the requirements to remain in the DCFS Scholarship Program, the youth's caseworker will notify the OETS Business Office immediately. Youth who are no longer the legal responsibility of the Department shall notify the OETS Business Office when they no longer meet the requirements of the program. The OETS Business Office will notify the CPU of the effective payment termination date for the youth.

ii) The OETS Business Office will notify the youth in writing 30 days prior to stopping grant payments for any reason other than summer breaks. If the youth has a legal relationship with the Department and resides in Cook County, the Cook County Public Guardian will also receive a copy of the termination notification. Youth may request a review of the decision to suspend or discharge them from the Scholarship Program in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process). If the youth's grant does not continue during the appeals process, it will be issued retroactively if the youth's appeal is successful.

C) Marriage or Termination of Guardianship

Marriage or termination of guardianship does not terminate a Department scholarship. The Department will continue to make monthly grant payments to the youth, and the youth's medical needs will continue to be met under the Medicaid program. Stipend payments, which are equal to the DCFS standard board rate for youth of this age (see 89 Ill. Adm. Code 356.30(b)(3)), begin on the first day of school and terminate at the end of the school year. The stipend payments may continue through the summer months if the student attends summer school and maintains an academic load of 6 credit hours.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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c) Initial Expenses/Start-Up Grant
This is a $200 one time grant youth will receive upon entrance into the DCFS Scholarship Program. The purpose of the grant is to assist the youth with their initial college living expenses. Youth will receive the Start-Up Grant payment in July.
This is a one-time grant that is equal to the standard board rate for youth this age (see 89 Ill. Adm. Code 356.30(b)(3)). This grant will assist scholarship recipients with their initial college living expenses.

d) Medical and Dental Payments
1) Medical and dental services are available to DCFS scholarship youth for whom the Department is legally responsible. Medical and dental services are provided through the Department of Healthcare and Family Services Medical Assistance Program via the DCFS issued medical card.

2) Medical case management services are provided to pregnant and parenting youth and their children, zero to five years of age, through the Department of Human Services. Scholarship recipients are eligible for an Illinois Public Aid Medical card while attending college.

e) Mandatory Supplies Fee and Book Payments
The Department may pay for required textbooks and supplies for youth that do not have sufficient resources to purchase the required items. When it is documented that the student does not have sufficient resources to purchase required textbooks and/or pay student fees, and the Department has legal responsibility for the student, the Department may make these payments.

f) Guardianship Termination or Marriage
Termination of guardianship or marriage followed by guardianship termination does not terminate a four-year scholarship, provided that the recipient continues to meet academic eligibility criteria.

(Source: Amended at 32 Ill. Reg. 1144, effective January 30, 2008)

Section 312.100 Discharge from the Scholarship Program
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

a) Students will be discharged from the Scholarship Program for the following reasons:

1) completion of a bachelor degree program or four years in the Scholarship Program or attainment of age 21;

2) failure to enroll in school;

3) failure to maintain a "C" grade point average;

4) failure to maintain an academic load of 12 credit hours each semester or quarter during the fall and spring semesters;

5) withdrawal from school; or

6) dismissal from school due to disciplinary reasons.

b) With the exception of a scholarship recipient completing a bachelor degree program or four years in the Scholarship Program or attaining age 21, the Deputy Director of the Division of Service Intervention may waive the requirement to discharge a scholarship recipient when the recipient provides information mitigating the reason or reasons for discharge (family illness or other emergency that necessitated withdrawing from the program and college or university for the semester/quarter/term).

(Source: Amended at 32 Ill. Reg. 1144, effective January 30, 2008)
PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: General Policies

2) Code Citation: 2 Ill. Adm. Code 3002

3) Section Number: Adopted Action
   3002.410 Added

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

5) Effective Date of Rulemaking: February 1, 2008

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: None Published. This is an adopted filing for required internal rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None. This is an adopted rulemaking under 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.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The Procurement Policy Board is adopting a new Section to regulate the conduct of establishing and holding meetings of the Board under the requirements of the Open Meetings Act.

16) Information and questions regarding this adopted amendment shall be directed to:
PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENT

Matt Brown
Executive Director
Illinois Procurement Policy Board
511 West Capital, Suite 102
Springfield IL 62704

Telephone: 217/785-3988
Facsimile: 217/557-9927

The full text of the Adopted Amendment begins on the next page.
PROCUREMENT POLICY BOARD

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TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LX: PROCUREMENT POLICY BOARD

PART 3002
GENERAL POLICIES

Section
3002.100 Authority and Purpose
3002.200 Definitions
3002.300 Agenda
3002.400 Meetings of the Board
3002.410 Open Meetings Act Compliance
3002.500 Board Review
3002.600 Publication of Notices, Proposals and Action by the Board
3002.700 Comments from the Public
3002.800 Petition to the Board by Public
3002.900 Submission of Complaints
3002.1000 Obtaining Other Information
3002.1100 Coordination with State Agencies and the General Assembly
3002.1200 Coordination with the Joint Committee, Administrative Code Division and CPOs
3002.1300 Proposed Contract Review

AUTHORITY: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].


Section 3002.410 Open Meetings Act Compliance

a) Introduction

1) The Illinois Open Meetings Act [5 ILCS 120/1] sets forth the public policy of the State of Illinois that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. It is also the public policy of the State that its citizens be given advance notice of and the right to attend all meetings at
PROCUREMENT POLICY BOARD

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which any business of a public body is discussed or acted upon in any way.

2) It is the intent of the Act:
   A) to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly;
   B) to protect the citizen's right to know; and
   C) that provisions for exceptions to the open meeting requirements be strictly construed against closed meetings. [5 ILCS 120/1]

3) By means of this Section, the Board has established procedures to conduct its business in accordance with the Open Meetings Act.

b) Definitions

1) "Employee" - A person employed by the Board whose relationship with the Board constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor. [5 ILCS 120/2(d)]

2) "Executive Director" – The Executive Director of the Procurement Policy Board.

3) "Meeting“ – Any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of 3 members of the Board held for the purpose of discussing Board business. [5 ILCS 120/1.02]

4) "Recording Secretary“ – Shall mean the Executive Director of the Procurement Policy Board or designee.

c) Quorum Requirements for Meetings by Physical Presence
   The Board may conduct business only if there is a quorum established at a meeting. A quorum for the Board is 3 members of the Board. Three members must be physically present at a single location to constitute a quorum for purposes
of conducting business of the Board. If, however, an open meeting of the Board is held simultaneously at one of its offices (or if its offices lack equipment for video conferencing, then in another location in a public building) and one or more other locations in a public building, which may include other of its offices, through an interactive video conference and public notice is provided as required under the Open Meetings Act for all locations, then members physically present in those locations all count toward determining a quorum. "Public building" means any building or portion of a building owned or leased by any public body. [5 ILCS 120/2.01] Action by the Board may only be taken so long as a quorum is present at the time the action is taken.

d) Attendance by a Means Other Than Physical Presence

1) If a quorum of the members of the Board is physically present as required by subsection (c), a majority of the quorum may allow a member of that body to attend the meeting (and participate in any discussion, vote or other action of the Board) by other means if the member is prevented from physically attending because of:

   A) personal illness or disability;
   B) employment purposes or the business of the public body; or
   C) a family or other emergency. [5 ILCS 120/7(a)]

2) If a member wishes to attend a meeting by other means, the member must notify the Recording Secretary of the Board before the meeting unless advance notice is impractical. “Other means” shall mean by audio or video conference or any additional means as from time to time allowed by statute. [5 ILCS 120/7(b)]

3) If a quorum is established pursuant to subsection (c), then a member attending by phone conference or other means allowed by this subsection (d) is not required to be located in a public building.

4) The limitations of this subsection (d) shall not apply to closed meetings of the Board. [5 ILCS 120/7(d)]

e) Meetings; Public Notice; Agenda; Regular Meetings; Special Meetings
1) **Time of Meeting Generally.** All open meetings shall be held at specified times and places that are convenient and open to the public. No open meeting shall be held on a legal holiday unless the regular meeting day falls on that holiday. [5 ILCS 120/2.01]

2) **Public Notice by Posting.** Public notice shall be given by posting a copy of the notice at the principal office of the Board.

3) **News Media Request.** Any news medium may file with the Executive Director of the Board an annual request for public notice of all meetings of the Board, and copies of the notice to be posted shall be given to those news media. [5 ILCS 120/2.02(b)] The Executive Director shall maintain an updated list of all news media that have filed annual requests and shall be responsible for seeing that requesting news media receive the notices mandated by the Open Meetings Act and by this policy.

4) **Regular Meetings.** The Board shall hold regular meetings throughout the year in accordance with a schedule developed by the Chair of the Board.

   A) **Agenda of Regular Meetings.** An agenda for each regular meeting shall be posted in accordance with subsection (e)(2) at least 48 hours in advance of the holding of the meeting. However, this requirement shall not preclude the consideration of items not specifically set forth in the agenda. Action may be taken on a non-agenda item only if germane to a subject on the agenda. The validity of an action that is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]

   B) **Schedule of Regular Meetings.** At the beginning of each calendar year, the Executive Director, at the direction of the Chair, shall prepare and make available a schedule of all its regular meetings for such fiscal or calendar year, listing the times and places of such meetings. [5 ILCS 120/2.02(a)]

   C) **Cancellation or Change in Regular Meeting Date.** If a regular meeting is cancelled or if a change is made in a regular meeting date, at least 10 days' notice of the change shall be given by
NOTICE OF ADOPTED AMENDMENT

publication in the official State newspaper or newspaper in general circulation in the area in which the Board functions. Notice of the change shall also be posted at the principal office of the Board. Notice of the change shall also be given to those news media that have filed with the Executive Director an annual request for notice of meetings. [5 ILCS 120/2.03] A regular meeting of the Board may be cancelled or changed by the Chair.

D) Change in Location. The Chair may change the location of any regular meeting. Notice of the change shall be given in the same manner as a cancellation or change in a regular meeting as set forth in subsection (e)(4)(C). If the location change is only a change in the room number of the same public building, then no notice is necessary other than a posted notice placed at the originally scheduled room no later than at the time of the beginning of the scheduled meeting.

5) Special Meetings. Special meetings may be called by the Chair or at the request of any two of the members. The Chair shall designate the location of the special meeting, which shall be in either Springfield, Illinois or Chicago, Illinois. Public notice of any special meeting shall be given at least 48 hours before the meeting. [5 ILCS 120/2.02(a)]

A) Agenda of Special Meetings. An agenda of a special meeting shall be included with the public notice of the meeting. However, the validity of any action taken by the Board that is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]

B) News Media Notice. Those news media that have filed an annual request for notice shall be given the same notice of any special meeting in the same manner as is given to members of the Board, provided that those news media have given the Executive Director an address or telephone number within Illinois at which notice may be given. [5 ILCS 120/2.02(b)]

6) Rescheduled or Reconvened Meetings. Public notice of any rescheduled or reconvened meeting shall be given at least 48 hours before the meeting.
PROCUREMENT POLICY BOARD

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A) Exception to Notice Requirement. No public notice is required to be given of any reconvened meeting if the meeting was open to the public and either:

i) the meeting is to be reconvened within 24 hours; or

ii) an announcement of the time and place of the reconvened meeting is made at the original meeting and there is no change in the agenda. [5 ILCS 120/2.02(a)]

B) Agenda of Rescheduled or Reconvened Meeting. An agenda of a rescheduled or reconvened meeting shall also be included with the public notice of the meeting. However, the validity of any action taken by the Board that is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]

C) News Media Notice. Those news media that have filed an annual request for notice shall be given the same notice of any rescheduled or reconvened meeting in the same manner as is given to members of the Board, provided that those news media have given the Executive Director an address or telephone number within Illinois at which notice may be given. [5 ILCS 120/2.02(b)]

7) Emergency Meeting. Any emergency meeting may be called by the Chair or by request of any three members of the Board. The Chair shall designate the location of the emergency meeting, which shall be in Springfield, Illinois or Chicago, Illinois. Notice of an emergency meeting shall be given as soon as is practicable. In any event, prior to an emergency meeting being held, notice shall be given to those news media that have filed an annual request for notice. [5 ILCS 120/2.02(a)] Those news media that have filed an annual request for notice shall be given the same notice of any emergency meeting in the same manner as is given to members of the Board, provided that those news media have given the Executive Director an address or telephone number within Illinois at which notice may be given. [5 ILCS 120/2.02(b)]

f) Recording of Meeting
1) **Any person may record by tape, film or other means the proceedings at any open meeting**, provided oral or written notice is given to the Executive Director or the Chair of the Board prior to the start of the meeting. **Recording the proceedings shall be subject to the provisions of subsection (f)(2) and the provisions of Section 8-701 of the Code of Civil Procedure [735 ILCS 120/8-701].** [5 ILCS 120/2.05] If notice has been given to the Executive Director or the Chair of the Board that a person will be recording the proceedings, the Executive Director or the Chair of the Board shall announce at the time the meeting is called to order that notice has been received that the proceedings of the meeting are being recorded.

2) **If any witness at any meeting required to be open under the Open Meetings Act refuses to testify on the grounds that he or she may not be compelled to testify if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken, then the authority holding the meeting shall prohibit any such recording during the testimony of the witness. Nothing in this subsection (f) shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure.** [5 ILCS 120/2.05]

g) **Closed Meetings**

1) **Subject.** The Board may hold closed meetings to consider subjects set forth in 5 ILCS 120/2(c), including but not limited to:

   A) **The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Board, including hearing testimony on a complaint lodged against an employee to determine its validity** [5 ILCS 120/2(c)(1)];

   B) **Collective negotiating matters between the Board and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees** [5 ILCS 120/2(c)(2)];

   C) **The purchase or lease or sale of real property owned by the Board or being sought for the use of the Board and the setting of the sale or rent amount** [5 ILCS 120/2(c)(5) and (6)];
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D) Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, staff, or public property, provided that a description of the actual danger shall be made a part of the motion to close the meeting [5 ILCS 120/2(c)(8)];

E) Litigation, when an action against, affecting or on behalf of the Board has been filed and is pending before a court or administrative tribunal, or when the Board finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting [5 ILCS 120/2(c)(11)];

F) The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board (see 20 ILCS 405/67.28) [5 ILCS 120/2(c)(20)]; and

G) Discussion of minutes of closed meetings, whether for purposes of approval by the Board of the minutes or for purposes of semi-annual review of the minutes [5 ILCS 120/2(c)(21)].

2) Procedure

A) Vote. Upon the majority vote of a quorum of the Board present at an open meeting, the Board may hold a meeting closed to the public or may close a portion of a meeting to the public. The motion to close a meeting, or a portion thereof, shall state a citation to the specific exemption set forth in Section 2 of the Open Meetings Act. The vote of each member shall be taken by roll call vote, shall be publicly disclosed, and shall be recorded and entered into the minutes of the meeting.

B) Subject. Only topics specified in the vote to close may be considered during the closed meeting.

C) Series of Meetings. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to
PROCUREMENT POLICY BOARD

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be closed to the public, provided each meeting in the series involves the same particular matters and is scheduled to be held within no more than 3 months after the vote. [5 ILCS 120/2a]

h) Minutes of Meetings

1) Open Meetings
   A) Content. The Board shall keep written minutes of all open meetings. The minutes shall include:
      i) the date, time and place of the meeting;
      ii) the members of the Board recorded as either present or absent, and whether the members were physically present or present by means of video or audio conference; and
      iii) a summary of discussion on all matters proposed, deliberated, or decided and a record of any votes taken. [5 ILCS 120/2.06(a)]

   B) Public Inspection. The minutes of any open meeting shall be available for public inspection within 7 days after the approval of the minutes by the Board. [5 ILCS 120/2.06(b)]

   C) An electric recording of a meeting may be taken by the Board for the sole purpose of assisting in the preparation of accurate minutes of the meeting. The recording itself shall not be retained and is not intended to be kept as the official record of the meeting. The written minutes as approved by the members of the Board shall be the only official record of the meeting intended to be preserved. The electronic recording is only for temporary purposes and is not appropriate for presenting for purposes of the Illinois State Records Act.

2) Closed Meetings
   A) Content. The Board shall keep both a verbatim recording and written minutes of all closed meetings. The minutes shall include:
PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENT

i) the date, time and place of the meeting;

ii) the members of the Board recorded as either present or absent; and

iii) a summary of discussion on all matters proposed, deliberated or decided and a record of any votes taken. [5 ILCS 120/2.06(a)]

B) Public Inspection. The minutes of any closed meeting shall be available for public inspection only after the Board determines, in accordance with subsection (h)(2)(C), that it is no longer necessary to protect the public interest or the privacy of an individual by keeping the minutes confidential.

C) Semiannual Review. The Board shall semiannually review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session, that either:

i) the need for confidentiality still exists as to all or a part of those minutes; or

ii) the minutes or portions thereof no longer require confidential treatment and are available for public inspection. [5 ILCS 120/2.06(d)]

i) Voting

Voting at any open meeting shall be by voice vote. No secret ballot shall be utilized.

(Source: Added at 32 Ill. Reg. 1153, effective February 1, 2008)
At its meeting on January 9, 2008, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that, in the future, CMS be more timely in adopting rulemakings so that the rule is in effect before the provisions contained in the rule are applied.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MODIFY TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) **Heading of the Part:** Supplemental Reports for Accident and Health Insurers

2) **Code Citation:** 50 Ill. Adm. Code 937

3) **Section Numbers:** Action:

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4) **Date Notice of Proposed Rules Published in the Register:** July 27, 2007; 31 Ill. Reg. 10546

5) **Date JCAR Statement of Objection and Filing Prohibition Published in the Register:** 31 Ill. Reg. 14606

6) **Summary of Action Taken by the Agency:** The Division respectfully disagrees with the Committee's objection to Part 937. For the reasons summarized below, the purported objections of the Committee are legally and factually unfounded.

Sections 136 [215 ILCS 5/136] and 401 [215 ILCS 5/401] of the Illinois Insurance Code provide the Director both specific and general authority to request all Part 937 data, including quarterly reports. Section 136 provides that the Director "shall have such power to make such modifications and additions" to the annual statement as he "may deem desirable or necessary to ascertain the conditions and affairs of the company." [215 ILCS 5/136]. These same companies also submit quarterly reports pursuant to Section 136 authority. Part 937 seeks to collect annual and quarterly basic premium, loss, and enrollment data, all of which relate directly to company conditions and undoubtedly relate to company affairs.

Section 401 provides additional authority for Part 937 data requests by authorizing the Director to "make reasonable rules and regulations as may be necessary for making effective" state insurance laws. [215 ILCS 5/401]. Collection of this data protects consumers and promotes the public interest and welfare.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MODIFY TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Part 937 in no way involves regulation of the insurance marketplace or insurance rates. Any claim to the contrary is false.

For these reasons and pursuant to Section 5-110 of the Administrative Procedure Act [5 ILCS 100/5-110] and Section 220.1200 of Title 1 of the Illinois Administrative Code (1 Ill. Adm. Code 220.1200), the Division hereby responds to the Committee's objection by refusing to modify or withdraw Part 937.
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION AND FILING PROHIBITION
TO PROPOSED RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part:    Medical Payment

Code Citation:          89 Ill. Adm. Code 140

Section Number:        140.6

Date Originally Published in the Illinois Register: 10/5/07
                                                  31 Ill. Reg. 13570

At its meeting on January 9, 2008, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of this rulemaking would constitute a serious threat to the public interest. The reason for the Objection and Prohibition is as follows:

JCAR objected to and prohibited filing of the rulemaking because, given the Department's own estimate that the State will experience a shortfall of at least $861 million in its ability to pay this fiscal year's claims under the medical assistance program, it is not in the public interest to further increase the State's financial obligations under medical assistance by, at this time, expanding the program to offer preventive care to adults.

The proposed rulemaking may not be filed with the Secretary of State or enforced by the Department of Healthcare and Family Services for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.
At its meeting on January 9, 2008, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of this rulemaking would constitute a serious threat to the public interest and welfare. The reason for the Objection and Prohibition is as follows:

JCAR objected to and prohibited filing of the rulemaking because it contains no process by which an accused violator can argue that no violation occurred, appeal a finding of a violation, or appeal the amount of the imposed fine. An alleged violator’s only options are to pay the fine or challenge enforcement action through the circuit court. Lack of due process threatens the public interest and welfare.

The proposed rulemaking may not be filed with the Secretary of State or enforced by the Department of Public Health for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.
Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of Revenue, Lottery Division, shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Division during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 2007.

Standard Instant Game Rules
Millionaire Raffle Drawing Procedures 3/14/2007
Millionaire Raffle Drawing Procedures 7/31/2007
Hot Seats Promotion Official Rules & Procedures (with Chicago Bulls)
Big Ticket to Universal Orlando Resort Promotion Official Rules & Procedures
Big Ticket to Universal Orlando Resort Promotion Official Drawing Procedures
Big Ticket to Universal Orlando Resort Promotional Poster
Wheel of Fortune® 2nd Chance Promotion Official Rules & Procedures
Wheel of Fortune® 2nd Chance Promotion Official Drawing Procedures
Pac-Man® Second Chance Promotion Official Rules & Procedures
Million Dollar Summer 2nd Chance Promotion Official Rules & Procedures
Million Dollar Summer Promotion Drawing Procedures
Million Dollar Summer Promotion Kickoff Official Rules & Procedures
Hot Seats Promotion Official Rules & Procedures (with Chicago Fire)
Green Ball Double Draw Promotion Official Rules and Procedures (August 2007)
On-Line Drawing Procedures Supplemental Instructions for Green Ball Double Draw
State Fair Concert Ticket Second Chance Drawings Official Rules & Procedures
Million Dollar Summer Finale Show Official Rules
$10,000 Finale Sweepstakes Official Rules and Regulations (Million Dollar Summer)
Deal or No Deal™ 2nd Chance Promotion Official Rules & Procedures
Green Ball Double Draw Promotion Official Rules & Procedures (December 2007)
On-Line Drawing Procedures Supplemental Instructions for Green Ball Double Draw
On Line Game Rules revised as of 11/1/2007
Instant Game Prize List
2007 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto, Mega Millions, Millionaire Raffle)
2007 Winning Numbers in Order Drawn (Little Lotto, Lotto, Mega Millions)
Lottery Financial History, Sales by Game/Where Your Dollar Goes
Official How to Play brochure (Mega Millions, Lotto, Little Lotto, Pick 3/Pick 4 and Instants)
Chances of Winning Lotto, Little Lotto or Mega Millions
Lotto and Little Lotto Subscription Forms
Record North American Jackpots
Top Big Game/Mega Millions Jackpots
NOTICE OF PUBLIC INFORMATION

Top Lotto Jackpots
Top Illinois Jackpots
Retailer Newsletter

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer
Illinois Department of Revenue
101 West Jefferson, MC 6-595
Springfield, Illinois 62702
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

   Name of Act: Illinois Department of Revenue Sunshine Act
   Citation: 20 ILCS 2515/1

2. Summary of information:

   Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2007. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

   The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

   Aircraft Use Tax
   Claims for Credit
   Construction Contractors
   Exempt Organizations
   Farm Machinery & Equipment
   Food
   Food, Drugs & Medical Appliances
   Gross Receipts
   Interstate Commerce
   Leasing
   Local Taxes
   Manufacturer's Purchase Credit
   Medical Appliances
   Manufacturing Machinery & Equipment
   Miscellaneous
   Occasional Sale
   Repairs
   Returns
   Sale at Retail
   Sale for Resale
   Sale of Service
   Service Occupation Tax
   Telecommunications Excise Tax
   Use Tax
Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for $3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: 217/782-2844
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

AIRCRAFT USE TAX

ST 07-0138-GIL   10/22/2007  Aircraft Use Tax liability is incurred on aircraft acquired by
gift, transfer, or non-retail purchase after June 30, 2003. See 86 Ill. Adm. 
Code 152.101.

ST 07-0142-GIL   10/24/2007  The Aircraft Use Tax Law applies to non-retail transactions,
gifts, or transfers of aircraft. See 86 Ill. Adm. Code 152.101.

CLAIMS FOR CREDIT

ST 07-0143-GIL   10/24/2007  The Department's regulation at 86 Ill. Adm. Code 130.1501 
describes the procedures used to obtain a credit for sales tax that is 
erroneously paid.

CONSTRUCTIONS CONTRACTORS

ST 07-0147-GIL   10/26/2007  When a construction contractor permanently affixes tangible 
personal property to real property, the contractor is deemed the end user of 
that tangible personal property. As the end user, the contractor incurs 
Use Tax on the cost price of that tangible personal property. See 86 Ill. 

ST 07-0150-GIL   12/07/2007  The Department's regulation at 86 Ill. Adm. Code 130.2076 
sets forth specific rules for sales to purchasers performing contracts with 
governmental bodies. This letter discusses this regulation and also the 
Manufacturer's Purchase Credit.

ST 07-0157-GIL   12/31/2007  This letter concerns installation of security systems. See 86 
Ill. Adm. Code 130.1940.

EXEMPTIONS ORGANIZATIONS

ST 07-0134-GIL   10/22/2007  This letter concerns the length of an annual Christmas tree 
FARM MACHINERY & EQUIPMENT

ST 07-0156-GIL 12/31/2007 This letter concerns the taxability of RFID ear tags and ear tag applicators used in production agricultural. See 86 Ill. Adm. Code 130.305.

FOOD

ST 07-0154-GIL 12/31/2007 This letter concerns the tax rate applicable for food for immediate consumption. See 86 Ill. Adm. Code 130.310.

FOOD, DRUGS AND MEDICAL APPLIANCES

ST 07-0160-GIL 12/31/2007 Medicines and medical appliances are not taxed at the normal State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310(c).

GROSS RECEIPTS

ST 07-0145-GIL 10/24/2007 A caterer incurs Retailers' Occupation Tax liability on his entire receipts from his catering service without any deduction for his costs of doing business. See 86 Ill. Adm. Code 130.410 and 130.2145.

ST 07-0165-GIL 12/31/2007 Proceeds from mandatory service charges that are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed are not subject to tax. See 86 Ill. Adm. Code 130.2145(d).

INTERSTATE COMMERCE

ST 07-0167-GIL 12/31/2007 This letter discusses the Interstate Commerce exemption. See 86 Ill. Adm. Code 130.605.
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

LEASING


ST 07-0149-GIL 11/29/2007 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220.

LOCAL TAXES

ST 07-0139-GIL 10/22/2007 If a sale is made in a jurisdiction that imposes a local occupation tax, that local jurisdiction's tax will be incurred. See 86 Ill. Adm. Code 270.115(b).

MANUFACTURER'S MURCHASE CREDIT

ST 07-0144-GIL 10/24/2007 This letter discusses sales for resale and whether MPC credits can be applied toward purchases of packaging material. See 86 Ill. Admin. Code 130.331.


MANUFACTURING MACHINERY & EQUIPMENT


ST 07-0148-GIL 11/15/2007 Machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330.
MEDICAL APPLIANCES

ST 07-0155-GIL 12/31/2007 Medicines and medical appliances are not taxed at the general State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310.

ST 07-0166-GIL 12/31/2007 Medical tools, devices and equipment used for diagnostic or treatment purposes do not qualify for the reduced State rate of tax for medical appliances. See 86 Ill. Adm. Code 130.310(c).

MISCELLANEOUS

ST 07-0151-GIL 12/18/2007 The Illinois Department of Revenue does not administer locally imposed food and beverage taxes.

OCCATIONAL SALE

ST 07-0133-GIL 10/02/2007 A person does not incur Retailers' Occupation Tax liability on the gross receipts from an isolated or occasional sale. See 86 Ill. Adm. Code 130.110.

REPAIRS


RETURNS

ST 07-0140-GIL 10/22/2007 This letter concerns consolidation of businesses on a single sales tax return.

SALE AT RETAIL
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION


SALE FOR RESALE

ST 07-0141-GIL 10/24/2007 The Department's regulation at 86 Ill. Adm. Code 130.1405 describes the requirements for Certificates of Resale.

SALE OF SERVICE

ST 07-0146-GIL 10/26/2007 If no tangible personal property is transferred incident to the sales of services, then no Service Occupation Tax or Use Tax would be incurred on the sales of those services. See 86 Ill. Adm. Code 140.101.

SERVICES OCCUPATION TAX

ST 07-0158-GIL 12/31/2007 This letter concerns tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.01.

ST 07-0162-GIL 12/31/2007 This letter concerns tax imposed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.

TELECOMMUNICATIONS EXCISE TAX

ST 07-0159-GIL 12/31/2007 This letter concerns the furnishing of financial information by the Department to municipalities pursuant to 35 ILCS 630/15.

USE TAX

ST 07-0152-GIL 12/19/2007 The Use Tax does not apply to the use in this State of tangible personal property which has been acquired outside this State by a
nonresident individual who then brings the property into this State for use here, and who has used the property outside this State for more than 90 days. See 86 Ill. Adm. Code 150.315.

**ST 07-0163-GIL 12/31/2007**  Prepaid telephone calling arrangements are considered tangible personal property subject to tax imposed under the Retailers' Occupation Tax Act and Use Tax Act, regardless of the form in which those arrangements may be embodied, transmitted, or fixed by any method now known or hereafter developed. See 86 Ill. Adm. Code 130.101.

**ST 07-0164-GIL 12/31/2007**  By giving away tangible personal property in Illinois, the donor makes a taxable use of the property and is subject to Use Tax on the cost price of the property purchased to be given away. See 86 Ill. Adm. Code 150.305(c).
The following second notices were received by the Joint Committee on Administrative Rules during the period of January 8, 2008 through January 14, 2008 and have been scheduled for review by the Committee at its February 14, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/27/08  Department of Healthcare and Family Services, Medical Assistance Programs (89 Ill. Adm. Code 120) 11/26/07  31 Ill. Reg. 15424

2/27/08  Department of Human Services, Fiscal/ Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509) 10/12/07  31 Ill. Reg. 14208

2/27/08  Department of Human Services, Grants and Grant Funds Recovery (89 Ill. Adm. Code 511) 10/12/07  31 Ill. Reg. 14231

2/27/08  Department of Revenue, Income Tax (86 Ill. Adm. Code 100) 11/26/07  31 Ill. Reg. 15744
WHEREAS, on January 12, 2008, Jim Thome of the Chicago White Sox will sponsor an annual benefit named after his mother Joyce, which raises much-needed funds for Children's Hospital of Illinois and is one of the area's premier fundraising events. Mr. Thome also sponsors an annual golf invitational benefit for them in the summer; and

WHEREAS, the largest pediatric hospital in Illinois outside of Chicago, Children's Hospital cares for critically ill and injured children in over 60 counties. Mr. Thome has been working with them for the past 13 years, during which time his charitable events have brought in more than $1.7 million for the hospital's services and programs; and

WHEREAS, in September of 2007, Mr. Thome made baseball history by hitting his 500th career home run off Los Angeles pitcher Dustin Moseley. Mr. Thome is only the 23rd major leaguer to reach that remarkable milestone; and

WHEREAS, Mr. Thome is also considered one of the most complete power hitters of the decade due to his ability to create extra base hits, maintain a solid batting average for a power hitter (his career batting average is .281), and ability to get on base; and

WHEREAS, Mr. Thome's community involvement and contribution to baseball over the years have earned him the respect and admiration of his fellow players and fans alike, as well as the communities that have benefited from his goodwill and generosity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 12, 2008 as JIM THOME DAY in Illinois in honor and recognition of Mr. Thome, a true leader on and off the baseball field.

Issued by the Governor December 27, 2007
Filed by the Secretary of State January 11, 2008.

2008-1
Gubernatorial Proclamation

Severe storms moved through Illinois on Monday, January 7, 2008. These spring-like thunderstorms dumped heavy rains that has now resulted in flooding along numerous rivers and streams in northern and eastern Illinois. The City of Watseka in Iroquois County and the City of
Pontiac in Livingston County continue to be severely impacted by the flooding. People in the flooded sections of Watseka and Pontiac have evacuated from their homes and businesses. The State of Illinois is assisting in the evacuation and flood fight.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Iroquois County and Livingston County as a State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Date: January 9, 2008
Filed: January 9, 2008

2008-2
Peace Corps Week

WHEREAS, in 1961, President John F. Kennedy established the Peace Corps in hopes of promoting world peace and friendship through volunteer work in developing countries; and

WHEREAS, since its inception, more than 190,000 men and women from across the United States, including over seven thousand from Illinois, have served as Peace Corps volunteers in 139 different countries; and

WHEREAS, Peace Corps volunteers have made significant contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, and the environment, and have improved the lives of individuals and communities around the world; and

WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and

WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions; and
PROCLAMATIONS

WHEREAS, it is indeed fitting to recognize Peace Corps as an enduring symbol of our nation's commitment to encouraging progress, creating opportunity, and expanding development at the grass-roots level across the globe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 26 through March 4, 2007 as PEACE CORPS WEEK in Illinois, and encourage all citizens to recognize and appreciate the significant and lasting impact that that these volunteers have made across the world.

Issued by the Governor January 2, 2008
Filed by the Secretary of State January 11, 2008.

2008-3
African American History Month

WHEREAS, Dr. Carter G. Woodson, a noted intellectual of his time, founded the Association for the Study of Afro-American Life and History (ASALH) in 1915. Eleven years later, Dr. Woodson created Negro History Week to celebrate the many contributions of African Americans to American culture and customs; and

WHEREAS, Dr. Woodson designated the second week of February as Negro History Week to coincide with the birthdays of Abraham Lincoln and Frederick Douglass, in honor of their considerable impact on African American history. In 1976, ASALH extended the celebration for the entire month of February; and

WHEREAS, there have been several milestone events in African American history during February, including: passage of the 15th Amendment in 1870, which granted African Americans the right to vote; the inauguration of the first African American Senator, Hiram Revels, also in 1870; and the founding of the National Association for the Advancement of Colored People in 1909; and

WHEREAS, throughout African American History Month, organizations all across the country celebrate African American history with seminars, plays, concerts, art shows, films, dance performances, family workshops, and other expressions of creativity and pride. Here in Illinois, we are proud to join in these spirited commemorations:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2008 as AFRICAN AMERICAN HISTORY MONTH in Illinois, and encourage all
citizens to learn about the wonderful contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor January 2, 2008
Filed by the Secretary of State January 11, 2008.

**2008-4**
*Land Surveyors Month*

WHEREAS, the profession of land surveying is one of the oldest technical services associated with our society. Each year, our complex civilization depends more and more on land surveyors' skills and accuracy to determine property rights, method of design and construction; and

WHEREAS, the skills of George Washington, as a land surveyor, had a considerable influence on his job as Commander-in-Chief of our Revolutionary Forces, as the winning our nation's independence depended heavily on his planning of military operations and choice of selected battle sites; and

WHEREAS, more than 80 years later, when our country was threatened by a cruel division, another great President and former land surveyor, Abraham Lincoln, also used his land surveying skills to direct the war that preserved our nation; and

WHEREAS, it is important that we recognize the two "Land Surveyor Presidents," George Washington and Abraham Lincoln, during the Illinois Professional Land Surveyors Association 51st Annual Conference, which will held in Springfield, Illinois, February 20 – 23, 2008 as we celebrate the birthdays of each President:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as LAND SURVEYORS' MONTH in Illinois in recognition of the important services provided by land surveyors, and to congratulate the Illinois Professional Land Surveyors Association for their years of service to the profession of land surveying.

Issued by the Governor January 9, 2008
Filed by the Secretary of State January 11, 2008.

**2008-5**
*Four Chaplains Sunday*
WHEREAS, on February 3, 1943, four United States Army lieutenants and chaplains sacrificed their lives in one of the most inspiring acts of heroism during the Second World War; and

WHEREAS, once a luxury coastal liner, the U.S.A.T. Dorchester set out with three escort ships on February 2 for an American base in Greenland. Less than 150 miles from its destination, the ship was attacked by a German submarine shortly after midnight; and

WHEREAS, aboard the U.S.A.T. Dorchester, panic and chaos set in. The blast killed scores of men, and many more were seriously wounded. Alerted that the Dorchester was taking on water and sinking rapidly, the captain gave the order to abandon ship; and

WHEREAS, those who were capable made their way towards the deck through the darkness. Once topside, men jumped from the ship for lifeboats. Some were overcrowded and capsized. Others drifted away before soldiers and sailors could get in them; and

WHEREAS, through the pandemonium, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend John P. Washington and Reverend Clark V. Poling spread out among the soldiers to calm the frightened, tend the wounded and guide the disoriented toward safety; and

WHEREAS, at one point, Rabbi Goode gave away his own gloves to a comrade who had the bad fortune of forgetting his. Shortly thereafter, the chaplains opened a storage locker filled with lifejackets and began distributing them; and

WHEREAS, it was then that John Ladd witnessed an astonishing sight. When they ran out of lifejackets, the chaplains removed theirs and gave them to four frightened young men. John said, "It was the finest thing I have seen or hope to see this side of heaven;" and

WHEREAS, as the ship went down, other survivors in nearby rafts saw the chaplains with arms linked and braced against the slanting deck. They were also heard offering prayers; and

WHEREAS, the Dorchester sunk less than 27 minutes after it was struck. Of the 902 men aboard, 672 died, including all four chaplains. When news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the chaplains; and
WHEREAS, all four chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart, as well as a Special Medal of Heroism specially authorized for them by Congress. Every year, the Combined Veterans Association of Illinois sponsors a memorial service for them which will be held this year at the Main Chapel of the Edward Hines VA Medical Center in Hines, Illinois on February 3, 2008:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 3, 2008 as FOUR CHAPLAINS SUNDAY in Illinois in honor and remembrance of the four brave and courageous chaplains who selflessly made the ultimate sacrifice to save the lives of others.

Issued by the Governor January 10, 2008
Filed by the Secretary of State January 11, 2008.

2008-6
American Heart Month

WHEREAS, cardiovascular disease is the nation's leading cause of death, accounting for 36 percent of all deaths in the United States. Nearly 2,400 Americans die of cardiovascular disease every day, an average of one person every 37 seconds; and

WHEREAS, heart disease is also the number one killer in Illinois, responsible for the deaths of more than 30,000 people in the state every year; and

WHEREAS, the direct and indirect costs associated with cardiovascular disease are estimated to reach $448.8 billion in the U.S. in 2008; and

WHEREAS, in 2008 it is estimated that 770,000 Americans will have a new coronary attack, 430,000 Americans will have a recurrent heart attack, and an additional 175,000 Americans will have a silent first heart attack; and

WHEREAS, the research is clear that today there are tools and techniques available to save lives, including CPR and automated external defibrillators (AEDs); and

WHEREAS, this year the American Heart Association will celebrate February as American Heart Month by promoting education and awareness of cardiovascular disease:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2008 as AMERICAN HEART MONTH in Illinois in support of the American Heart Association's important campaign.

Issued by the Governor January 10, 2008
Filed by the Secretary of State January 11, 2008.
ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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